

Justice matters for women – lifting the lid on Pandora's box

Helen Mills and Rebecca Roberts outline some of the thinking behind the Justice Matters for Women project

In January this year the Prime Minister, David Cameron, was questioned by the House of Commons Liaison Committee on the issue of violence against women (Liaison Committee, 2014). In his responses, Cameron emphasised the role of law, police and prosecutors in prevention. Unsurprisingly, he skirted around questions relating to benefit changes, public spending cuts and women's refuges. On the role of schools, while he indicated there was more that could be done on cyber bullying and 'sexting', Cameron was reluctant to open up the debate about sex and relationship education in preventing domestic violence. He wanted to avoid:

...a mega-debate about every single aspect of it...The theocratic arguments between left and right, localist and centralist, abortion and all the rest of it.

As a 'practical person', he said:

I think we can work with some of the charities on this, rather than open up the whole Pandora's box.

Campaigns to tackle violence against women have long recognised sexual, physical, financial and psychological harms as embedded in structural issues of gender relations, power and inequality. However, Cameron's comments reflect a narrow political and policy debate which has largely focused on crime and punishment as central to dealing with violence against women.

In Greek mythology, Pandora, the first woman on earth, was given a box and told never to open it. Curiosity got the better of her and seven demons escaped, spreading seven deadly sins across the world. Pandora managed to capture the final, eighth demon before it escaped – the spirit of hope. Are Cameron's concerns about acknowledging the role of wider society in tackling violence against women justified? We think not. Indeed, lifting the lid on this Pandora's box is precisely the starting point for the Centre for Crime and Justice Studies' Justice Matters for Women project, part of the Justice Matters initiative.

Justice matters for women

Informed by the Justice Matters initiative, our analysis is that:

- Current responses to criminalised women are seriously flawed and harmful to women.
- Prioritising the criminal justice system in responses to violence against women has undermined the development of more effective ways to address the harms women face.

Through events and online publications we are generating discussion about violence and criminal justice failure in the context of both women harmed by violence, as well as criminalised women. Importantly, however, this isn't just about highlighting the limitations of criminal justice. Nor is it intended to be critical of those people working to help

women caught up in it. It's about forming new alliances and sharing knowledge about how we can do things differently beyond criminal justice. By challenging the centrality of criminal justice as a solution to a wide range of social problems affecting women, we hope to make space for new opportunities to identify and advocate for long term strategies to reduce the harms women face.

We are carrying out this work in collaboration with Women in Prison, an organisation that works with women who are or have been in prison and campaigns for women affected by the criminal justice system. Together we want to cooperate with others to identify effective alternatives to criminal justice.

Starting a conversation

Through our discussions with campaigners and practitioners in this arena, it is clear that others share our analysis that current criminal justice responses to women are simply inadequate. The difficulty of simply beginning to articulate strategies which look beyond criminal justice is well established. Writing nearly 25 years ago, Carol Smart considered feminism had well identified the limits of the legal system for achieving justice for women but that:

[it] may not be able to articulate alternative accounts because of the real fear that law will snatch back the minimal protection it offers.
(Smart, 1990)

Rejecting criminal justice as the starting point for a conversation about reducing harms for women may be destabilising – particularly for those working within it. The symbolic importance of criminal justice for taking harm seriously and signifying acts as socially unacceptable can make it difficult to conceptualise that our commitment to downsizing criminal justice could mean anything other than rolling back protection for women.

Criminal justice has been firmly equated with a robust response to harm and this logic has entered the

realm of common sense. However, our position is that a commitment to downsizing criminal justice is not synonymous with rolling back protection for women or suggesting a return to informal 'slap on the wrist' responses to violence. Nor are we suggesting we should abandon women currently caught up in the criminal justice system or ignore the harms some women have caused. Far from it. We feel there is strong evidence in favour of reconsidering the role of criminal justice as the primary mechanism for responding to and resolving harm for women whether they are 'victims' or have broken the law – or, as indeed it seems is often the case – are both.

This is challenging work. For example, while criminal justice has its limitations, who else should a woman threatened by an ex-partner and in fear of her life call? What about women caught up in the criminal justice system? We need mechanisms for putting a stop to threatening and harmful behaviour but feel there is an urgent need to look beyond criminal justice for more holistic and effective responses. Below we detail some important considerations in taking forward this work:

1. We must focus on identifying alternatives

To date the Centre for Crime and Justice Studies' work has called into question the use of criminal justice to address a wide range of social issues. Looking forward we want to identify practical ways to address how the harms facing women could be better addressed and to do this in collaboration with others.

2. What should justice look like for women?

Answering this question requires an open conversation. Drawing on a structural analysis of harms facing women must be part of this process. So must the experiences and voices of women affected by violence and the criminal justice system. We think that doing so will result in our reaching different conclusions about the interventions more relevant to women than those currently offered within the criminal justice

system. This will likely involve a broad platform of alternatives and a range of responses – largely looking beyond prosecution and punishment. It will also mean acceptance by downsizers about what a re-specified criminal justice system would look like. For example, for women experiencing the threat of violence, criminal justice is currently the only institution that can offer a (limited) form of immediate protection through the containment of men.

3. Working alongside reforming criminal justice

The unacceptable number of women caught up in the criminal justice system will not be reduced by efforts to 'improve' criminal justice. However 'good' these efforts are, if we are fundamentally interested in seeing fewer women in the criminal justice system and in addressing the structural roots of violence against women, focusing solely on improving how the system works is simply not enough.

However, just because we think the solutions lie outside of criminal justice does not mean we can afford to ignore criminal justice or pretend it does not exist. It is an unhelpful dichotomy which pitches one against the other.

We are broadly supportive of the difficult penal reform work of making criminal justice system work more humanely. We welcome those engaged in this work and look forward to finding ways to co-operate. This project will benefit from their knowledge, expertise and experience.

Going forward

We do not underestimate the challenges of thinking beyond criminal justice, nor the strength of attachment some may feel to the promises of criminal justice (protection, rehabilitation, and justice) – whatever we know about the current realities of criminal justice for women.

Thinking beyond criminal justice is arguably a Pandora's box. Our intention is to identify solutions that reduce the risks for women and lead to safer societies. Taking forward Justice Matters for Women will require a spectrum of interested, engaged, knowledgeable people, committed to addressing deep-seated structural issues. We hope others will think this is a conversation worth having. ■

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This article is based on articles the authors have previously published on the Centre for Crime and Justice Studies' website www.crimeandjustice.org.uk

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References

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