Discussing alternatives to criminal justice

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October 2015

JusticeMatters

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CENTRE FOR CRIME
AND JUSTICE STUDIES

Foreword

In 2013, the Centre for Crime and Justice Studies (hereafter the Centre) launched the Justice Matters initiative to promote radical alternatives to criminal justice. The project is motivated by the belief that the United Kingdom's over reliance on policing, prosecution and punishment is socially harmful, economically wasteful, and prevents us from tackling the complex problems our society faces in a sustainable and socially just manner.

Justice Matters is a culmination of research and policy work the Centre has been engaged in for over a decade, documenting and disseminating evidence on the failures of criminal justice, leading us to the conclusion that the criminal justice system is too costly, too intrusive and harmful.

As part of thinking through alternatives to criminal justice, we first asked people what part of criminal justice they would give up. We were not short of replies, you can read them on our website by typing 'I would give up' in the search engine. We then asked people who agreed with the premise of Justice Matters to suggest what they would build to replace criminal justice to deal with the social harms that affect society: we described this as the 'I would build challenge'.

This is a challenging subject. It is challenging because it is about rethinking the configuration of policy and practice – for instance in housing, education, health, social security and employment – so that many current criminal justice responses are not required at all.

In the first six months of the challenge we received a number of insightful pieces with a suitably broad set of ideas and initiatives. This publication presents these contributions which challenge current attitudes towards policy formulation and the social structures that perpetuate them.

For the Centre, this is the beginning of a debate and we thank our contributors for kicking off what is a complex and difficult discussion with some suitably brief but challenging pieces. Being able to imagine a society without prison walls can be difficult enough, but applying our minds to what might prevent and respond to the social harms society faces without criminal justice is a really difficult, but necessary task.

We want to continue the discussion and encourage readers to think about what they would build to replace the criminal justice reflex to social harm. We welcome contributions short or long on this theme and will publish the next set of contributions in 2016.

What would you build in place of criminal justice and why would you build it? Let us know by e-mailing me at will.mcmahon@crimeandjustice.org.uk and join the discussion about how we can transition from a society reliant on criminal justice to one that focuses on the prevention of social harm.

Will McMahon
Deputy Director
Centre for Crime and Justice Studies
October, 2015

1. I would build...an alternative to the corporation

Steve Tombs, 20 April, 2015

The corporation is an amoral, essentially destructive entity which causes far more physical, social and economic harm than the incivilities upon which criminal justice systems overwhelmingly concentrate. It cannot effectively be held to account through criminal, administrative, regulatory nor company law. It needs to be replaced.

This is not to say law can achieve nothing – but progressive reform is unlikely to be found via the criminal justice system *per se*. One much more fruitful site of reform is through public policy. For example, the delivery of a range of services should be nationalised and taken out of the for-profit sector. The governance of national and local government procurement must be changed to develop effective forms of contract compliance, excluding recidivist companies from tendering to undertake work. Further, via radical reform of company law, stakeholders must be empowered, not through weak reforms to corporate governance but through building collective organisation with rights inside companies – for example firms with legally-protected, effective trade union safety reps and safety committees have half as many recorded injuries as those where these counter-vailing sources of power do not exist. Consumers and local communities should be so empowered. And, in the realm of criminal law, we can still identify reforms which might radically undermine the legal protections which corporations currently enjoy – laws which pierce the corporate veil, for example, so that the relationships between the corporate entity and those who own and control it are exposed, and legal liability is not compartmentalised.

But there are wider challenges to be faced than legal reform.

We must also challenge corporate claims of efficiency, of freedom, of choice, of autonomy from (and superiority over) government, claims which are disproven for all of us on a daily basis, in ways that are so obvious that we almost become anaesthetised to the supporting rhetorics of corporate power.

We must recognise, too, that we have some – however limited – alternatives to indulging in the corporate fantasies of consumption, *and* that some of us have some greater choice over where we buy certain goods and services, albeit that this is differentially distributed, so that some of us have greater responsibilities than others.

We must seek out, document and evaluate experiments in alternative forms of delivering goods and services – they have long existed and continue to exist all across the globe. In this context it is common-place to turn to the example of the Mondragon co-operatives in the Basque, but there are numerous other, if less well known examples, of a variety of social and employee-owned enterprises, community-based public offerings and co-operatives which deserve our interest and should inspire imagination.

And imagination here is crucial. For the very first step in building alternative modes of delivering goods and services requires us to imagine a world without the corporation, to be bold in our thinking, to recall that the corporation is a relatively recent historical phenomenon and only exists through a complex political, legal and economic architecture of corporate welfare.

As Max Haiven put it recently, we need to develop a 'radical imagination', something which is not individualised but a shared landscape of possibility that 'we share as communities ... which requires not just a future; it also has a present and a past'.

This radical imagination transcends the acceptance more or less that things cannot change so much; it can transcend the imprisoning realities of corporate power and existence; it generates a new terrain of hope and possibility. Only on these bases can the pressing task of the abolition of the corporation be furthered.

Professor Steve Tombs is the Head of Social Policy and Criminology, The Open University and is Director of the Harm and Evidence Research Collaborative

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2. I would build...a new liberal politics

Emma Bell, 28 January, 2015

In order to find our way out of the punitive straightjacket of current penal politics, it is necessary not just to understand the context in which such policies have developed but also to propose concrete alternatives. I would like to propose a genuinely liberal politics as a plausible alternative to the neoliberal politics that have fuelled the current penal crisis, characterised by mass incarceration and the criminalisation of social problems.

Neoliberalism as it is actually practiced has proved itself to be profoundly illiberal. It limits the freedom of those who are subject to measures of penal control, as the state relies increasingly on the penal system to mask the social problems created by neoliberal policies. It limits the freedom of those trapped in unemployment and low-paid jobs to enjoy the pleasures of economic security and participate fully in consumer society. It limits the freedom of all to enjoy an environment free of pollution in favour of the 'freedom' of big business to exploit the natural world. Perhaps most significantly, it imposes a certain way of thinking about the world, encouraging a 'TINA' ('there is no alternative') mentality, precluding freedom of thought about genuine alternatives. Nowhere is this clearer than in discussion about penal policy where restriction of liberty is regarded as the only viable punishment.

A genuinely liberal politics, on the contrary, would value effective freedom. It would favour a positive conception of liberty that recognises the need to limit the freedoms of large corporations in order to promote the freedom of individual citizens to enjoy real social and political freedom. Importantly, power would be effectively devolved from the state and big business to ordinary people. Power would not be equated with responsibility alone, as has been the case under the coalition government's 'Big Society' agenda. It would mean real power to participate in, and influence, democratic debate. ALL citizens would be entitled to engage in such debate, especially those most affected by social problems, including offenders.

Such a liberal politics would be genuinely 'new', moving beyond the 'new liberal' politics popular at the beginning of the last century which sought to provide effective freedom for ordinary citizens though limited state intervention but proceeded from an extremely elitist view of politics and excluded certain 'undeserving' individuals, notably ex-prisoners, from their early social reforms. A new liberal politics would also move beyond the highly deferential politics of the post-war era which assumed that civil servants alone could provide the answers to social problems. It would entail formulating policies from below, giving ordinary people the freedom to engage in politics.

Yet, the state would still be expected to provide the means to help implement policy proposals.

It is hoped that those who feel genuinely 'free', who have a positive experience of real liberty, may be capable of thinking outside the restrictive parameters of current neoliberal policies, proposing real alternatives to liberty-restricting policies of all kinds. With regard to penal policies more specifically, perhaps rather than imposing prison sentences, disempowering those who have already been disempowered by a neoliberal system that denies them effective freedom, offenders might be empowered.

The first step in this direction necessarily entails inviting them to participate in discussion about the future of penal policy and to propose appropriate changes as members of policy forums. Such an initiative should not be taken by institutions of the State but could be proposed and led by an organisation such as the Centre or by those sanctioned by criminal justice themselves. It is important not to constrain the direction such a debate could take, but policy forums might entail encouraging offenders to suggest ways in which they might redress any harm caused by their actions. This might resemble restorative justice but would importantly be driven from below, rather than from above, as has been the case with recent experiments in the UK. The approach would be genuinely reparative rather than punitive.

New policy forums might also encourage offenders to discuss the circumstances leading to crime, helping to focus attention on the structural causes of crime and thus highlighting the social harms which need to be remedied as a first step towards crime prevention. Furthermore, encouraging members of the public to participate in such forums may help to foster new understandings between all those involved, as they are engaged as equal partners in a common enterprise.

Dr Emma Bell is a Senior Lecturer in British Studies, Université de Savoie.

3. I would build...schools instead of prisons

Graham Pike, 29 May, 2015

Why build schools not prisons? To quote Aaron Sorkin, '...education is the silver bullet. Education is everything. Schools should be palaces. The competition for the best teachers should be fierce. They should be making six-figure salaries'. I'll return to the notion of the silver bullet later, but first want to focus on the potential offered by the *message* of building more schools, rather than the idea.

'We know what we are against, but what are we for?' is a timely and apposite question because its simplicity points the way to answers that are not just attractive to the scholarly community, but offer real possibilities for alternative political discourses around crime and the justice system. Avoiding the soft-on-crime label by being in favour of the current prison system seems a principal component of the party political canon of spin and, like it or not, the incorporation of critical constructions of crime into mainstream manifestos and policies seems like an impossible dream. Like Nixon going to China, it takes a Theresa May to cut funding to the criminal justice system and sell it as part of a policy to also cut crime.

So, if it is perceived political suicide to want to be *anti* the *status quo* of custodial sentences, the only answer would seem to be *for* a simple, motherhood and apple pie policy that nonetheless is a serious alternative to UK prisons.

Build schools not prisons. It is easy to imagine the headlines. It is easy to imagine a centrist politician describing with outrage that more money is spent on keeping one 15 year old child in a YOI (£94,780 per year, Ministry of Justice, 2014) than is spent on keeping 15 children in secondary school (£6,041 per pupil, Department of Education, 2014).

And with a foot in the door of political change comes a change in conversations, constructions and convictions about crime. We can talk about prevention not punishment, of resilience not risk, of rethinking not reacting and of careers not criminal careers. Simply ending the bleak and bleakly inaccurate 'lock them up' rhetoric is surely a worthy goal in itself, and what better way than to stop talking about prisons and to start talking about schools.

Let's return to the idea. There is plenty of evidence suggesting education reduces crime. For example, Lochner and Moretti (2004) concluded that schooling significantly reduced rates of both incarceration and arrest, and that this resulted from an actual change in criminal behaviour. Further, they estimate that in one year, '...the social benefits of a one per cent increase in male US high school graduate rates (from reduced crime alone) would have amounted to $1.4 billion'.

But there are complexities behind the simplicity of the silver bullet. I would not want to suggest for one second that it is only the less well educated that commit crimes for example, nor that only individuals can cause harm. Indeed, the harmful acts perpetrated by corporations (see Steve Tombs' article in this series on page XX) originate in board rooms populated by the very well educated indeed. They should obviously know better, but here it is the organisational, economic and political contexts that engender harm, and it is hard to see how building schools rather than prisons would impact a sector of society that spent considerable time in school and are very unlikely indeed to see the inside of a prison.

Regardless of such complexities, the simple fact remains that the UK prison system is itself a cause of considerable (state) harm, so any reduction in the prison population would also result in a reduction in levels of harm. More importantly, the revolutionary shift in our society resulting from a fundamental reimagining of the criminal justice system where the emphasis is placed on education not incarceration, combined with a better educated populace, would also require a reformulation of the crimes of the poor and the harmfulness of the wealthy equation; and it is hard to imagine that such a change could actually make things worse!

In the end it is simple. Want to cut crime? Build schools not prisons. Want to save money? Build schools not prisons. And in the end it has to be a simple answer to 'what are we for?' if we are ever to put an end to the current cycle of callous constructions of criminality that cause yet more harm, inequity and suffering in the name of justice.

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4. I would build...a humane asylum system

Victoria Canning, 2 July, 2015

There are arguably two key aspects to the criminalisation of people seeking asylum:

- The use of criminal justice practices in responding to applicants, and
- The processes and practices by which people are treated or deemed punishable.

The former is perhaps the most easily recognised and controversial – the expansion of the immigration detention complex, and the increased use of indefinite custodial sentences for asylum seekers, economic migrants and foreign nationals more generally.

Since the early 1990s, the number of places in Immigration Removal Centres (IRCs) has gone from around 250 to over 3,000. In any given year, 30,000 people pass through IRCs in the UK.

The broader picture of seeking asylum is, however, arguably just as contentious and confining. The everyday experiences of asylum seekers are relentlessly intertwined with the criminal justice system and the widening net of criminal justice practices.

Asylum seekers face many social sanctions that mirror criminal justice: formal and informal surveillance strategies, monthly or bi-monthly signings at the Home Office, biometric identification, electronic tagging, dispersal patterns that mirror semi-penal strategies. This echoes the wider landscape of state responses to refugees, as Dauvergne (2013) points out:

> Criminalisation of asylum seeking has been in train since the 1990s and is apparent in provisions such as safe third country agreements, carrier sanctions, visa requirements, safe country of origin requirements, restricted access to welfare benefits, and the imposition of 'eligibility' provisions as a precondition of access to domestic asylum systems.

Seeking asylum is often a long and restrictive process. Time is a precarious entity: anxiously awaiting an asylum decision, unsure if you might be dispersed, always aware of the threat of detention or deportation.

Simultaneously, people are regulated in terms of their place in society. For example, most people seeking asylum are denied the right to work, a decision taken in 2000 supposedly to deter people moving to the UK for work purposes. Ironically of course, this has left people state dependent and thus made way for public discourse to focus on 'welfare tourism'.

Keeping the focus on work and state dependency, this denial leaves many asylum seekers with one of two choices. The first is to live in poverty, bordering for many on destitution. Single asylum seekers currently receive around £36 per week which includes spends on travel, clothes, toiletries and food.

In 2013, Freedom from Torture undertook research with 85 survivors of torture who were seeking asylum in the UK. They found that more than half of the respondents were never or not often able to buy enough food that was able to reach acceptable standards of nutrition; 53 per cent were never or not often able to buy clothes to keep warm or clean; more than half were never or not often able to buy medical necessities, such as over the counter pain-relief, sanitary towels or nappies.

The second and obvious alternative to state dependency is to work illegally, a precarious option which leaves people vulnerable to exploitative employment conditions or, once again, criminalisation. For people seeking asylum working illegally, outcomes can even include imprisonment with the potential for deportation. Imprisonment and asylum detention thus remain contentious issues: the recognition of the harms of incarceration are well established and include the potential for depression, self-harm, suicidality, loss of support networks during detention and after release... The list goes on, and yet so does detention.

So, to get back to the original question, what would I build? I would build an asylum system that did not resemble the criminal justice system. I would build a system where indefinite detention – or any detention – did not exist in the context of Immigration Removal Centres. In this system, people would not be socially othered: left impoverished and forced to live in conditions of state dependency with all the political stigma that comes with it.

Instead, people awaiting asylum outcomes would have the right to work, to sustain themselves financially but also, perhaps just as importantly, to take part in aspects of society that are currently closed to them and which force restrictions on practically all aspects of women's and men's lives. People would be treated for who and what they are – people.

It is time we took stock of our approach to humanity, and pulled back the punitive arm of criminal justice in responding to survivors of violence, economic harm and persecution.

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5. I would build...collective capacity for policy change

Deborah H Drake and Neena Samota, 1 December, 2014

In 1969, Noam Chomsky set out his opposition to the Vietnam War in a book entitled, *American Power and the New Mandarins*. In this work, Chomsky raises the question of 'war guilt'. In particular, he examines the complicity of the public and of academics, especially, – as bystanders – when governments act on the collective public behalf in ways that are inherently, pervasively and enduringly harmful. Chomsky asks: 'As for those of us who stood by in silence and apathy as this catastrophe slowly took shape over the past dozen years—on what page of history do we find our proper place?'

When we think of the numerous 'wars' that have been launched in the name of 'justice' over the last half century – the 'war on drugs', the 'war on crime', the 'war on terror' –how would most people rate their own complicity in these policy decisions? Chomsky spoke directly about the role of the academic or 'intellectual' and their responsibility to 'speak truth to power'. He stated:

> *Intellectuals are in a position to expose the lies of governments, to analyze actions according to their causes and motives and often hidden intentions. In the Western world, at least, they have the power that comes from political liberty, from access to information and freedom of expression...The responsibilities of intellectuals, then, are much deeper than what* [Dwight] *Macdonald calls the 'responsibility of people', given the unique privileges that intellectuals enjoy.*
> (Chomsky, 1967).

We believe that there is an activist role to be played by academic criminologists and researchers, front-line service providers and grass-roots organisations. One possibility for facilitating larger scale change in criminal justice policy may be through the development of 'local hubs' – coordinated, multi-site public initiatives concerned with sharing expertise and experience and stimulating collective debate and wide ranging public engagement.

Building collaborative initiatives

Successive governments at both local and national levels continue to introduce new crime and justice policies that claim to be the latest 'answer' to problems of crime and social disorder. Political leaders from both the left and the right have experimented with tough on crime, 'prison works' agendas, community punishment schemes, anti-social behaviour legislation, and many other similar policy initiatives. However, at practitioner and grass-roots levels, many of those who work at the front-line of criminal justice services and third sector criminal justice organisations have long argued that these types of 'harsh justice', exclusionary policies simply do not work and, in fact, tend to make things worse.

Turning collective community knowledge into meaningful action for policy change depends on a number of factors including a means and approach 'into' communities, a way of stimulating community involvement and debate or, alternatively, a means by which the communities themselves can organise, raise awareness and get their voices heard by those who have the power to make change happen. In bridging the gap between communities and policy makers, a key role is often played by frontline, voluntary and community sector services. However, since the financial crisis of 2008 and a government response that is organised around 'austerity measures', the vitality of front line services has been brought under threat.

A systemic approach to building collective capacity for policy change needs to start with strengthening relationships between several stakeholders, namely: voluntary and community sector, funders and academics. Together they hold a collective capacity to frame issues, present opportunities for change, mediate conflict and influence change.

Engaging more widely with communities and the general public about criminal justice concerns can be a particularly challenging and complex task. Crime and criminal justice issues are inherently 'public concerns' and often the source of anxiety and outrage for members of the general public. At the same time, however, they are also areas which many in society have very little first-hand knowledge of. So, whilst everyone may have an opinion on a particular form of crime or criminal justice sanction, there are widespread misunderstandings about:

- The factors that can contribute to illegal activity;
- The power structures that draw public attentions towards some activities that are harmful whilst ignoring others; and
- The inherent injustices that are effectively 'built-in' to many criminal justice policies and practices.

Many of those who have experienced the devastations of crime and criminal 'justice' first hand – as victims, as perpetrators, as family members or as those who work or research alongside them – hold certain kinds of knowledges that need to be more widely and publicly shared, contested and debated.

It was perhaps with a concern about the lack of open public discussion on crime and justice matters that the Reclaim Justice Network began to take shape.

The Reclaim Justice Network

The Reclaim Justice Network (RJN) began with a public meeting in September 2012, aimed at challenging the notion of 'Penal Excess'. Those who came along to that first meeting seemed hungry for change – and not just in relation to prisons and punishment. Discussions quickly turned to other aspects of the criminal justice system that people were worried about – policing, stop and search, victim support, over-representation of black and minority ethnic groups in the criminal justice system, outsourcing and privatisation of criminal justice services, and the list went on.

Since the first meeting, the network has slowly begun to take shape. It is now a collaboration of individuals, groups, campaigners, activists, trade unionists, practitioners and researchers and people most directly affected by criminal justice systems who are working together to radically reduce the size and scope of criminal justice systems and to build effective and socially just alternatives. The current, pressing, goal of the RJN is to establish local groups and regional hubs and to support them to organise and campaign for change.

Mobilising for criminal justice policy change

The current focus of the Reclaim Justice Network is to organise a series of local public events, in major cities around the UK, that aim to stimulate conversations around reducing the size and scope of the criminal justice system and to encourage local organisation of future events to take these conversations forward. It is still early days in these processes, but the long term aim is to stimulate conversation, generate collective ideas for alternatives and establish a 'movement' toward thinking about crime and justice differently by, specifically, recognising the way the current criminal justice system focuses on some harms but ignores others and is, in its own workings, a perpetrator of further harm.

So, where does the example of the Reclaim Justice Network take us and what might be the role in such endeavours of those with 'inside' knowledge – that is, the academic criminologist or researcher, the criminal justice or voluntary service provider, or those who have found themselves drawn directly into the criminal justice machine?

Chomsky's words should serve to remind those in the research (and wider practitioner communities) of the responsibility they hold for the privileges they are afforded. We suggest that a particular historical and social moment has dawned where more equal and sophisticated debate has become possible and holds greater potential. Our example of the Reclaim Justice Network – as a progressive organisation of individuals, drawn together by common concerns – demonstrates that we might be at a particular juncture when a new set of roles and, perhaps, responsibilities for academics, service providers, practitioners and informed individuals can be defined.

Where the work of the Network will ultimately lead, in terms of generating solutions, we don't yet know. However, by setting forth a set of collective concerns and stimulating widespread – yet focused – debate, we are exploring new approaches, new thinking and new alternatives to crime and justice problems in spaces outside the academy, outside the existing criminal justice system and outside the established spheres of political and social power.

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6. **I would build... stronger communities**

Rebecca Daddow, 23 October, 2014

We all know that justice is not a product that can be unilaterally dispensed by law enforcement or the judiciary. It is simply not within the power of the police, judiciary, the prison service, probation or any other professional to rehabilitate people and produce more just societies which is fundamentally about tackling issues of poverty and health inequality.

At Nurture Development, we believe these are issues of social justice, more so than criminal justice and their complexity requires a community-response that is radically different to the status quo.

'The most significant function of the criminal justice system is to compensate for the limits and failures of society's other major systems... It is the people, caught in this web of counterproductive systems, who must seek survival in the hopeless spaces available. They react in many ways, just as we would. They strike out in anger, as some of us would. They create productive, phoenix-like new ventures and initiatives, as some of us would. They despair and retreat into addictions, as some of us would. They are normal people in an abnormal world, surrounded by expensive, costly helping systems that are the walls that bound their lives. To defy those walls, they must live abnormal lives – often productive sometimes destructive, always creative.'
McKnight (1995)

We believe that an opportunity for the level of transformation that we, like the Centre for Crime and Justice Studies, want to see, lies in using the theory, ethos and practical experience of Asset Based Community Development (ABCD) to:

1. Co-create and champion community based alternatives to custody
2. Reawaken communities to their competencies in creating strong communities with vibrant local economies that actively bring people in from the margins
3. Pilot 'disruptive innovations' at various entry points throughout the criminal justice system to explore what works, for who, and when

What is Asset Based Community Development (ABCD)?

The ABCD approach was developed by Professors John McKnight and Jody Kretzmann following decades of research in some of the most 'disadvantaged' communities in the USA.

Initially asked to identify the needs and problems in these communities, McKnight and Kretzman began to see a common problem. The problem was weak communities that were being made ever more incompetent by the growing service-producing institutions that had gradually commodified almost every aspect of life.

ABCD is a form of participatory democracy that builds on the resources found in every community – focussing on what's strong, not what's wrong. These resources are often described as the 6 building blocks of community:

1. The skills of local residents
2. The power of local associations
3. The resources of public, private and non-profit institutions
4. The physical resources of local places
5. The economic resources of local places
6. The stories of our lives and evolving communities

McKnight and Kretzmann established the ABCD Institute at Northwestern University in 1995, and continue to develop and encourage the proliferation of the approach worldwide.

At Nurture Development, we have taken up this challenge, seeking to grow the presence of ABCD throughout the UK. Cormac Russell (Managing Director) established the organisation in 1996, setting out to redefine how people think about and act together to effect social change. Having trained directly under Professor McKnight, he had strong foundations to build on.

Nurture Development, the only strategic partner of the ABCD Institute in Europe, and our growing team are committed to working for social justice because we know that it leads to:

- **Better analysis of social issues**: when the starting point is strengths and potential, rather than deficiencies and problems
- **Better social systems**: when the government shares its power and responsibilities with citizens
- **Better community building**: when it happens from the inside out
- **Better quality of life**: when new people connect up to support and challenge each other – and have fun
- **Better relationships**: when kindness, straight talking, encouragement and trust are the norm
- **Better society**: when citizens, community groups and institutions are clear about what it is that each of them can and cannot do

● **Better democracy**: when citizens develop their own community plans

We want to broaden and extend the challenge of 'rehabilitation' to the whole community to step into their role as citizens and create the conditions in which everyone can thrive and in which the socio-economic drivers of crime weaken. We want to help create communities with fewer 'hopeless spaces', in which people can contribute to, tap into and develop the resources (referred to as 'rehabilitation capital' in this context) they need to flourish, and in which those returning from prison can access the 'rehabilitation capital' they need to live a good life. These resources are universal e.g. positive relationships, job/purposeful activity and somewhere safe and secure to live. Communities, including people labelled by their involvement in the criminal justice system, can create these conditions for rehabilitation and that is their challenge.

We want to build stronger communities not a bigger criminal justice system or more service based interventions. Investment in building these communities will yield a greater return in sustainable change, than augmenting a system of service provision that can be restricted by commissioning structures, budget cuts and internal agendas.

As specialists in the ABCD and other strength-based approaches, we're excited by the agenda set out by Justice Matters and hope to make a meaningful contribution by demonstrating through practical action, how neighbourhoods, organisations, agencies and the institutions of the criminal justice system can think and work in a way that creates the conditions for rehabilitation and contributes to wider community building efforts.

Rebecca Daddow was at the time of writing the Recovery and Justice lead at Nurture Development

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7. I would build... a movement to engage men in preventing violence against women and girls

Marian Duggan, 5 February, 2015

Preventing violence against women and girls (VAWG) is increasingly considered to require alternative, proactive approaches which function alongside the (largely reactive) UK criminal justice system. Reports produced by the End Violence Against Women (EVAW) coalition have highlighted gaps in current policies concerning the three stages (primary, secondary and tertiary) of VAWG.

The preferred primary approach refers to strategies that aim to prevent violence before it occurs on both a macro and micro level. Recommended initiatives include public awareness campaigns which target whole or specific populations with a view to altering the social, cultural and structural contexts within which violence occurs, as well as embedding prevention measures in educational settings.

The expansion of VAWG prevention into the mainstream domain is to be welcomed in order to challenge the gendered 'ghettoisation' of responsibility: that VAWG is a 'woman's issue' in terms of care-giving, research, policy development and lobbying for legal reform. The message here is clear: not perpetrating VAWG is no longer enough; being active in helping prevent other men's violence against women and girls is possible, desirable and necessary to effect change.

Jonathan Crowe supports strategies aimed at preventing VAWG which diversify to encompass a broader range of people; specifically men:

In order to move forward in this way, it is necessary for men to recognise the practical role they can play in advancing feminist objectives. This involves acknowledging that 'I can make a difference' and then translating this into action.

A similar call to arms has been outlined by Michael Flood who claims that:

There is a growing consensus in violence prevention circles that to end this violence, we must involve and work with men. While men have long been addressed in secondary- and tertiary-based interventions as perpetrators, now they are also being addressed as 'partners' in prevention.

Flood outlines 'six levels of intervention' detailing *how* to engage men in preventing VAWG:

1. Strengthening individual knowledge and skills
2. Promoting community education
3. Educating providers (and other professionals)
4. Engaging, strengthening and mobilising communities
5. Changing organisational practices
6. Influencing policies and legislation

He also indicates three core rationales for why those working in the violence prevention domain should engage with men: first, men disproportionately commit most of the violent victimisation experienced by women (and men). Second, the continued problematic social constructions of masculinity may in some way account for such violence; and third, men not involved in violent conduct are ultimately affected by it in various ways.

Challenges to involving men are outlined by Casey et al., where engagement with traditional and contested concepts of masculinity and masculine identity constructions may require men to first undergo a re-examination of 'closely held beliefs about their own gender...examining and perhaps working to shed the privileges that accrue to them based on gender'.

Not all will want to do this. There will be some men who perceive VAWG prevention groups to be inherently antagonistic toward men or male involvement Indeed, whilst this may be true of some, it cannot be generalised to all, so using this as an excuse likely indicates a less open-minded approach than would be desired from participants.

Some men may be of the perspective that VAWG is fundamentally a ''women's issue'' with little or no relevance to their own lives. They are the ones to whom such knowledge will probably not be imparted by women who, statistically, will likely have it to share at some point in their lives. There are also those who may perceive violence prevention to be associated with a feminist agenda with which they are uncomfortable or fundamentally disagree. They too are not likely the target audience of such initiatives.

However, for those who *do* wish to become involved in prevention efforts, evidence suggests that men who see violence against women as an important problem and want to help may not know how to contribute, or lack the skills or knowledge to take some kind of active stand against violence. It is these men whose assistance needs harnessing, not least because they may far outnumber the detractors.

Several grass-roots prevention initiatives targeting male involvement as allies and role models exist, designing workshops to address violence prevention and facilitating bystander intervention training. Groups such as The White Ribbon Campaign, Men Can Stop Rape, Men Against Rape and Men Stopping Violence demonstrate the growing number (and nature) of men who are not only opposed to

VAWG, but who are prepared to vocalise this and act on it to affect prevention where possible. These groups offer spaces for men opposed to (or, in some cases, affected by) VAWG to do something about it in ways most recently noted by the global He for She campaign.

Collaborative engagement is also useful for pro-social modelling of opposition to violence, indicating that this is not a default setting of masculinity. Capitalising on social media has proved useful in exacerbating awareness and involvement, with several organisations using a variety of tactics to get their message across. This has ranged from videos which problematise masculine stereotypes through to more politically–targeted fundraising campaigns, although some criticism has been aimed at these male-focused or male-led endeavours based on buying into a commercialised advertising medium.

The endemic proportions to which violence against women and girls now features in people's lives has indicated that this is a struggle that cannot be left to women alone to address, particularly in light of the significant and continued discrepancies when it comes to gender representation in positions of power, politics and policy making. Furthermore, addressing violence primarily from a criminal justice perspective means that investment remains responsive and reactionary, with offences already having been perpetrated and victims created. The VAWG prevention efforts detailed above indicate that viable alternatives are being built which may well transform not only pockets of society but the trajectory of people's lives away from experiencing, witnessing or perpetrating violence; a future many, regardless of gender, would surely be happy to share.

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– He for She: http://bit.ly/1nsZOnH

8. **I would build...a blueprint for change**

Rebecca Roberts, 13 July, 2015

When I first started working in the criminal justice voluntary sector around 15 years ago, I did so with the best intentions. From what I'd learned at university and through voluntary work, I thought we needed a bit less criminal justice – for example fewer people in prison. I thought society needed to reduce the harm that criminal justice caused. Finding alternatives to custody seemed important, as did making the police more accountable, and reducing crime. I didn't question the function or necessity of a penal system – I just wanted it to be a bit smaller and a bit nicer to people.

As time went on I learned about the way that criminal justice functions – to manage the behaviour and law breaking of those living in poverty, the marginalised, BME people, people with low educational attainment and people with experiences of trauma, violence and neglect. It reinforces and maintains existing structural arrangements and injustices – for those who are harmed by law breaking, and for those who are caught breaking the law. Not only that, but when taking a 'social harm' approach, it becomes clear that those things deemed criminal, and dealt with by criminal justice agencies are often not the most harmful things that happen in society.

Jeffrey Reiman in his book, *The Rich Get Richer and the Poor Get Prison* (2007), describes criminal justice as offering a 'carnival mirror' image of reality:

First we are led to believe that the criminal justice system is protecting us against the gravest threats to our well-being when, in fact, the system is protecting us against only some threats and not necessarily the gravest ones...The second deception is...if people believe the carnival mirror is a true mirror...they come to believe that whatever is the target of the criminal justice system must be the greatest threat to their well-being.

In light of a wider understanding of the gravest threats to well-being and safety, I began to question whether making the criminal justice a 'bit nicer' and a 'bit smaller' was enough.

Justice Matters

Launched back in the summer of 2013, the Justice Matters initiative at the Centre for Crime and Justice Studies represented an important evolution in our work. For over a decade we had been examining the shortcomings and limitations of using criminal justice approaches to social justice problems. Based on evidence and research, we came to the conclusion that criminal justice was far too costly and too damaging. While some of our organisational efforts are quite rightly focused on improving people's experiences in the here and now, we acknowledged that these efforts are only part of the solution. If the goal is to tackle the root causes of complex social problems, criminal justice is unlikely to provide the answers.

Justice Matters is explicitly not an attempt to reform or fix criminal justice. Three areas of focus have been proposed: downsize, build and transform. The idea was to look beyond criminal justice and to build partnerships and collaborations to identify visionary objectives and concrete solutions. As the project developed, we also began to focus on the experiences of young black men, and on the experiences of women.

Downsizing criminal justice

In the 'downsize' phase of the project we invited people to tell us what bit of criminal justice they believed would do away with and the Centre received a number of suggestions and ideas, illustrated below.

Police service   Youth courts
Community payback   Criminalising drugs
Children's imprisonment
Women's imprisonment   Measuring reoffending
Using criminal justice to solve problems
Short prison sentences   Psychological services

I would build...

We then invited people to write for us and explain what they would build instead, illustrated in the image below.

Stronger communities

Alternative to the corporation

A movement to engage men in preventing VAW

Collective capacity for policy change

New liberal politics

These contributions have helped to provide a broad base of options to build on – but they need to be developed further. Below I make some tentative suggestions on how it might be possible to get closer to the goal of ensuring a safer society and thus make criminal justice irrelevant, unnecessary and obsolete.

I would build...criminal justice scepticism

There are a number of people and organisations who share a healthy scepticism about the use of criminal justice as a mechanism for dealing with social problems. The critical mass at the moment is largely amongst those who already have a certain amount of 'expert' knowledge about the system – people affected by law breaking, those who have been punished, practitioners, researchers, activists, policymakers and parliamentarians. They are familiar with the structural abandonment of people who have been harmed and traumatised.

It is important to keep drawing out and sharing a solid critique of criminal justice - of making the case in accessible and novel ways on why the system doesn't work – and why fixing it is limited in its ambition. This is largely a research and communications exercise – and crucial to this, I believe, is injecting criminal justice scepticism into social justice policy and activism.

Criminal justice experts have an important role to play in finding ways to downsize the system and reduce the numbers of people coming into it (i.e. turning off the tap). Criminal justice sceptics (myself included) are usually very good at identifying what isn't working. But it is important to complement criminal justice reform with the expansion of (non-criminal justice) interventions and approaches that promote wellbeing, health, stability, security and safety in people's lives.

I would build...social justice alternatives

Dismantling criminal justice is key to building a safer society. We need to reject the organised abandonment currently seen in our social welfare and criminal justice institutions.

Non-criminal justice alternatives do exist. Criminal justice experts, while able to begin to push things in the right direction usually start with the area they know best – criminal justice reform. However, if we are serious in removing the institutions of punishment and control from our criminal justice and social welfare systems, then it is important to reach out to social policy and social justice experts and activists.

Violence against women is a good example of how to do this. Criminal justice has an ideological function – it has been used in a symbolic way to show that an endemic problem is being taken 'seriously'. But in the case of violence against women, it can narrow focus to 'what can criminal justice agencies to better?' and divert attention from crucial matters related to tackling inequality and the causes of gendered violence. Criminal justice experts often have much to say on how to get the police and courts to respond better to women who have experienced violence. These experts might also have something to say on better to control and 'treat' men who commit such violence. But as an attendee at one of our Justice Matters for Women events last year said 'you can't use a patriarchal institution to solve a problem of patriarchy'. There is knowledge about how best to eliminate violence against women – and this knowledge is found in the areas of public health, anti-violence, feminism, epidemiology, economics, and so on. In building a blueprint for change it will be these experts who should be at the forefront of the conversation.

I would build...a blueprint for long-term change

As the Justice Matters work continues into year three, it is time to engage a wider range of stakeholders in

discussions about long term change. The arguments for the dismantling of criminal justice needs to be more powerfully communicated. The long term change I want to see is about creating safe, just and sustainable communities. It's a vision of social justice that, if achieved, rejects and bypasses criminal justice interventions.

In the year ahead, I hope that we can focus on building what might be ambitiously titled a 'blueprint' for long term change. Importantly this would need to be visionary, accessible, cross disciplinary and cross sector.

A vision and guiding principles: A blueprint needs some guiding principles, for example resisting and stemming system growth, maximum support for people who have been traumatised and harmed; minimal resort to the use of punishment, surveillance and control.

Social arrangements: What political, social and economics arrangements are required to ensure maximum levels of wellbeing, health and safety. What services and institutions are required to support this? How do we build the capacity of individuals and communities to address problems when they arise? How do we ensure that when people are harmed, there are adequate resources and processes to minimise and repair damage?

Criminal justice: How can people be directed out of the system as it currently exists and how do we simultaneously turn off the tap? How do we stop people coming into the criminal system as it currently exists? Examples might include:

- Decriminalisation (drugs, immigration/asylum related, joint enterprise, children, etc.)
- Resisting new or expanding use of criminal justice and punitive sanctions
- Limit the places available in criminal justice institutions
- Diversion to comprehensive support mechanisms
- Policing
- De-centering punishment and conditionality from wider social institutions; Improve well-being and equality so that problematic behaviours do not arise.

Criminal justice experts and criminal justice sceptics have some of the answers on the questions about turning off the tap and funnelling people out. Developing a vision and identifying social arrangements requires wider input.

Penal abolition could be a natural consequence or a by-product of a radically different society – a society that holds dear the goals of equality and wellbeing and health and safety for everyone. Criminal justice sceptics and abolitionists have something important to say in how to build such a society and offer caution and counsel on the harms of punitive power.

The change that needs to happen is not largely within criminal justice policy, it is within social and economic policy - and also at a community level. This strengthens the case for building connections between criminal justice

and social justice activism, and policy to transform society in which punishment and control is no longer necessary or relied upon to resolve harm. Social justice activists and experts are natural allies in criminal justice scepticism and abolition.

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At the Centre for Crime and Justice Studies we advance public understanding of crime, criminal justice and social harm. We are independent and non-partisan, though motivated by our values. We stand with those most vulnerable to social harm. We believe that the United Kingdom's over reliance on policing, prosecution and punishment is socially harmful, economically wasteful, and prevents us from tackling the complex problems our society faces in a sustainable, socially just manner.

JusticeMatters