**Book Review**

Judah Oudshoorn
*Trauma-Informed Youth Justice in Canada: A New Framework toward a Kinder Future*
Toronto, Canada: Canadian Scholars Press, 2015

Reviewed by Howard A. Doughty

At issue in this book are matters of more general importance than a "new framework" in criminology for the specific study of the fate of young people in the criminal justice system, though it is also that.

# 1.

Generations of anthropologists, sociologists, social psychologists and political scientists have been telling us, almost from the recent birth of their respective academic disciplines, that human society is a relatively fragile set of arrangements that must be maintained by voluntary social restraint when possible and by coerced social conformity if necessary. From informal settings such as prehistoric kinship groups engaged in scavenging, hunting and gathering through to aspirant trans-human cyborgs in hyper-technologized postmodernity, they have argued that the survival and socio-economic development of our species requires that certain essential functions be performed and that formal or informal social structures be put in place to ensure that the most vital jobs get done. First come basic survival needs. We must drink, eat, sleep and procreate; but, after that, there is still work to be done. That secondary and tertiary work, identified in the "hierarchy of human needs" famously constructed by Maslow (1954), is said to be best accomplished if our labour is efficiently organized and its results effectively optimized. And that demands rules!

The consensus among the late-nineteenth and early twentieth-century founders of the several social sciences (eventually including the subspecies known as criminology) was that social stability requires reliable methods of rule-making, rule-enforcement and rule-adjudication—roughly equivalent to the legislative, executive and judicial functions of the modern state. This judgement, of course, had been obvious to political theorists at least since Plato conjured up his ideal republic with its authoritarian "philosopher-king," its ever vigilant "guardians," and its "noble lie" which promoted an ideology of innate inequality and guaranteed that everyone knew their place.

This political axiom was also apparent to Thomas Hobbes two millennia later. Hobbes convinced himself and others that, in order to win the blessings of security and the delights of civilization, it would be necessary to submit to an omnipotent sovereign and to surrender our primordial freedoms in the nasty, brutal "state of nature," and thereby win the glorious comforts of literature, law, medicine, architecture and accounting. That settled, we can move on to Freud, who insisted that we must suppress our libidinal drives, submit to the "reality principle," defer

gratification and build a more commodious society out of shared repression. To these and countless other sages—Steven Pinker's rosy version of our allegedly peaceful post-World War II world notwithstanding (Pinker, 2011; Laws 2012; Corry, 2013)—human nature was something to be overcome.

## 2.

In the pursuit of order, no method has been overlooked. Notwithstanding the ubiquity of protective nurturing and gentle persuasion, we have also tested our imaginations and have been found equal to the task of exceeding any limits our "better angels" might put on our propensity for punishment. While unconditional parental love, deep bonds of loyalty, sporadic displays of compassion toward strangers, and ample examples of volunteerism and philanthropy are evident everywhere, we have also engaged in the cruelest tortures and the most grisly executions and exterminations. So, despite the persuasive arguments of exceptional thinkers who document and praise the softer side of human nature (Goldschmidt, 2006), it is no chore to dredge up instances of intense ferocity in traditional tribal societies and throughout ancient civilizations. What's more, what are regularly called "barbarism" and "savagery" have hardly been reduced, much less, eliminated in our time; indeed, early human exercises in hideous mass violence have long since been surpassed thanks to the wonders of technology. No Caligula or Nero, no Attila the Hun, Genghis Khan, Vlad the Impaler, Ivan the Terrible, Queen Ranavalona I of Madagascar, or any of the other stock scoundrels of our collective and conflicted memory have matched the sheer volume of damage done to human life by the heroes and villains of our recent past, spurious present and questionable future.

> And if any mischief follow, then thou shalt give life for life, eye for eye, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe.
> *– The Second Book of Moses Called Exodus 21:24-25*

From the time of what is, to my knowledge, the first recorded genocide in our history (see Chapter 31 of the Old Testament's *Book of Numbers*) to the almost unfathomable atrocities committed by all sides in World Wars I and II and the various proxy hostilities taking place over the past seventy years, we have written a species biography filled with (magnificent achievements notwithstanding) abominations beyond redemption, all in the name of sociopathic dictators, self-satisfied liberal democrats, and eschatological ideologies of both the political left and the political right. So, the forceful admonitions to be found in Chapter 20 of *The Book of Deuteronomy*, the messages of peace from spiritual leaders and secular sages, the several United Nations conventions against chemical weapons, genocide and torture, and the hardy existence of the International Criminal Court have had limited effect on industrial-strength global slaughter.

## 3.

What about closer to home? How about the ongoing and occasionally noble thoughts and actions to be detected in domestic legislation, law enforcement and judicial behaviour?

As early as 1689, the phrase "cruel and unusual punishment" made its debut in the English *Bill of Rights*. A scant century later, it appeared in the Eighth Amendment to the *Constitution of the United States* (1791). More recently, similar language has been adopted in the United Nations' *Universal Declaration of Human Rights* (1948) and any number of international and national conventions, covenants and charters of rights and freedoms. Read from a generous perspective, it is possible to believe that the human historical narrative includes a painfully slow, sometimes halting, but ultimately salutary saga of the evolution of human rights as philosophical principles and partially fulfilled political reality (Ishay, 1997). Sceptics may complain that the high moral and ethical standards embodied in lofty statements of ideals are rarely realized in practice and may even seem expressly hypocritical in light of our actual deeds. Nonetheless, we may find some solace not merely in the hopeful aspirations we affirm, but also in the solid steps we have taken away from some of our most malicious and pitiless practices. No one can, after all, deny the influence of the European Enlightenment, the growth of liberal political philosophy and the concrete reforms that have gone some way toward banishing slavery, liberating women and extending political rights and the rule of law. The road, we may admit, is long and hard, but the distance we have come is at least measurable.

In the quest for what we are pleased to call "justice" debates about the essential nature of humanity, the descent of culture and social institutions and the rocky ride into the reality of the twenty-first century find their most immediate and obvious manifestations—the jail cell, the half-way house and the interview with the probation officer; or, in the alternative, solitary confinement, the whipping post and the final steps to the gallows.

> Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth: But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.                 – *The Gospel According to St. Matthew 5: 38-39*

So, prison reform—both in terms of its declared purpose and the day-to-day conditions of incarceration—has been a singular target of humanitarian impulses at least since the late eighteenth century. Moreover, while draconian methods persist in too many places, too much of the time, no one can gainsay the improvements in prison conditions that have been made over the past decades and centuries. Though the bar was initially set dismally low, at least some jurisdictions have taken short, tentative steps toward rehabilitation and away from mere retributive punishment or the false expectation of deterrence through fear. Of course, steps in the opposite direction toward, for example, "enhanced interrogation" in sites of dubious legitimacy balance the equation; nonetheless, we soldier on.

We are heartened by the fact that corporal punishments such as flogging, amputation and stoning have mainly disappeared from countries showing at least a modest regard for human dignity and decency. Moreover, modern liberal democracies, with the notable exception of the United States of America, have all but abandoned capital punishment. In short, though degraded and degrading, systemically racialized and subject to reversals such as the shift to mass incarcerations and minimum sentencing "reforms" most recently under the administration of President Clinton in the USA, cracks have appeared in the most hideous walls which were supposedly built to protect society, but too often put it at greater risk by normalizing brutality and legitimizing violence. Moreover, even though, for example, the American prison population

has grown steadily despite declining crimes rates since the 1960s, even this anomaly can largely be explained by intervening variables such as the American heritage of systemic racism (born in the "peculiar institution of slavery), genocide (the conquest of indigenous peoples), and the current obsession with illicit drugs and the concurrent level of discrimination reflected in disproportionate terms of sentencing for crimes. It would therefore take only the election of a minimally progressive political leadership to make transformative changes. Absent the quirks of campaigning, Bernie Sanders might well have defeated Donald J. Trump in the recent US election. Authentic change can happen.

Despite seemingly universal anxiety and enduring despair, therefore, this might actually be an auspicious time for the discussion of serious adjustments in attitude and innovative approaches to criminal justice. If so, it may yet be possible to make policy recommendations and implement meaningful criminal justice reforms. And, if this is so, reading Judah Oudshoorn's book, *Trauma-Informed Youth Justice in Canada*, would be one excellent way to kick-start the process.

## 4.

Crimes against persons and property and criminalized violations of sundry social norms are regularly set out in statutory law, as are the range of punishments to be meted out to those judged guilty of such offenses. While much attention has properly been paid to the "school-to-prison pipeline" among African-American students in the United States (Giroux, 2010, 2012, 2015) and to a lesser extent to parallel aboriginal communities in Canada, extraordinary alterations in attitudes toward social issues such as women's reproductive rights, sexual orientation, recreational drugs and physician-assisted suicide have taken place over the past half-century. Unforeseen modifications in seemingly fixed and inflexible cultural values have therefore placed formidable strains and presented remarkable challenges to the entire criminal justice system, but nowhere as daunting as in the special field of youth justice.

> Despair not of the Mercy of God, for God forgives all sins: for He is Oft-Forgiving, most merciful
> *– Qur'an 39:53*

To provoke, inspire and put improvements into practice, of course, requires that we move beyond abstract moral and ethical arguments. Contests among values must not be ignored, of course, but people seem to have made their choices about what's substantively right-versus-wrong and procedurally fair-versus-unfair. In what seem to be polarized political times, citizens tend to display little interest in listening attentively to alternative points of view. To change minds, we cannot be satisfied with "conversations" about principles and probity; we must also be able to demonstrate practical outcomes through some form of pragmatic realism and, in all likelihood, the expediency of a "cost-benefit" analysis.

Will it work? How much does it cost? Is it a quick-fix or a permanent solution? And even then it's uncertain that inflexible ideological positions will allow "common sense" to be heard, much less to prevail. Still, it's worth a try; and, of course, if innovative solutions to problems are to be found, it is important to study their origins and development. Such exploration, of course, must be deftly managed.

As Canadians learned a few years ago, some political leaders seem proud of their indifference or even hostility to factual evidence. Former Prime Minister Stephen Harper, for example, sneered contemptuously at those who promoted the idea of research into the "root causes" of the mass disappearance and murder of some 1,200 Native women over several decades. That, he imagined, would require empirical investigation into "sociological phenomena." But Harper insisted that crime was crime and *not* a sociological phenomenon. In his opinion, crimes were (we must presume) acts based in moral failings arising from "barbaric cultures" or inherent individual character flaws. Criminals must therefore be captured, convicted and punished severely to prevent wrong-doers from repeating bad acts, and to intimidate others who might be tempted to stray from the path of law and order.

In response, Rashmee Singh (2014*),* an assistant professor in the Department of Sociology and Legal Studies at the University of Waterloo (Ontario) sensibly explained that "crime *is* a sociological phenomenon. More specifically, it is a barometer of social health, a contemporary manifestation of historical violence, and an expression of intersecting structural oppressions."

Harper was having none of *that*; however, "that" is precisely what is needed most. More than increased jail time, enhanced policing powers and firm directions to supposedly independent judges to "get tough on crime," serious investigation and analysis are rather desperately needed if the criminal justice system in Canada and elsewhere is to function efficiently and effectively.

## 5.

To address such dismal thinking, Oudshoorn begins with a clear statement of "core values." His approach is based on a combination of:

- "critical thinking" (a commitment to ways of understanding that combine respect for formal logic and evidence with an appreciation of the emotions and relationships that are essential to both knowledge and wisdom);
- "human dignity" (the challenge of treating everyone—victim and offender alike—with respect);
- "participation" (the recognition of the subjectivity of offenders who must become part of their own solution and not reactive objects of external control);
- "peace" (an awareness that crime is only one category of harm that pervades society and that it must be addressed by constructive trust-building relationships);
- "a holistic approach" (the application of methods to crime akin to those of "public health" initiatives that focus on the social determinants of illness);
- "social change" (the appreciation that dealing with individual cases of criminal behaviour requires changing the social relationship of the offender to society, and that society must change if criminal behaviour is not to become an inevitable reaction to inherently flawed social relations.

Although Judah Oudshoorn argues his position better than most, humanitarian pleas have been made time and again by any number of social workers, psychologists and garden-variety "do-gooders" eager to make the world a better place and the people in it kinder that they might otherwise have been. What makes this book different from the ordinary expression of positive thoughts, optimistic attitudes and good intentions is its presentation of a sound and remarkably unsentimental diagnosis connected to a pragmatic course of therapy and workable cure.

> Two dirty day-rooms; and three offensive night-rooms: That for men eight feet square: one of the women's, nine by eight; the other four and a half feet square: the straw, worn to dust, swarmed with vermin: no court: no water accessible to prisoners. The petty offenders were in irons: at my last visit, eight were women. – John Howard at Bridewell Prison, 1777.

As its title indicates, *Trauma-Informed Youth Justice in Canada* is dedicated to understanding a specific aspect of the system of rules in a particular place and with reference to identifiable demographic communities. The lessons it teaches are based not merely in wholesome ideas, but in long-term, intimate experience. The recommendations it makes not only fulfill the promise of providing a "new framework toward a kinder future" for youthful offenders, but also a sound basis for a more general approach to criminal justice. That extension and expansion could allow his framework to be applied to other people in other places. It all depends on our ability to grasp fundamentally what is meant by a "trauma-informed" approach to understanding youth justice as a product of both personal and institutional, individual and social, historical and contemporaneous persons, events and—above all—power relations. By using social trauma as the foundation of a critique of existing youth justice institutions and practices, Oudshoorn makes the particular Canadian experience relevant to an international audience that could take advantage of the its analytical insights and innovative policy proposals.

## 6.

Once Oudshoorn has made clear the normative basis for his "new framework," he sets to work on a methodical and systemic, but never dull or pedantic, case for the urgent necessity of a profound shift in the thinking behind youth justice in Canada. He begins with a brief historical account of his subject matter, especially as it pertains to the aboriginal peoples.

Unfortunately, his narrative is occasionally flawed by an error that should have been caught by an attentive copy editor. For example, on p.21, he misattributes an already questionable quotation from the estimable anarchist Emma Goldman to a fictional Emma Golding; that, however, does not detract from the insight of the comment itself: "Every society has the criminals it deserves." By urging readers to interrogate his text, he subtly involves us in precisely the kind of critical thinking that he champions in his overall approach. He pushes us to keep asking about every aspect of youth justice policy: "Who is deciding this? Why are they doing so? Who do these decisions benefit? Who do they hurt? Oudshoorn thereby makes the best kind of guide to a text—one who pokes, prods and insistently reminds readers that we must participate vigorously in the task of understanding. Reading must becomes active, just as youth justice requires the engagement of the offender, if it is to do any permanent good.

The same approach applies later when Oudshoorn explains in its entirety his theory of youth justice. He shows clearly the defects of early positivism in classical as well as in contemporary psychological and sociological theories compared to the advantages of his own alternative. "Trauma-informed theory" offers a framework that recognizes fully what the authorities are only now being forced to hear and are far too reluctant to accept; namely, that "*all* Indigenous young people have been impacted by settler colonialism and the trauma of cultural genocide [italics his]."

This is *not* a mere moral conceit intended to impose "liberal guilt" upon sequential generations of non-Native Canadians. In fact, it is not really about non-Native Canadians and any kind of collective responsibility they may or should be asked to accept. Rather, it is an empirically sound recognition of a pattern which applies both to indigenous peoples and to Canadians of all backgrounds. As Oudshoorn reports: "multiple studies in North America and Europe have confirmed that over 90 percent of justice-involved youth have experienced some trauma in their childhood" and that factors including physical and major psychological trauma are significant contributors to all youth crime. What is special about Canada's indigenous peoples is their *additional* trauma of colonial oppression. So, in the historic words uttered by Harold Cardinal a half-century ago (Indian Chiefs of Alberta, 2011), they are "citizens plus." The effects of trauma are "even more pronounced when talking about Indigenous youth" and corrective action is therefore more pressing.

The remainder of the book is taken up with compelling examples and analyses of personal and communal experience that is sometimes focused on specific sub-issues including clinical assessments of "damaged or dysregulated [sic] stress response," social patterns of "patriarchy" and "male violence" all leading to the inescapable conclusion that "collective trauma is political" and, upon reflection on a popular (and accurate) feminist trope, individual trauma (often described in terms of PTSD) is political too.

> Shared trust and visions of economic equality and political justice give way to … a hardening of the culture is buttressed by the force of state-sanctioned cultural apparatuses that enshrine privatization in the discourse of self-reliance, unchecked self-interest, untrammeled individualism, and deep distrust of anything remotely called the common good.
> – Henry A. Giroux

As Oudshoorn builds the case for using trauma as the fulcrum for a complex and comprehensive framework, he also takes time to illustrate the weaknesses of other approaches. One particularly engaging criticism concerns the popular appeal of "risk analysis." He draws attention to commonly used predictive "tools" used as measures of antisocial propensities and psychopathic tendencies inevitably rendered in the acronyms so much favoured by private and public institutions eager to (in Kenneth Burke's phrase) "bureaucratize the imaginative." Hence, we have the Psychopathy Checklist's (PCL) Youth Version (YV), the Structured Assessment of Violent Risk in Youth (SAVRY), and the Offender (YO) Level of Service Inventory (LSI) / Case Management Inventory (CMI). They singularly and severally employ semi-structured subject interviews, collaborating "evidence" from sundry social sources (family, teachers, social workers), and information about employment, substance abuse, family relations (perhaps now

including or soon to include social media posts, "likes" and "re-tweets"). These bits of data are then collated, compressed and allocated to three categories which reveal the subject to be a "high," "medium" or "low" risk recidivist. Such methods are said to be of value in making "actuarial" or "clinical" judgements related, for example, to decisions about sentencing, parole release and subsequent surveillance.

Oudshoorn then problematizes the entire approach, highlighting methodological difficulties and questions of suspicious statistical techniques; but, perhaps more importantly, he worries about the way in which such "scientific" methods turn the responsibilities of the justice system over to psychologists and behavioural scientists who concentrate on developing an account of "what's wrong with a person." His main concerns are about the reliability and validity of the "science" involved; but, at a deeper level, he makes a strong (though largely implicit) critique of the project of fabricating algorithms that will surely go some distance toward automating the already questionable bureaucratic modes of assessment and eliminating the human component from what may be fast becoming a digital panopticon.

> Our prison-industrial complex, which holds 2.3 million prisoners, or 25 percent of the world's prison population, makes money by keeping prisons full. It demands bodies, regardless of color, gender or ethnicity. – Chris Hedges

Judah Oudshoorn presses on toward his principal goal. It involves the concept and the practice of restorative justice. A collaborative effort to bring together the interests and, preferably, the personal participation of all those involved in and affected by crime, its aim is plainly therapeutic—for victim, perpetrator and the community at large. He explains the process well, and deals effectively with the main arguments of its chief detractors. Unsurprisingly, the critics are duly put in their places and a message of hope emerges to establish the bridge to a more fully formed linkage between criminal justice, care and healing. Again, however, while the framework is values-based, the theme of "youth justice as trauma-informed care" does not languish on a rhetorical bed on moral platitudes. He adopts what he correctly calls a "decidedly practical stance."

Simply put, trauma-informed care works for the benefit of victim, offender and community more effectively and efficaciously than the expensive, ineffective and ultimately counter-productive ritual of crime and punishment and the retention of cycles of violence within and beyond the prisons. Although Oudshoorn takes his cues from traditional aboriginal sources, ongoing criminal justice reform research and his considerable personal experience as a restorative justice mediator with the Corrections Service of Canada as well as a writer, Professor of Community and Criminal Justice at Conestoga College in Kitchener (Ontario) and Sessional Instructor in Peace and Conflict Studies at the University of Waterloo, there is much that links his approach to important trends in non-Native intellectual traditions as well. For example, the appeal to communication, ethics of reciprocity and mutual respect, and the aim of achieving reconciliation among competing interests and conflicting individuals and groups shares much with the innovative neo-Kantian syntheses developed by contemporary European philosophers such as Jürgen Habermas (Doughty, 2003). Those connections are not explored by the author, but they may prove fruitful for others taking up the torch.

# 7.

As suggested at the beginning, these are perilous times in which polarized politics, declining civility in public discourse, and an apparent enthusiasm for social movements of resentment have put the ideals and ambitions of humane policy innovation at risk for pre-dismissal by so-called "populists" in and out of power. In circumstances so fraught with hostility and suspicion—especially of anyone attempting to solve problems without recourse to coercion—people such as Judah Oudshoorn can expect little easy acceptance or even a fair hearing by the authorities, the mass media, and an inattentive, deeply suspicious public. *Trauma-Informed Youth Justice in Canada* can therefore expect a tough reception or, worse, rejection by indifference and consequent marginalization.

Oudshoorn's supporters and colleagues have a different attitude. People with open minds and a susceptibility to persuasion by reason, evidence and even an appeal to self-interest have already warmed to the book and the ideas and actions it advocates. In what seems to be an unsettled society facing unfathomable challenges and subjected to often irrational or at least ill-expressed and poorly justified partisanship, some see the juxtaposition of danger and opportunity in circumstances that they boldly claim to be times ripe for change. Since further descent into democratic deficit is plainly one such possible direction of change, we are obliged to push toward a different route and destination. Those of us with a longstanding interest in large questions of human nature and the good society can make common cause with those of us who are frontline participants in the struggle for improvement in the legislative, administrative and judicial sectors as well as in the education of the public.

*Trauma-Informed Youth Justice in Canada* presents an excellent example of the kind of thinking that can serve the interests of social reform and social science well. It sets aside false claims of objectivity and opens up a way of putting argument and evidence in the service of humanity—the public good, not obscured by partisan or private interests shrouded in the guise of detachment and disembodied instruments of accountability. It opens with a charming sentiment expressed by Bishop Desmond Tutu: "Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world." It hands us a guide with which to start putting those bits together. Whether his project succeeds is now pretty much up to us.

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