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JUSTICE ALTERNATIVES

Pat Carlen and Leandro Ayres França (eds.); Routledge, 2019; 412 pages; \$67.19 (softcover).

In the introduction to *Justice Alternatives*, Pat Carlen summarises the political, economic, and socio-cultural moment in which much of the world (and certainly the Anglosphere) currently finds itself. Her summary makes for grim reading. The neoliberal turn in the politics of capitalist economies has resulted in the battering of welfare states. Meanwhile, the casualisation of workforces and decimation of the living wage have magnified the wealth disparities upon which capitalist systems depend. As capital accumulation and social relations under capitalism have always produced racialised inequality, Carlen's observation that racialised groups and migrants are intensively surveilled, policed, and punished, and that they are accused in nationalist political and public discourses of having caused social, political, and economic decline, can be of little surprise.

Noting that this juncture of political and economic conditions has exacerbated social inequality and bred a range of injustices, Carlen and co-editor Leandro Ayres França intend for their collection to explore ways of 'doing justice' differently (p. 15). In the short time since *Justice Alternatives* was published, public discussions about political, economic, legal, and criminal justice reform, and about police and prison abolition, have been (re)energised in many parts of the world; particularly in line with global Black Lives Matter protests in mid-2020. The questions that the collection poses about 'doing justice' differently therefore have clear contemporary relevance. It is worth noting, though, that in selecting the contributors to *Justice Alternatives*, the editors do not seem to have prioritised the need to elevate the voices of authors who occupy the social and political margins, or of emerging scholars.

While most contributors to *Justice Alternatives* centre 'criminal justice' in their discussions, the collection nevertheless covers broad topical and temporal terrain. Carlen therefore holds that 'it is not to be expected (or even desired) that all contributors ... operate with the same notions or definitions of justice' (p. 3). But, to my mind, it is possible to trace common sentiments about 'doing justice' throughout several contributions; namely, that 'doing justice' requires the fostering of voice, participation, and collective organising.

Worthwhile as it may be to work towards these objectives, doing so is not easy. Many of the criminal justice institutions discussed in *Justice Alternatives* are situated in Anglophone jurisdictions, have their lineage in capitalism, imperialism, colonialism, and slavery, and reconstitute racist and heteropatriarchal order and violence today. As shown (or at least implied) throughout *Justice Alternatives*, those intending on 'doing justice' differently will likely encounter structural barriers, the characteristic closures and co-opting compulsions of criminal justice institutions, conflict with those institutions, and conflict within organising spaces.

In their contribution, Ian Loader and Richard Sparks concede that there is restricted space for criminal justice deliberation and innovation in the face of cacophonous, xenophobic populism(s) and elected representatives' persistent appeals to 'common sense'. Nevertheless, drawing on pragmatist scholarship, they advocate for democratic and inclusive participation in the politics of criminal justice. They further insist there is a responsibility incumbent on

criminal justice ‘experts’ to maintain and participate in deliberative spaces which are ‘democratic’ in the sense that they are amenable to input derived from collective learning, wherein *all* affected parties – ‘that is to say, everyone’ (p. 113) – can contemplate possibilities for change and emancipation. However, they say little about what such spaces might look like. At the risk of joining a chorus of commentators who object to Loader and Sparks’ stated commitment to optimism, it is difficult to imagine any such space within the auspices of a criminal justice system in a neoliberal, capitalist, (settler) colonial jurisdiction. Moreover, in principle, those who intend to forge any such space should not let their eagerness to incorporate ‘everyone’ detract from their attentiveness to barriers preventing the inclusion and participation of people most affected by processes of criminalisation and state violence – lest those spaces re-entrench the status quo.

Indeed, in his contribution, David Brown speaks to the need to transform existing power structures to pursue justice. Brown holds that interventions against the colonial logics embedded in Australia’s criminal justice systems, and against the broader social and economic marginalisation experienced by Indigenous peoples in Australia, will not flourish if they are imposed by settlers and lack Indigenous consultation and control. Brown further contends that the Uluru Statement from the Heart’s¹ articulation of the need to transform power relations between Indigenous peoples and settlers can provide a platform for ‘Indigenous democracy’, which is ‘shorthand for issues of Indigenous governance, empowerment, self-determination and nation building’ (p. 252). It is dismaying, but perhaps unsurprising, that the Statement’s proposals were summarily rejected and misrepresented by then-Prime Minister Turnbull. While *Justice Alternatives* highlights how neoliberal capitalism, authoritarian politics, and socio-economic disparities undermine the potential for ‘doing justice’ innovatively, in settler colonies like Australia there is the added consideration that governments will likely resist and suppress interventions which are seen (or alleged) to challenge settler-colonial state structures and claims to sovereignty and territory.

Brown’s contribution reads well alongside Harry Blagg and Thalia Anthony’s, which considers Indigenous ‘refusal’, wherein Aboriginal and Torres Strait Islander peoples pursue justice by collectively averting the structures (and strictures) of settler institutions. Put differently, refusal ‘involves the repudiation of white sovereignty claims and constant assertion of Aboriginal forms of collective agency’ (p. 152). For Blagg and Anthony, refusal is exemplified by Indigenous night patrols: local mobile patrols which sometimes receive government funding, but which are operated by Indigenous communities and independent of the police. Although patrols are heterogenous, they usually aim to secure the safety of Indigenous peoples by minimising their contact with police. Patrol workers may also foster community empowerment,

¹ While Indigenous democracy and the Uluru Statement from the Heart are of central importance to contemporary discussions about justice in Australia, such discussions should necessarily elevate the perspectives and experiences of Indigenous peoples. See, eg, Teela Reid, *The heart of seeding First Nations sovereignty: our giilangs, our stories*. Griffith Review <[2](https://www.griffithreview.com/articles/the-heart-of-seeding-first-nations-sovereignty/#:~:text=THE%20ARCHITECTURE%20OF%20a%20society,to%20tell%20a%20nation's%20story.&text=This%20process%20must%20be%20underpinned,clans%20within%20the%20First%20Nations.></p></div><div data-bbox=)

for example through mentorship.² As highlighted by Blagg and Anthony, then, to privilege settler knowledges and institutions when seeking out justice alternatives risks overlooking longstanding, local examples of Indigenous peoples exercising collective agency to re-envision and practice safety by refusing criminal justice institutions and their inherent violence.

Presenting a reading of transformative justice animated by abolitionist thinking, Michelle Brown's US-focused contribution also calls on readers to disentangle criminal justice and punishment from their imaginings of justice and safety. Brown advocates the need to develop collective and community-based capacity for responding to state, systemic, and interpersonal violence without turning to the state's carceral apparatuses, including the police and prisons. And, as Brown reminds us, those who bear the brunt of police and state violence – including racialised groups and migrants, queer and trans people, and people with disabilities – have developed everyday practices and relational capacities for care, support, intervention, and accountability over significant periods.³ Although their practices cannot simply be appropriated or 'scaled up', if we are to build our collective capacities for responding to harm and violence without resorting to police, prisons, and punishment, the perspectives and experiences of those most affected by processes of criminalisation and state violence should be centred in our efforts.

In sum, to turn an adage on its head, *Justice Alternatives* provides many cues about why we ought to refrain from attempting to fix 'things' that are demonstrably broken (here, the criminal justice system) and 'do justice' differently.

² See also Amanda Porter, 'Non-state policing, legal pluralism and the mundane governance of "crime"' (2018) 40(4) Sydney Law Review 445.

³ On Indigenous abolitionist organising and community-based practices of safety and care in Australia, see 'Abolition on Indigenous land: alternative futures and criminology's role' (John Barry Memorial Lecture in Criminology, 18 March 2021) <https://www.youtube.com/watch?v=peA6_WdIbtE>.