Doing Justice to Difference:
Moving Towards a Cosmopolitan Vision of Justice
Barbara Hudson's Legacy [*]

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ABSTRACT

Professor Barbara Hudson's visits to Brazil, especially as a visiting Professor on the Masters Programme in Law and Social Inequality at the State University of Northern Paraná (UENP), alongside the enduring friendships she forged, greatly infused her thinking on inequality and Cosmopolitan Justice in societies of strangers and in a time of fear. Her ability to clarify the labyrinthine of complex theories, arguments and methods of criminology-socio-legal enquiry are certainly evident throughout her work. Here, my contribution has evolved from the ethos of this journal, and from what Barbara often expressed as being the main themes underpinning her values and academic scholarship, which she asserted should be put into a proper context.

Keywords: Borders. Migration. Cosmopolitanism. Justice. Ethics. Human Rights. Barbara Hudson.

1. INTRODUCTION/BRIEF BACKGROUND

As a World-renowned critical thinker, writer and keynote speaker, whose sense of justice and injustice knew no bounds, Barbara was rightly described as *"being amongst seven of the most influential British scholars of the last forty year"* (WALTERS, 2008, p. 22), who truly enjoyed working with early career researchers and fostering new directions in criminological endeavour, especially as a visiting Professor on the Masters Programme in Law and Social Inequality at the State University of Northern Paraná (UENP), Brazil. Those visits alongside the enduring friendships she forged, greatly infused her thinking on inequality and Cosmopolitan Justice in societies of strangers and in a time of fear (HUDSON, 2008a; 2012a).

Barbara wrote with exceptional clarity and was never impressed with the need to

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crouch critical thinking in 'verbal foliage', nor was she enthralled when she encountered what she described as 'academic arrogance'. Consequently, her interdisciplinary scholarship gained enduring popularity for its accessibility and understandability (HUDSON, 1996; 2003d). Her ability to clarify the labyrinthine of complex theories, arguments and methods of criminology-socio- legal enquiry are certainly evident throughout her work. Whilst her never-ending patience and guidance on the 'joys' of critical reflection undoubtedly assisted nervous students in transcending 'their dread of writing their methodological chapter' and applying critical analysis to a wide-range of topics (HUDSON, 2002a; 2011a).

Despite the fact Barbara was an eloquent speaker on punishment and social injustices; penological theory; punishment and exclusion; contemporary theories of justice and inequalities, she was always incredibly self-conscious when it came to talking about herself and her many achievements[1] – modestly never quite believing people genuinely wanted to listen, absorb and apply what she had to say.

Here, my contribution does not profess to be a polished critique of her extensive works, although Barbara always actively encouraged us to do so. It has evolved from the ethos of this journal, and from what Barbara often expressed as being the main themes underpinning her values and academic scholarship, which she asserted should be put into context, because situations do not last for all time.

2. THE EARLY YEARS.

I smile as I indicate the 'early' years, because Barbara always said she was "a late starter" in academia not being awarded a BSc in Economics from the University of London until 1976. By 1977, she had an MA in Sociology and Social Philosophy from the University of Kent at Canterbury, and from 1977 to 1981, she was a part-time Lecturer and PhD student of the late Professor Stanley Cohen in the Sociology Department of the University of Essex. By September 1981, she had submitted her ground-breaking PhD Thesis on, *The Rules of Behaviour of Teenage Girls: A Case Study in Social Control Theory*.[2] Here, her theoretical interest, derived from 'Philosophy as well as Sociology, [in the traditional Sociological

[1] As I invited her to do on the Module Key Thinkers in Criminology: topic being 'Hudson– Doing Justice to Difference', presented in March 2013 at UCLan.

[2] Barbara applied Michel Foucault's (1972) notion of 'discourse' to operationalise the Interpretative frameworks used by teenage girls in adopting rules for themselves as they grew into women'. This was "based on interviews with fifty teenage girls; interviews with Teachers, Probation Officers, Social Workers and Youth Workers'; and analysis of the Magazines read by the girls was used to illustrate that forms of behaviour were evaluated in terms of 'femininity' and 'adolescence" (HUDSON, 1981, p. i). A little-known fact is that Barbara was once an 'Agony Aunt' for *Jackie* a weekly British magazine for girls, published between 1964-1993.

"problem of order" sense]', and her empirical interest derived from "her experiences as a Social Worker as well as her developing a feminist consciousness" (HUDSON, 1981, p. ii).[3]

3. CRIMINAL JUSTICE POLICY, SENTENCING 'SERIOUSNESS' AND DISCRIMINATION.

Between 1981 and 1984, Barbara was a Research Officer in the Centre of Youth, Crime and Community at Lancaster University, where she was engaged as a consultant to Social Services and, from 1984 to 1989, she was a Research Officer for the Probation Service in the Middlesex area. Ultimately, the initial aim of her research was to enable Social Workers and Probation Officers improve their Court Reports and the Programmes they provided for dealing with juveniles, at a time when the United Kingdom [UK] had the highest rate of imprisonment of young people in Western Europe (HUDSON, 1984; 1987).

Barbara always contended that when she embarked on her first book (HUDSON,1987), she did not really know whether in the end she could prove her instinct – that crime and sentencing are very complex issues and to have one big idea ['seriousness' of the current offence] must have its difficulties. This hunch had emanated from her extensive analysis of Greater London sentencing decisions,[4] examining disparities and discrimination between groups,[5] which regularly identified contradictory findings, and could only be explained by her looking at disparities and discrimination within groups (HUDSON,1987; 1988; 1989a:27).

Barbara was never ingenuous to the possibility of 'discrimination' within 'white privileged' criminal justice decision-making (HUDSON, 1989, p. 26) because she had identified, in practice, that the intersectionality of non-legal factors[6] really did make a negative difference when it came to sentencing certain defendants (HUDSON, 1989 p. 94). In terms of 'justice', detaching those 'non-legal' factors from the legal variables, at the sentencing stage, meant ignoring the discriminatory use of discretion that the most disadvantaged and vulnerable members of society often experience when they encounter 'gate-keepers' of the criminal justice system:

[3] "[…] in the lives of teenage girls, and particularly in their problems of making sense of the confusing jumble of conflicting expectations held of them by adults in society" (HUDSON, 1981, p. iii)

[4] Barbara attended several Magistrates' and Crown Courts in the Greater London area over a three-year period. Alongside consulting official statistics and scrutinising some 8,000 sentencing decisions, she actually read cases, which in those days was a ground-breaking form of enquiry.

[5] Linked first to gender, then race in the 'one factor at a time way' research was conducted in those early days.

[6] Including gender, 'race', employment status and lower socio-economic minority groups.

> Recognition of the significance of 'non-legal' factors in definitions of crime, arrest, prosecution and sentencing; understanding of the negotiated, discretionary, processual nature of criminal justice, and frank acknowledgement of the inevitability of discrimination offers more hope for some reduction in the imprisonment of members of disadvantaged groups than the pretence that the law enforcement/criminal justice system could ever eliminate discrimination linked to non-legal characteristics and dispense 'justice' based on legal factors alone. (HUDSON, 1987, p. 128-129)

4. SENTENCING, POLICY FROM 'SOCIAL ILLS' INTO 'CRIME PROBLEMS'.

By 1989, Barbara had completed her agency research and accepted a Senior Lecturer post on the Law Degree at the University of Northumbria in Newcastle, where she went onto to become a Reader and then Professor. In *Discrimination and Disparity: The Influence of Race on Sentencing* (HUDSON, 1989b); *Penal Policy and Social Justice* (HUDSON, 1993a); *Race, Crime and Justice* (HUDSON, 1996a), and *Social Control* (HUDSON, 1977), Barbara was still examining the sentencing of the poor, ethnic minorities and the powerless. She was, however, also considering the big political shift from seeing things as a 'social problem' to seeing them as a 'crime problem'.

Barbara often remarked that the most thought-provoking chapter in *Racism and Criminology* (HUDSON, 1993b) was 'Race Issues in Research on Psychiatry and Criminology'(BROWNE, 1993), because it reasserted the unjust racist policy of incarcerating mentally vulnerable people of ethnic origin, "for longer periods, in the name of public protection" (HUDSON,1987, p. 93). Over time, some policy makers believed providing 'support' in the wider community was preferable to controlling, treating and segregating these 'problematic' peoples in institutionalised settings (Hudson, 2002, pp 243-244). However, Barbara's research identified the 'criminalisation' and immediate imprisonment of the destitute and of those with unresolved mental-health concerns, when their acts of 'criminality' could have been viewed as desperate cries for compassionate medical assessment, care and support, not immediate incarceration, which intensified their already fragile state (HUDSON, 1993a).

5. CRITIQUING NEW THEORIES AND MODELS OF JUSTICE.

By 1999, Barbara was Professor of Law at UCLan, where she immersed herself in and continued to examine new theories and modules of 'justice'. Initially, she considered the rise, applicability and controversies surrounding the range of 'Restorative Justice' approaches, as introduced for young offenders and then extended to adult offenders as well (HUDSON, 1998; 2002c). Barbara highlighted perceived failings in responding to 'serious crimes' and advanced arguments in relation to the applicability of 'Restorative Justice' to sexual, racial and 'domestic' violence offences (HUDSON, 1998, 2002c). However, Barbara maintained the greater potential

of 'Restorative Justice' for providing "satisfactory outcomes in more serious cases" (HUDSON, 2002c, p. 621), "remained less easy to envisage", as it is not always possible "to reach some equilibrium between the victim, the offender and the community" (Hudson, 1995a, p. 10). Moreover, the most intractable obstacle facing restorative Justice was the fact that in many Countries, including the UK there needs to be:

> […] recovery of a culture of social inclusion which underpins and supports the development of process [and policies] that are reintegrative rather than eliminative, and where the goal is the enhancement of social justice (Hudson, 1998b: 256) […] which means the equitable distribution of rights and benefits, duties and responsibilities; and governance in the interests of all rather than in the interests of some groups or subsections of society at the expense of others (HUDSON, 1995a, p. 1).

6. JUSTICE AND THE DOMINANCE OF 'RISK'.

Barbara became increasingly concerned with the dominance of risk in sentencing and in criminal justice policies generally, which appeared to be at the expense of 'justice' values such as "fairness, consistency and proportionality" (HUDSON, 1993a; 1995b; 2000a, p. 4; 2003b). Her focus was on those who were categorised as 'different', as 'risky others', and this led Barbara to write about the increased vulnerability to imprisonment of minorities and women, who were often categorised as being at greater risk of reoffending, even if their offences were of a non-violent nature (HUDSON,1995b; 2000a).

To Barbara, 'justice' was becoming like a "distorted endangered species" in societies which were losing sight of the regulative ideal of 'justice' (HUDSON, 2000:2; 2001). Thus, it was her fervent interest in 'rights', 'risk', punishment and the need for a non-repressive respect for 'difference' [HUDSON, 2000a; 2000b; 2003c], which enthused her seminal work *Justice in the Risk Society* (HUDSON, 2003a). In this context, Barbara further considered the challenges to 'justice' posed by the politics of 'risk', communitarianism, feminism and post-structuralism, and she brought forward theoretical formulations, which could offer resources for reconstructing 'justice', which took account of and moved on from those initial critiques.

7. HUMAN RIGHTS, JUSTICE AND 'RISK'.

When human rights[7] came onto the agenda as an "anchoring value for criminal justice" (HUDSON, 2004:64), Barbara expressed anxieties about the "role of human rights being at the boundaries of Justice" (HUDSON, 2004, p. 66), and to "whom human rights are owed and

[7] Provisions of the 1953 European Convention on Human Rights [ECHR] (formally the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms), were incorporated into the domestic law of the United Kingdom by the 1998 Human Rights Act.

under what circumstances they may be suspended" (HUDSON, 2003a: 213; 2003b). Her interest in the increased emphasis on 'risk' and 'security', was sparked by the narrow way in which [over recent years] a 'suspect' has been treated almost like an offender.[8] For Barbara, this is was clearly evident in anti-terrorism legislation, which also has a racial dimension, because people purported to be of 'Asian/Muslim' appearance have been, and continue to be, subjected to escalating suspicion and enhanced security activities, even when there is no genuine cause for it.

Towards the end of *Justice in the Risk Society,* she was considering the relationship between 'community and justice', and why any society should care about and include the sorts of people who are currently being denied any justice:

> The challenge [is] dealing with people who are so different that they really are beyond inclusion in the liberal community. This may be because they appear to be outside our moral and imaginative community […] We should constantly question our boundaries of inclusion and exclusion […] and find ways of doing justice to these 'outsiders' as well as readmitting some of those we presently clarify as outsiders to the status of insiders (HUDSON, 2003a, p. 204)

That led her to consider the development of a global perspective on upholding 'justice', 'diversity' and 'difference' in an age of divided societies (HUDSON, 2007a; 2008b). Her critique then focused on the denial of 'justice' in relation to the 'war on terrorism' (HUDSON and WALTERS, 2009a; HUDSON, 2009a); and denial of 'justice' in relation to 'regulating' the 'rights of 'strangers' during the escalating 'war on migration and citizenship' (HUDSON, 2009c; 2010; 2011b; 2012a, 2012b).

8. HUMAN RIGHTS, TERRORISM AND 'JUSTICE'.

In relation to anti-terrorism, Barbara was horrified by the way extended periods of detention without the right to a trial, and the use of 'torture' had become increasingly accepted as the "lesser of two evils post events of 9/11 attacks in America" and elsewhere (HUDSON, 2009b, p. 709). Barbara asserted that fundamental human rights [including, the absolute right to be free from being tortured, not being treated in an inhuman or degrading manner,[9] and

[8] In S. AND MARPER v. THE UNITED KINGDOM - 30562/04 [2008] ECHR 1581(4 December 2008), [2009] Crim LR 355, 48 EHRR 50, 25 BHRC 557, (2009) 48 EHRR 50, the ECHR unanimously ruled the blanket retention of DNA profiles taken from innocent people constituted a disproportionate interference with their right to private life (Article 8 of the European Convention on Human Rights [ECHR]. In response, the Protection of Freedoms Act 2012: was enacted to cover the use, retention and destruction of DNA and fingerprint profile (Chapter 1, S.1-25).

[9] As per Article 3 European Convention on Human Rights (ECHR) and the United Kingdom's Human Rights Act (HRA)1998, which came into effect in the UK in October 2000.

freedom from being deported or extradited if, 'suspected of being involved in terrorism'],[10] are only needed in the circumstances when we are tempted to neglect them, and for people we have no sympathy towards:

> […] Our ideals need to be defended when we are most likely to disregard them, and justice is never secure as long the human tendency to define others as enemies undeserving of rights and protections persists (HUDSON and WALTERS, 2009a, p. 604)

In heightened times of terror people around the World are rightly concerned about 'safety' and 'security', but those apprehensions should not be at the expense of 'justice' (HUDSON, 2012a; 2012b). Those who threaten 'the propertied white person's security' might well be beyond our comprehension and compassion, but according to Barbara, even the alleged "worst of the worst" need legal protections and defending their human rights in 'times of terror' demands that we:

> […] challenge the dehumanisation of anyone. Whatever their crime, no person is devoid of humanity, and labels such as 'evil', animal and super-predator which define people entirely by their wrongdoing should be contested. The universalism of human rights is a vital counter-discourse […]. While the content of human rights may be a minimalist core of overlapping cross-cultural values, the reach of human rights could not be more extensive: all persons, not just members of one's own community, not just members in good standing in any community, have rights that each of us is morally obliged to uphold. (HUDSON, 2003a, p. 223)

9. HUMAN RIGHTS, MIGRATION, RISK AND 'JUSTICE'.

Barbara, then applied those ideas of 'rights', 'security' and 'justice' to 'strangers' and migration, because in recent years we have become incredibly hostile to migrants, refugees and asylum-seekers who have been forced, or shown the initiative to flee from natural disasters and persecution in their own country (HUDSON, 2007b; 2009c). Throughout history, people have always migrated for mixed motives, and we used to admire them for doing so, but now we talk in terms of 'illegal', 'criminal' immigrants and 'bogus'/'failed' asylum seekers (HUDSON, 2007b; 2007c).

So, Barbara considered theories and ideas that might make us more sympathetic to those total 'outsiders', and in 'Punishing Monster-Judging Aliens: Justice at the Borders of Community', she moves through those issues from people in our own communities, who we cannot understand, towards the 'stranger' at our gates (HUDSON, 2006). In 'All the People in All the World', Barbara logically explains why we cannot avoid encounters with strangers

[10] If there is a real risk of facing torture or inhuman or degrading treatment or punishment in the destination country –see Chahal v United Kingdom [1996].

(HUDSON, 2011b), and whilst we might not actively seek-out encounters with people we cannot possibly understand, migrants and asylum seekers are fellow- human beings deserving of 'hospitality', sanctuary and 'justice':

> […] we live on an earth which is spherical […] [so] it is impossible to avoid encounters with strangers […] The stranger is not a guest, the encounter is unsought […] and their visitation might be dangerous […] [but our] response must not be violence, degradation, or refusal to meet the needs of the stranger (HUDSON, 2011b, p. 120)

10. THE 'CAMPS', HUMAN RIGHTS AND 'JUSTICE'.

Drawing on the work of Mike Davis (2006) Barbara considers how 'slums' and 'shantytowns' have grown up and multiplied in relation to increased migration, and highlights how so many people are increasingly being forced to live precarious lives throughout the World. Barbara found the clustering of desperate people at borders, in 'shanty towns' and in the 'ghettoes' as examples of Giorgio Agambem's (1998) conception of the 'camp' in that they are dreadful spaces where people endure a 'bare life' having no reliance on rights or the rule of law (in HUDSON, 2010; 2011b; 2012b; 2015).

To Barbara, these are contemporary spaces where the struggle for the basic human rights and facilities [we all take for granted] needs to be addressed and won, and where the principles of 'hospitality' and 'non-violence' must be honoured (HUDSON, 2011b). According to Barbara, here we find great injustices and dilemmas of justice, and poverty is the linking factor, because it is the poor, impoverished and unwanted of the earth whose movements are restricted and criminalised. Justice and security are enjoyed in large measure by 'respectable' citizens of affluent nations, but the poor of the earth enjoy neither (HUDSON, 2006; 2007a; 2007b)

11. COSMOPOLITAN PERSPECTIVES, JUSTICE AND ADVANCING CRIMINOLOGY.

Considering global perspectives and the radical diversity found in today's societies, infused Barbara's interest in Cosmopolitan perspectives and the terms "cosmopolitanism, 'cosmopolitan identity', and cosmopolitan justice", crept into her work from 2003/2004. Here, her background in Social Theory and Social Philosophy led her to go beyond empirical Criminology and engage with the works of "Kant, Bauman, Derrida, Habermas, Benhabib, Young and Appiah", for cosmopolitan ideas and principles (in HUDSON, 2008c, p. 281) that to her seemed highly applicable to the problems of 'justice' and 'difference' with which she remained concerned.

Barbara was centrally concerned with Kant's (1983, p. 118) third proposition for peace

around the World-in that a "cosmopolitan right of universal hospitality is owed" to the 'stranger', the 'Other', the Migrant, the Asylum-seeker and the vulnerable, who should always be received into other Countries with hospitality and non- violence (in HUDSON, 2008c; 2011b; 2015). For Barbara, 'justice' means giving people what is appropriate for them, and in terms of Cosmopolitan Justice it means taking responsibility for someone we may not know personally. That is not on the basis they are like us, because they do not need to make themselves understood. It is on the basis we are all human and because we all share this fragile earth, we have a responsibility to those whom seem beyond our sympathy and understanding:

> […] 'all people in all the world' have rights by virtue of being human, and we all have responsibilities to persons outside our immediate groupings of families, neighbours, associates and fellow citizens (Appiah, 2006 in Hudson, 2011b, p. 119)
>
> We may well be different in important ways and may never completely understand each other but, between different cultures and ways of life, there is enough overlap for a conversation to begin [and] even if the conversation does not lead to any mutual understanding or consensus, the moral responsibility to the stranger remains (Appiah, 2006 in Hudson, 2015, p. 127)
>
> Cosmopolitan justice […] takes into account the outcast, the impoverished, the homeless and stateless, the person without possessions and without membership of a state or society. Cosmopolitan justice responds to the powerless, the non-citizen, to members of excluded and subordinate groups, to the deviant and the different. (HUDSON, 2011b, p. 119)

Barbara maintains we have to be much more generous in the rights we give people we do not understand or sympathise with, because now there is little concerted effort to bring desperate and vulnerable people into wealthier more stable Countries. Yes, we might respond to 'certain' requests for humanitarian aid, so as to gain relief from the images of human suffering and people fighting for their lives (SONTAG, 2003, p. 9), and justify our expectation that desperate people should stay where they are, but that puts enormous pressure and burdens on Countries far less stable and less affluent than richer nations:

> [We] now know more about the suffering of others through-out the world than ever before, via a seemingly constant stream of hearting rendering mass media reports of disasters, conflicts, discrimination and oppressions […] [but] there is no effective recognition of the right to move and little or no expansion of asylum conditions…there is political and public sympathy for human suffering, but only, it seems, for as long as they stay in their place [and] do not cross regional borders.
>
> [As] consumers of news [we] are more generous in response to natural disasters-tsunamis, earthquakes [and floods], […] [than we are to political and] military conflicts...although the latter are injuring and displacing more people (HUDSON, 2015, p. 128-129).

Barbara also contends that being slow to acknowledge new categories of persecution from which people need protection, and our lack of understanding of the politics and policies behind conflict and wars could be the reason why:

> […] [We] may be reluctant to give or-even more-to press for migrants from the conflict to be allowed enter our countries [because] it is difficult to understand the causes and contours of the conflicts, to know how long people will need shelter outside their country, and to distinguish the good guys from the bad guys (HUDSON, 2015, p. 129)

For Barbara, 'cosmopolitan justice' opposes seeing everything from the position/point of view of the nation state, because all the people in the World should be afforded universal fundamental human rights (HUDSON, 2007, 2008b; 2008c). This means us asking: are people who are fleeing from conditions where their lives are endangered and where they cannot flourish being given the opportunities that all humans should have? Are the people, who desperately need asylum and protection being offered it by richer nation-states?

Barbara does not deny the importance of 'Cosmopolitanism from above', in relation to having the International Criminal Court, international Conventions and trade Treaties between States and Governments, because they are needed in order "to reduce inequalities in income and power, and to assist in the prosecution of human rights abuses" (HUDSON, 2011b:20; 2015:129). Her main argument is that questions of 'rights', 'justice' and 'identity' need to move beyond the nation-states to a global level, so as to embrace the fact, that those on the downside of globalisation need to be helped by alliances of others who can recognise their plight:

> […] 'Cosmopolitan justice 'from below' or 'subaltern cosmopolitanism' (Santos, 2002:460) is a range of legal, political and social movements which challenge the hegemony and counteract the ill-effects of neo- liberal globalisation. It involves championing those on the downside of political and economic power (HUDSON, 2011b, p. 20)

From that "bottom-up" perspective (SANTOS and RODRÍGUEZ-GARAVITO, 2005:13), we need to acknowledge, endorse and apply the informed dialogue from transnational nongovernmental organisations (NGOs), civil societies organisations (CSOs), humanitarian organisations,[11]and from activists[12] who tirelessly:

> […] work with and for people in need […] challenge state agencies, find a common cause, sympathise with people from other parts of the world […] challenge the side-lining of women's rights, [and] campaign for the rights and welfare of migrants (HUDSON, 2011b, p. 20)

Therefore, Cosmopolitan justice, in the sense intended by Barbara is a combination of Cosmopolitanism from above and Cosmopolitanism from below. It is Cosmopolitan 'justice'

[11] For example, *Médecins Sans Frontières* (MSF); the Red Cross; Oxfam; Women for Women International; Women in Black; International Rescue Committee (IRC).

[12] Such as the sister of Professor Eliezer Gomes da Silva, the late Eliane (Borges da Silva) a founding member of the Brazilian Association of Black Researchers (ABPN).

which greets the 'stranger', the migrant, and the asylum-seeker without hostility or violence, and offers them hospitality and sanctuary, rather than being territorial and unwelcoming. 'Justice' means offering opportunities for prosperity, offering religious and cultural freedom, and offering freedom from persecution, war, famine, natural and human-made disasters, rather than violating their right to leave the confinement of marginalised and tented spaces outside of and within restrictive borders.

12. A PREFERRED FUTURE.

There is no doubt Barbara was always thinking about ways in which we could move beyond traditional criminological boundaries, to yield compassion when 'justice' is in short supply. In 2012, she was "excited and honoured" to be invited to participate in what she called "her dream international project" with people from different academic disciplines-working on different aspects of 'how to make the World's borders more peaceful'. By March/April 2013, Barbara drafted what was to become her final contribution, 'Moral Communities across the border: the particularism of law meets the universalism of ethic' (HUDSON, 2015), in which she skilfully develops further arguments around the lack of 'morality' surrounding people who are still trying to claim 'justice' from the position of 'strangers' (see ROMAN, 2017).

According to Barbara, here we are still finding great injustices and dilemmas of justice, because 'justice' and 'security' are enjoyed in large measure by 'respectable' citizens of affluent nations; it is the impoverished and unwanted of the earth who enjoy neither and whose movements are criminalised and restricted by the erection of physical barriers and enhanced border controls. Moreover, if issues of 'justice' and 'security' are to flourish, 'effective' institutions also need to regulate brutal conflicts and conquests, and vigorously aim to reduce global oppression and inequalities, which have given rise to 'fear and hatred', eroded human dignity, and denied human rights to stateless people still detained in 'camps' and at the borders of the World (HUDSON, 2015).

13. LASTING LEGACY.

It is obvious, that the issue of 'justice' was always of concern for Barbara, and as she interrogated theories, legislation, policies and practices, she always questioned how they affected those on the downside of power. She remained connected with those who are excluded from, or marginalised by the discourse of 'justice', and she certainly evidenced that the inter-disciplinary nature of Criminology is capable of embracing new perspectives:

> If you are interested in an ideal like justice-then it is very easy to recognise injustice and to recognise the limits to justice, which tend to be for people we can readily

> understand and sympathise with'. But rights are needed for when sympathy runs out-rights are to protect the 'them', the 'Other', the 'stranger' against 'us'-so as to limit what we can do via the procedures, policies and laws which we impose on those who have no say in the matter [Hudson, 2012c)
>
> […] Criminology is capable of being a dynamic and evolving discipline […] engaging with significant [national] and international events, and by extend[ing] its thematic scope beyond its well-worn topics […], criminological discourses can contribute to issues of pressing global significance (HUDSON and WALTERS, 2009a, p. 2)

Barbara would never apologise for being interested in and applying Moral Philosophy to Criminology, because crime, punishment, excluding the 'stranger' from our communal principle rights, and justice are moral issues. Barbara was always hopeful we would continue to defend and expand upon her idea of 'justice' because:

> The problem of managing risk without undermining justice, and enhancing security without undermining the rule of law, is something that [still] confronts [our respective] countries. Technological developments, increases in population flows with their associated risks of terrorism, epidemics, transnational crime and exploitation of vulnerable peoples still presents us with acute problems. Therefore, it is important that we continue to foster international collaboration and critical research into these issues, so that information can be generated and exchanged on appropriate strategies for increasing security without undermining the rule of law and without demonising one particular section of society (HUDSON, 2007d, p. 1)

Barbara's scholarship certainly exposed injustices, but she always creatively and passionately presented opportunities where we could bring about change and bring about justice for those affected by global inequalities and hostilities. Many of us still feel a great sense of personal loss, but take comfort in the fact her work will continue to inspire others for many years to come, because Barbara "provided important contributions to theoretical and critical knowledge and the merit and value of [her] critical contributions will stand the test of time, because they are based on thoughtful, reflective and innovative scholarship" (WALTERS, 2008, p. 22).

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Lasting Legacy of a Fraternal Academic Partnership

Harry Harrison (Barbara's husband), Barbara Hudson, Sue Uttley-Evans, Eliezer Gomes da Silva, and Claudia Resun Gomes da Silva (Eliezer's wife), in Montreal, Canada, in the summer of 2008, when Barbara, Sue and Eliezer presented their individual papers at the *Annual Meeting of the Law and Society Association*. The late Barbara now figures as the "hors-concours" author of the current issue of BJLJ. Sue, Associate Editor of the BJLJ, is the author of the review essay. Eliezer, Chief-Editor of the BJLJ, has translated into Portuguese the articles of Barbara, Sue, and Ediberto Román. Professor Ediberto Román generously accepted the invitation made by Tanya Hernández, Associate Editor of the BJLJ, to write the outstanding commentary on Barbara's article. Harry gave BJLJ permission to republish Barbara's text and Claudia has assisted BJLJ with Information Technology issues.