

Critical Dialogue

The Myth of the Community Fix: Inequality and the Politics of Youth Punishment. By Sarah D. Cate. New York: Oxford University Press, 2023. 268p. \$99.00 cloth, \$29.95 paper. doi:10.1017/S1537592724000811

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Sarah Cate's *The Myth of the Community Fix: Inequality and the Politics of Youth Punishment* provides a welcome intervention at the intersection of American politics and criminology. Using California, Texas, and Pennsylvania as case studies, Cate traces the consequences of devolving control over juvenile justice, detention, and surveillance to the local level in an era of fiscal austerity. She contends that the community-based juvenile justice reform movement is driven by the misguided privatization of punishment, by moral uplift programs that ignore social factors that place youth at risk, and by the persistent use of punitive policies to address delinquency. Although the stated goal of community-based rehabilitation programs is to keep young people closer to their families, the book shows how in practice, youth are being sent hundreds of miles away (70–71, 98–99). Private prison operators eager to fill facilities are profiting off these arrangements without fulfilling their stated objectives of rehabilitating young people (99–100). In short, young people caught up in these juvenile justice initiatives are left to languish under carceral supervision, undermining their chances for success as adults.

Cate sets the stage for her book by highlighting the neoliberal turn toward austerity and privatization in American governance and political economy (29). Although *The Myth of the Community Fix* focuses on the juvenile justice system, she seeks to demonstrate that this is just one area that has suffered from “broader attacks on public goods and the ascendant role of the private sector in American governing structures” (17). She characterizes the New Deal as an era when state officials sought to implement a rehabilitative model in juvenile justice institutions, among other public goods. She then explains how community-led institutions, including county facilities and private for-profit institutions, gradually supplanted this public model of corrections. This “community fix” involved outsourcing the functions of juvenile justice institutions to the for-profit private sector, which has an

interest in widening the net of incarceration to fill facilities and obtain more funding. It also involves blaming young people for the socioeconomic situation that they and their families find themselves in. In this respect, the book's focus on the structural and social causes behind young people's infractions of the law provides a refreshing alternative to tired narratives from policy makers dominated by “personal responsibility” and “self-help” tropes—tropes that the book adeptly deconstructs (117–24).

Cate also exposes the role that well-meaning but not publicly accountable philanthropic institutions—including the Annie E. Casey, MacArthur, and Ford Foundations—have played in inadvertently widening the net of juvenile detention (20, 54, 55, 84). These organizations fund research aimed at assessing young offenders' propensity for rehabilitation through a quantitative measure of their “risk profile” (127–37). They also rely on interventions like cognitive behavioral therapy to “correct” supposed individual character flaws while ignoring the structural forces, such as economic deprivation, racial discrimination, and the state-sponsored separation of families, that place youth at risk in communities with diminishing opportunities (42, 123, 129, 137). These risk assessments aimed to cut costs in the system as part of the broader neoliberal turn. Cate also convincingly demonstrates that the risk assessments developed and financed by these philanthropic organizations and then implemented at the local level framed racialized young people as high risk and deserving of retributive punishment (169–72). Because researchers follow grant money in offering their services to these deep-pocketed foundations, it is important to revitalize public, accountable models of funding in the social sciences to ensure less biased research on important social issues and policy initiatives, including on reforming the juvenile justice system.

The neoliberal turn toward privatization not only outsourced policy research and expertise to foundations with preset agendas but it also dovetailed with an increasingly retributive approach to juvenile justice among public officials. Cate clearly demonstrates how these flawed quantitative risk assessments led cash-strapped localities—with little state support—to subject vulnerable young people to more punitive sentences (169–72). She finds that during the latter third of the twentieth century, criminal justice officials turned from rehabilitation to a

punitive mindset for so-called high-risk offenders. They blamed young people in dire socioeconomic straits for their problems, instead of recognizing the role of poverty, racism, deindustrialization, and high youth unemployment in creating desperate situations that lead at-risk young people to offend. In doing so, a focus on individual character displaced a more social and structural response to juvenile justice.

The book's analysis draws on three state-specific case studies. Cate shows how state and local officials across party lines in Pennsylvania, California, and Texas have pursued similar policy solutions in the late twentieth and early twenty-first centuries. This congruence can perhaps be traced to the American Legislative Exchange Council (ALEC). Although not mentioned in her book, ALEC is a corporate-funded pressure group that brings together conservative state lawmakers from across the country to encourage them to introduce and pass right-wing legislation: it appears from her analysis that these policy changes have been coordinated between US states through ALEC's model bill for a Juvenile Justice Act.

Cate's case selection is intriguing. California and Texas are the most populous states in the United States and are often positioned as ideological opposites, yet they nonetheless have exhibited similar trends toward devolution, privatization, and cost savings in their criminal justice systems (41–42). This is where Pennsylvania appears to be distinct from the other two cases. In discussing her case study, she identifies Pennsylvania's "Balanced and Restorative Justice Legislation" of 1995 as a crucial point in the state's move toward juvenile justice privatization (45, 89). At this juncture, it would have been helpful if Cate had explored why restorative justice was included in this legislation's title and whether the restorative elements of the act offered any advantages in supporting young people and their communities. Cate does cite A. W. Dzur's article, "Restorative Justice and Democracy: Fostering Public Accountability for Criminal Justice" (*Contemporary Justice Review* 14 (4): 2011, 81), but she does not discuss restorative justice in any detail. It may be of interest to readers to show how Pennsylvania's reforms compare to the ideal of restorative justice as it is understood by its proponents, such as Dzur or John Braithwaite, who has written a corpus on this issue.

Given her interest in the promise and pitfalls of community-based justice reforms, I would be very interested to hear more about what Cate has to say regarding the restorative justice movement, perhaps in a future article. Restorative justice, after all, is a very significant research area in criminology and a broader movement within the justice systems of many jurisdictions around the world. Many movements aim to reconcile victims and offenders at the community level, thereby displacing the pursuit of criminal justice from state courts. Encouragingly, restorative justice initiatives can be decolonizing and empowering for embattled Indigenous polities in a wide

range of settler states like Canada, Australia, and the United States. It can privilege Indigenous justice traditions that promote reconciliation between the victim and the offender over the adversarial proceedings imposed by settler states that do not seek the input of the victim, the offender's family, or wider cultural support networks. There are pioneering (though imperfect) restorative justice initiatives where victims and offenders work to devise alternatives to sentencing aimed at reconciliation, such as the Hollow Water First Nation Community Holistic Circle in Manitoba, Canada. Yet Cate's book often casts community-based approaches in an overwhelmingly negative light as compared to government-led, state-funded models. I would have liked to see counterarguments and examples where community-led initiatives do serve the needs of juvenile offenders—and to hear Cate's assessment of these initiatives and the theories of community repair that subtend them.

Cate clearly demonstrates that these states have pursued increasingly punitive sentences for youth offenders. However, in framing these sentences as punitive, it would have been helpful if the book's analysis had drawn on concepts used in the philosophy of law to describe the functions of punishment. Rhetorically at least, rehabilitation often remains the stated goal of punishment in the local and private-led institutions Cate discusses. But these private or local juvenile justice facilities actually punish by incapacitating youth through long sentences and giving voice to community expressions of retribution directed at these young people's alleged moral shortcomings. Punishment as incapacitation, therefore, could offer a useful conceptual tool, especially when it comes to Cate's discussion of the misuse of involuntary civil commitment for juvenile sex offenders (163). This policy allows prisons to hold offenders beyond the end of their sentence if carceral officials deem that they possess a "mental abnormality" and a predisposition to sexual violence that is resistant to treatment and that makes them likely to reoffend. Both Cate and I disagree with such an open-ended justification for incapacitating individuals beyond the end of their sentence—and we strongly reject the view that incapacitation is not a form of punishment.

In turn, Cate's concluding chapter about "bringing public goods back in" offers a helpful guide for researchers and policy makers alike to the reforms that she considers to be necessary to reverse the neoliberal turn in juvenile justice (184). I broadly agree with the author's assessment about the failures of privatization and the need for significant public investments if the "goal is to have all youth well cared for, connected to their families, and supported, as the leading reform models assert" (192). This is an aspiration that Cate notes should be achievable in the United States given its wealth, albeit if that wealth were more equitably distributed and invested in preventive measures (192–94). And I am convinced by her assessment that "we should not

be looking to foundations, non-profits, or private companies to be saviors” (196). Instead, this move toward “meaningful safety and support” (201) will require policy changes that increase state funding for social goods like family assistance, affordable housing, education, and empathetic, nonjudgmental forms of mental healthcare, thereby shifting the focus from punishment to prevention.

The Myth of the Community Fix is a thoughtful and well-reasoned book that should be required reading for scholars interested in questions of juvenile justice reform at the state and local level in the United States. But it also speaks to scholars interested in the pitfalls of privatizing essential government services more broadly. I strongly recommend this highly accessible book for undergraduate classes and graduate seminars in US politics, public policy, and criminal justice.

Response to Michael J. Sullivan’s Review of *The Myth of the Community Fix: Inequality and the Politics of Youth Punishment*

doi:10.1017/S1537592724000835

— Sarah D. Cate 

I am deeply grateful to Michael Sullivan for his generous review and insightful questions. The review pushes us to consider more deeply which avenues are most capable of resolving the injustices of the criminal legal system—a goal both our books clearly share and seek to advance. To this end, I will respond to his questions regarding restorative justice and the relative advantages of community-led reforms.

In comparing the Pennsylvania legislation to the ideals of restorative justice, the law falls well short. The inclusion of the “restorative” portion of the “Balanced and Restorative Justice” (BARJ) legislation was rooted in the victims’ rights movement, one of the many diverse ideological strands of the restorative justice movement that A. W. Dzur delineates in his 2011 article, “Restorative Justice and Democracy.” The emphasis on a “balanced approach,” however, signaled the shift *away* from a more ostensibly rehabilitative focus for juvenile corrections to a punitive accountability model. Pennsylvanian lawmakers viewed punitive accountability as entirely compatible with principles like “victim restoration” and “youth redemption.” Although gesturing to these values might seem better than a purely punitive accountability approach, the inclusion of the “restoration” language ultimately bolstered and legitimized what was fundamentally a slate of harsh punitive policies that passed that year. The Pennsylvania bill’s incorporation of “restorative justice” at the margins—rather than in place of retribution—represents one of the potential pitfalls of the restorative justice movement that Dzur warns about.

I appreciate Sullivan highlighting the promise of restorative justice broadly, and I consider his book an excellent call for this movement. There is great value in orienting our response to criminal acts around repair, prioritizing the full needs of both offenders and victims, and shifting away from the stigmatizing and cruel approaches used predominantly by the United States. However, reversing the effects of neoliberalism—principally the destruction and privatization of public goods that have resulted in extreme inequality—is critical to realizing the goals of the restorative justice movement. It is necessary to consider the broader economic, social, and political context in which restorative justice programs take place. In other words, what contexts are people being “restored” to? I am wary of approaches to restorative justice that embrace libertarian impulses and that risk exacerbating and reproducing the prejudices and significant power differentials that facilitated punitiveness in the first place.

My book too shows that the most critical aspect of policy design is not whether it is “government-run” versus “community-based.” For example, it was the organizing efforts of local labor unions, teachers, and parents that helped pass the “government-led” solution of wage increases and greater investment in schools (an example of a positive intervention that serves the needs of young people described on p. 198). Conversely, a purportedly “community-based” self-help program in Texas is run by a for-profit company, is subsidized by the state government, and is the result of a large charitable foundation pushing a model of reform with little input from Texans. What is key to charting a successful path forward are public policies capable of overturning the current neoliberal economic arrangements and geared toward providing for the public good. Policy interventions capable of such significant transformations will have to come through major governmental initiatives—the only way to amass the resources and power capable of addressing current state and market systems—but these types of government-funded initiatives will only be won through fights waged by popular majorities. I hope that this leads us to think more critically about the term “community” and how it is often used to mask privatized policies that are deeply undemocratic.

Born Innocent: Protecting the Dependents of Accused Caregivers. By Michael J. Sullivan. New York: Oxford University Press, 2023. 264p. \$83.00 cloth.

doi:10.1017/S153759272400080X

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In 2018, Americans were captivated by media attention that spotlighted the practice of family separation at the southern border under the Trump administration.