

## International Journal for Crime, Justice and Social Democracy



## Book Reviews

### Leanne Weber, Elaine Fishwick and Marinella Marmo (2014) *Crime, Justice and Human Rights*. Palgrave Macmillan.

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*Crime, Justice and Human Rights* is an invaluable resource for those interested in the growing links between human rights, criminal justice and criminology. The authors have succeeded in producing a systematic survey of issues and debates arising at the contemporary interface of human rights and criminal justice that is comprehensive in its coverage of the literature and core topics, richly informative, clear and accessible. As such the book is highly recommended as a text for upper undergraduate or postgraduate units on human rights and criminal justice/criminology. Of particular note in this regard are the additional resources and useful links provided at the end of each chapter. But to commend it only as a text would sell it short, for it introduces and engages theoretical debates and critical perspectives around human rights in a way that will be of interest to an academic audience well beyond the classroom setting.

The book is divided into three sections. Chapters in the first section introduce general ideas around human rights, describe their origins and development, outline contemporary critical perspectives on human rights, summarise the current international human rights law framework, explore the role of non-government organisations and civil society, and discuss the different categories of human rights (first/second generation, individual/group). The final chapter in section one explores the general potential for integrating human rights approaches and criminology. Section two – the core of the book – examines the application of human rights in seven areas of criminal justice practice. Although the authors make no claim to be comprehensive, most readers would likely agree that this section provides thorough coverage of the core areas, being the criminal law, crime prevention, policing, the courts, detention, juvenile justice and victims. The important human rights issues in each area are examined by reference both to relevant criminological literature and to human rights law, policy and practice. The final section of the book comprises a single chapter on Future Directions which briefly but insightfully explores a handful of significant debates in contemporary criminology – risk, criminology of *the other*, border control, justice reinvestment, restorative justice, technology and surveillance, and transnational corporations – and makes the case for incorporating a human rights perspective in current work.

Discussion of human rights often has an evangelist quality about it. It is a great strength of the book that the authors avoid this in both tone and substance. They adopt a cautiously supportive approach to the role and application of human rights in the criminal justice system. They explain in an open and sympathetic way the various critical positions adopted by other thinkers.

Most importantly, they see the relationship between human rights and criminology as a two-way dialogue, recognising that on many subjects criminology has much to offer to human rights approaches as well as the other way around. This may be particularly true of the present era as organised, non-state forms of power and violence (terrorist organisations, drug cartels, transnational corporations, private military forces and so on) assume increasing salience in the developing geo-political landscape. As they note in the closing pages:

... a critical and globally aware criminology can help to expand the horizons of human rights by highlighting the increasing prevalence of transnational corporations and other non-state actors as perpetrators of major human rights abuses, and the manifold limitations of the current state-based approach to protecting individual and group rights within the present international system.

Another area in which criminology usefully deepens human rights-based analysis stems from the work of the late Stan Cohen, to whom the authors dedicate *Crime, Justice and Human Rights* and whose publications are widely cited in its pages. No criminologist has made a larger contribution to bridging the divide between criminology and human rights in the fields of both scholarship and activism. Of Cohen's many contributions in this regard, one of his most significant was his 2000 book *States of Denial – Knowing about Atrocities and Suffering*. Like much of Cohen's work over his entire career (including his very first book *Folk Devils and Moral Panics*), it is concerned with cultural responses to deviance. Interestingly, the two concepts, 'moral panic' (from his first book) and 'denial' (from his later work), share similar analytical (and practical, political) concerns, even though the empirical subject matter of the two books is very different. These concerns are of vital significance to human rights, as they relate to moral and emotional reactions to deviant phenomena. The response may on occasions be disproportionate, excessive and demonising (as with the social reaction to the mods and rockers in the 60s and other moral panics since); on others there is an inappropriate silence or denial in the face of gross human suffering. The experiences of genocide, ethnic cleansing and other gross abuses in the twentieth century underline the importance of the human rights movement but at the same time they are reminders of the often fragile hold that human rights norms have on collective behaviour and legal order. If this is so where the worst abuses are concerned, it can hardly be a surprise that efforts to strengthen the role of human rights norms in the everyday administration of criminal justice can encounter resistance (as they do in Australia).

The lesson here is that, notwithstanding the self-validating rhetoric and ostensible universalism of human rights ('We hold these truths to be self-evident', 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family ...'), the context of rights and abuses – their cultural setting – is all-important in understanding the reach and effectiveness of human rights norms and how violations occur and are sustained over time. A human rights perspective sets new normative and analytical horizons for criminology, so criminology in turn offers valuable conceptual tools for forms of analysis that may deepen human rights understanding and better serve the ends of human rights activism. This book does an excellent job of drawing the two together in a closer, mutually beneficial relationship.

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## References

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