

Book Review

Phil Goodman, Joshua Page & Michelle Phelps,
*Breaking the Pendulum: The Long Struggle over
Criminal Justice* (Oxford University Press, 2017)

Justin Piché*

WHETHER ONE POSITIONS THEMSELVES AS A PUNISHMENT AND society scholar trying to make sense of penality and its connection to broader developments outside the penal system, an academic engaged in working towards social justice on the ground, or both, *Breaking the Pendulum: The Long Struggle over Criminal Justice* by Phil Goodman, Joshua Page, and Michelle Phelps offers many useful tools to help us think about and act in the face of the many problems presented by “criminal justice.”

As the title of the book suggests, the analysis presented by the authors seeks to break with past accounts within and beyond the academy that theorize penal change throughout the history of the United States as occurring in a sweeping way whereby new carceral logics and practices displace previous ways of imagining and doing the work of punishment. In their account, penal change does not occur in a vacuum, it is not the product of a “pendulum swing” that scorches the earth it passes over, adds topsoil to its surface, and plants seeds that grow immediately, giving punishment life anew or a “punitive turn” towards a new order with little remnants of the past readily visible. As their point of departure, Goodman, Page, and Phelps advance three key ideas as part of their “agonistic” approach inspired by Pierre Bourdieu, which places struggle at the center of making sense of social change, to which they return throughout their book to assist those engaged in thinking about and/or trying to shape penal fields.

First, they assert that “[p]enal development is the product of struggle between actors with different types and amounts of power” (p. 8). This analytical anchor forces us to map the penal field under scrutiny, to identify dominant actors wishing to preserve the status quo and those seeking to

* JUSTIN PICHÉ is Associate Professor in the Department of Criminology (email: justin.piche@uottawa.ca), Co-managing Editor of the *Journal of Prisoners on Prisons* (www.jpp.org), and was an organizer of the Fifteenth International Conference on Penal Abolition.

challenge it, as well as the forms of capital (e.g. economic, political, and cultural) they each possess and the dynamics of power that shape their ability to alter penal landscapes. Such signposts can help us understand how rehabilitation and the project of transforming prisoners into law-abiding, productive citizens through various forms of “correctional” intervention and services persisted even during the height of mass incarceration in the United States. As the authors show in Chapter 5, “Deconstructing the Carceral State,” it was through the efforts of “correctionalists” who “reframed rehabilitation in the language of ‘evidence-based practices,’ cost-effectiveness, and public safety,” while developing “techniques such as risk assessments that gave their projects scientific legitimacy” and “drawing on neoliberal logic,” that individualized accountability rendering prisoners responsible for their own transformation “kept rehabilitation alive” (p. 121). Although this reconfiguration of rehabilitation has been roundly criticized by critical criminologists, sociologists of punishment, and socio-legal scholars, the fact that the idea that human beings are capable of change was maintained at all as retributive victims’ groups, police and guard associations, politicians, and the like successfully marshalled their punishment agendas premised on denunciation, deterrence, and incapacitation did, as Goodman, Page, and Phelps argue, lay the groundwork for future contestation and penal reforms premised on other objectives.

A second idea guiding the book is that “contestation over how (and who) to punish is constant; consensus over penal orientations is illusory” (p. 13). This tool encourages the reader to not view penal change as the passage of one era to another, with moments of silence in between where there is no opposition to the dominant orientation of a penal field. Whether in periods viewed as progressive or regressive in the punishment and society literature, the authors force us to account not only for the victors at a given time in penal history, but also for those on the margins such as prisoners. With much emphasis placed on making sense of shifts in penality, the second signpost instructs us to account for continuities in carceral logics and practices, as well as configurations that blend the “old” and the “new.” Place too matters for the authors, as penal developments are uneven, as is the case in the United States, whether at the scale of the nation, of the state, or between penal institutions within a same jurisdiction. Such signposts are relevant today as recent decriminalization, decarceration, and “correctionalist” efforts, particularly with respect to those criminalized as part of the war on drugs, run up against renewed efforts by law-and-order types to reinvest both materially and symbolically in mass incarceration. The authors demonstrate

in Chapter 6, “Beyond the Pendulum,” that “incumbents in one era do not stop fighting once their preferred visions come under sustained critique and lose political valence” (p. 128). As such, “it is clear,” for Goodman, Page, and Phelps, “that we are in the midst of a process that is significantly more complex than an uncontested national consensus on ‘ending’ mass incarceration” (p. 132).

Third, and in line with punishment and society scholarship, the authors reassert the need to account for the fact that “large-scale trends in the economy, politics, social sentiments, inter-group relations, demographics, and crime affect (or condition)—but do not determine—struggles over punishment and, ultimately, penal outcomes” (p. 13). This line of inquiry ensures that accounts of penal change pay attention to how ideological collisions, social processes, and events that work their way through various fields shape ‘criminal justice’ struggles and their outcomes. It is an approach that helps one understand that punishment is the product of broader social forces, as well as of circumstances that allow for the persistence of existing configurations of penal power and the emergence of new or blended ones. It is through such signposts that one can arrive at a more nuanced vision of what imprisonment in the United States entailed at different moments in time. For instance, as Goodman, Page and Phelps discuss in Chapter 3, “Rehabilitation—All Things to All People,” during the few decades immediately following World War II the push for a more inclusive society resulted in the introduction of various progressively couched penal reforms and professionals into carceral settings. Far from an era where progress reigned, which is often promulgated in romantic accounts regarding the period, these penal changes were met with considerable resistance—notably from many custodial staff who came to view penal changes as disruptive to institutional order and prisoners who began to see their “treatment” as a ruse legitimating their control. This opposition, along with conditions and events external to the prison, contributed to the decline of the rehabilitative ideal, but not its disappearance.

By bringing the three axioms of their agonistic perspective together, the analysis by Goodman, Page, and Phelps puts the spotlight on the messiness of penal change and, in the process, reinforces the notion that struggling against injustice makes a difference even when returns are not immediately visible or do not even appear to be on the horizon. For me, a scholar working towards a world without prisons and punishment, this book provided a measure of hope that struggle matters, which is a rare feeling to have when reading an account of the penal past, present, and future. Having said this,

I think the book could have had more liberatory potential had the analysis on “the long struggle” focused less on contestation over “criminal justice” and more on the fight *against* it. By more robustly acknowledging abolitionist struggles that challenge the necessity of punishment and their role in shaping penal fields (albeit most often on the margins), the book could have offered also a detailed account of the efforts to open up possibilities for a future where transformative forms of societal and individual accountability displace a punitive justice that subjects criminalized individuals to the violence of policing, courts, prisons, and the like. In short, the contribution offered by Goodman, Page, and Phelps breaks away from pendular thinking, but not from the taken-for-granted idea that punishment and “criminal justice” more broadly are here to stay. Using their conceptual tools, however, can allow us to think about and fight for what appears to be, at present, impossible. And for that this book is a necessary and insightful read for social justice scholars, progressive and radical alike.