

Crime, Justice and Human Rights by L. Weber, E. Fishwick and M. Marmo

David Scott

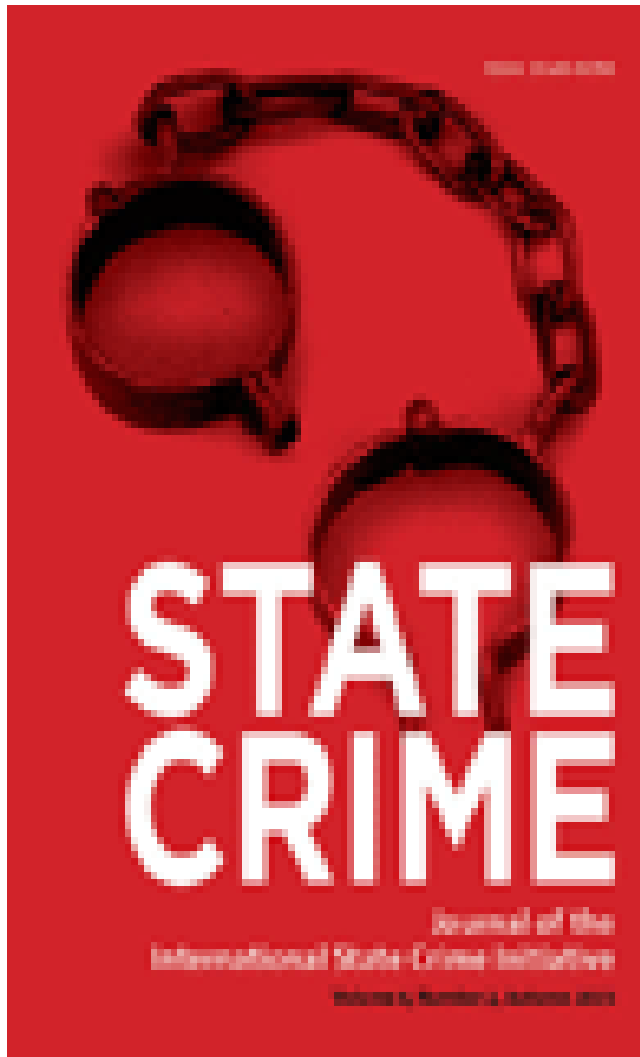
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Weber, L., E. Fishwick and M. Marmo, *Crime, Justice and Human Rights* (London: Palgrave, 2014), 264pp. £26.99 (pbk).

Reviewed by David Scott

Crime, Justice and Human Rights is an important contribution to the growing literature on criminology and human rights. The book is dedicated to Stanley Cohen and, as the authors rightly state, “[n]o criminologist has pursued the project of aligning critical criminology with human rights activism with such effectiveness and vigour as the late Stanley Cohen” (p.78). Cohen’s writings were characterised by a strong political commitment to human rights and transformative justice. His work was relevant, accessible, interventionist and filled with theoretical insights that raised key questions which needed to be answered by those in power. Stanley Cohen also had that rarest of abilities in that he could write to a number of different audiences at the same time and yet deliver a multi-layered analysis carrying the greatest of insights appreciated by all. To say that the authors have delivered a text following in this tradition is the highest praise I can bequeath them.

Crime, Justice and Human Rights is a book with broad ranging appeal. It provides a multidisciplinary introduction directed at a diverse audience - criminologists, human rights practitioners, the general public – and does so very well. The danger with multiple-audiences and writing from multiple-disciplines is that those with more in-depth knowledge may find that within their areas of expertise the narrative becomes restrictive and requires more depth. However, I think the authors provide an innovative, imaginative and critical approach that in the main avoids such a pitfall. This does not mean that it is not possible to selectively engage with specific topics of interest, but the thirteen chapters are well crafted, concise and highly engaging contributions which are eminently readable whatever the reader’s background. As a pedagogical tool for those unfamiliar with the content, the authors insert a number of information boxes throughout the text and provide a good set of additional readings and materials. Indeed this relatively short book of just under 250 pages well conveys a great deal of information, a skill in its own right.

The stated aim of the authors is to broaden the scope and remit of both criminological analysis and human rights scholarship and to specifically explore key issues, debates and controversies in criminology through a human rights lens. They undoubtedly achieve this and the book is what I would, perhaps clumsily, describe as a ‘textbook plus’: that is, it not only covers the essential materials very well but also adds something to the wider literature. The

authors have a nuanced, sophisticated and critically reflexive approach and, throughout, they highlight the strengths and limitations of the human rights lens. On the critical side, for example, the authors explore: the limitations of legal formalism; the denial of access to legal rights by marginalised peoples; how rights have been considered as metaphysical abstractions, false universals or a means to encourage selfish egoism; and the manner in which human rights have been used as a means of cultural imperialism, legitimating state practices or providing a mask for state harm and oppression. As the authors write at the start of the book:

We are mindful of the arrogance of simply assuming the universal acceptance of human rights, the naivety of the unreflective conflation of human rights with the contents of human rights law, the danger and hypocrisy of using human rights as a shield while pursuing individual or elite interests, and the limitations of law of any kind in the face of entrenched injustice (p.2).

Yet, drawing here upon the insights of Barbara Hudson (2003), Stanley Cohen's most influential PhD student, the authors also explain *why* critical criminology needs to fully engage with and deepen its understanding of human rights. In advanced capitalist societies where the liberties of the powerless are increasingly restricted and where security becomes increasingly the privilege of the powerful, human rights can provide a set of normative standards that illuminate a path towards social justice and facilitate greater state accountability.

The book has three sections. Section One - Understanding Human Rights – has five chapters exploring the origins, meanings and implications of the rise of human rights discourses. In this section human rights are constructed as a moral vision promoting equal dignity, value and worth as basic principles underscoring the way in which people should be treated. The philosophical exploration of human rights is very detailed, but notable in its absence is any reflection on James Griffin's (2008) hugely influential text *On Human Rights*. Equally, the emergence of human rights is placed within historical, political and socio-economic context, but there is no engagement with *The Last Utopia* by Samuel Moyn (2010). Given the amount of secondary literature on both these works in recent years and the contribution / challenge they present to philosophies of human rights, their inclusion would have been beneficial for the general reader.

On the other hand, the authors do provide a very sophisticated application of the work of Marie-Bénédicte Dembour (2006) who envisaged four ideal types of 'human rights schools'. In Chapter Five (especially pages 73-81) of *Crime, Justice and Human Rights* these four

schools are applied to contemporary criminological writings. In the 'natural human rights criminology school' human rights are taken as a given and are used as normative standards by which to evaluate the criminal process. In the 'deliberative human rights criminology school' human rights are agreed upon and interventions are based on consensus, peace, mediation and the principles of restorative justice. For the 'protest human rights criminology school' human rights are to be fought for. Here critical scholars demonstrate solidarity with human rights activists and campaigners as part of a wider struggle for social justice and democratic accountability. Finally the 'discursive human rights criminology school' reluctantly engage with human rights only because we already talk about them. Human rights are a discursive practice to be transcended and replaced by a more radical political discourse.

Section Two - Applying Human Rights in Criminology - has seven chapters. This section, the most substantive part of the book, explores how the human rights lens can be brought to bear on the main subject matter of 'everyday criminology'. The seven chapters collectively provide a very impressive manifesto of what a 'criminology of human rights' would entail. The key areas of criminological concern arising through a human rights normative standard include state crime; war crime; genocide; the harms of poverty; violence against women; the violent suppression of dissent; deaths in custody; disparities in sentencing; the iatrogenic harms of detention; torture; abuses of prisoners; penal privatisation; extraordinary rendition; penal servitude; sex and human labour trafficking; and transnational victimisation. As the authors argue:

The adoption of human rights within the criminal justice process can help legal practitioners and scholars to identify values and principles that should find application at all times....Human rights can offer a common language and joint values across jurisdictions...(p.163).

Alongside this the authors argue that adoption of a human rights frame could also lead to the promotion of radical alternatives to criminal processes. They give examples such as justice reinvestment; human rights education (such as the International White Ribbon Campaign); therapeutic jurisprudence; 'problem solving' courts (for mental health, family and domestic violence, or substance misuse); and restorative justice. Finally, and most importantly, they argue that through the human rights lens the priority of redistributing power is placed upon the political agenda, a key point made by Stanley Cohen (1994) over twenty years ago when first advocating 'human rights criminology'.

If I were to be critical of Section Two it would be that the illustrative examples are too often derived from Anglo-nations such as Australia, the UK and USA, but overall it is a very assured and comprehensive account. Section Three - A Criminology for Human Rights – comprises of only one chapter and is perhaps the weakest part of the book. Whilst the authors raise to prominence the need to challenge technologies of surveillance, securitisation and a number of other practices of othering, I did feel that a much stronger case for the enrichment of the critical criminological engagement with human rights could have been made here. The authors conclude the book with the following statement:

The starting point for criminologists with an eye to the future is to become more knowledgeable about the origin and meaning of human rights as law, philosophy, politics and practice. The goal of this book has been to provide a foundation and catalyst for that process (p.235-6).

I think the authors achieve that goal and much more.

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