

# The Garrison and the Jamaican State: A Model for Co-optation

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## **Abstract**

The informal justice system that is present in Jamaica's inner-city communities called garrisons is deemed outside of the law. The reality is that garrison communities have been forgotten and discarded by the wider Jamaican society and have had to make their own existence, particularly as it relates to justice. The major argument is that the ineptitude of the Jamaican state has resulted in the institution of various mechanisms by non-state actors within these communities to address their justice concerns, and there is an implicit reliance on their services by the Jamaican state. In this paper, I highlight the utility of this instituted informal justice system, as it gives residents of these marginalized spaces access to justice. I suggest that any strategies geared towards addressing crime and violence that occur in these communities should explore coalescing these informal structures into Jamaica's formal framework.

**Keywords:** Jamaica, garrison communities, informal justice system, access to justice

## **People Navigating and Negotiating Space**

Discourse on the operation of garrisons suggests that dismantling these communities is a solution to much of the scourge of crime and violence. However, the operation of the garrison, though not formally acknowledged or accepted by Jamaica's political elite, is part of a "mutually reproductive relationship" that perpetuates the existence of the Jamaican state (Jaffe, 2013, p. 735). The community is governed by an informal justice system, for example, that provides its residents with access to justice by addressing any

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wrongdoing that takes place within the space, resolves conflicts and disputes that may arise, and protects the residents from attacks from rival gangs.

*Jesse: Just know sey we nuh have no clean police, so if summen happen wi deal wid it wiself, we don't involve the police.*

*Malcolm: A man come inna your house and tief and we know a who do it, it nuh mek nuh sense we call de police, we just deal wid it. Him naah go do it again. Wha' dem a go do? Sen' him go jail fi do 25 years? Yeah, him can go a jail fi 25 years but we a go deal wid him first. Rememba sey yuh haffi protect yuh own community, eh nuh. Yuh cyaa wait pon de police.*

(Scott, 2014, pp. 69, 72)

The vignettes<sup>i</sup> are excerpts from interviews with individuals living in a garrison community in Jamaica. The community consists of black, lower-class neighbourhoods, which is a part of the Kingston Metropolitan Region (KMR).<sup>ii</sup> The expressions here speak to a lack of trust in the police, which results in residents of these communities policing themselves and possessing an unwavering commitment to protecting their space. The need to police themselves is in part due to the years of abuse persons living in these communities have experienced at the hands of law enforcement officers. In addition, the state's resources are stretched thin, and they rarely get the requisite security and protection from the nation's security forces. "Jungle Justice,"<sup>iii</sup> which is a pejorative term given to the garrison's informal justice system by those in the wider Jamaican society, is a system wherein the residents (under the leadership of the don) address their own justice concerns, at times with the use of violence. Coupled with this, there is a system of welfare that is provided by the dons of these communities. However, the focus of this paper is the justice services that are provided by these non-state actors within the community.

Max Weber (1946), a structuralist, establishes several indicators that characterize a state, which have been adopted by the international community. A defining feature of a state is its ability to secure its territory and provide the requisite security and protection for its population. Moreover, "citizens depend on the state [...] to secure their persons and free them from fear" (Helland & Borg, 2014, p. 880). Outside of this, the state is



deemed fragile and is “failing”. Within the garrison space, in a bid to protect his community, the don must use violence (and the threat thereof) to maintain order within his community and to protect its borders. So, is the Jamaican state “failing” on account of its citizens policing themselves and the state’s implicit dependence on these informal justice structures in the garrison? I am of the view that this is not the case. For the Jamaican state, there is an inability to provide protection and security for all its citizens, as those living in marginalized spaces quite often have had to eke out their own existence when addressing justice concerns. Consequently, members of these communities engage in functions that are classically attributed to the state. The overarching aim of this paper is to provide a post-colonial analysis of the informal justice structures in the garrison and their presumed utility to the Jamaican state. The ultimate goal is to advance discussions on coalescing these mechanisms into the formal structures of Jamaican society, thus employing a hybrid governance approach.

To this end, I believe that the informal structures within these spaces give residents access to justice that is lacking in the formal justice system. Quite often, order is maintained in these communities; however, some of the measures that are used to maintain order are in breach of human rights principles. What needs to be done then is, that measures should be put forward that are geared towards exploring co-opting these informal structures of the garrison within the country’s formal structure by building on the opportunities they possess and addressing the shortcomings. In the final analysis, the informal justice services provided in these communities maintain order and give the people within the space access to justice that is not provided by the formal justice system, thus making them a necessity for the Jamaican state because these informal justice structures address the needs of the socially excluded.

For the purposes of this paper, the informal justice system (IJS) is viewed as one based on community customs – a community-based system for resolving conflict and/or disputes – which will give credence to the informal mechanisms at play in the garrison space (Ahmad & Von Wangenheim, 2021; Nyamu-Musembi, 2003). There is a need to have a more detailed understanding of the garrison’s informal justice mechanisms to assess its impact on conflict resolution, for example, and its possible contribution to the formal/official justice system. Taking this approach does not blind us to the positive (or the negative) influence the informal justice system has in the garrison spaces.

### **The Sovereign State: A Western Construct**

In “Politics as a Vocation,” Weber’s (1946) defining characteristic of a modern sovereign state is its sole right to use or authorize the use of physical force. This use of physical force is often carried out through the state’s instruments: the police and/or the military. The Weberian concept of the “state” is the ideal held within the international community, and is deemed to be the embodiment of state power. An adaptation of this Western ideal is the Fragile State Index (FSI), which is premised on one of the most common indicators – “the loss of physical control of its territory”; in other words, loss of the “monopoly on the legitimate use of [physical] force” within its territory (Helland & Borg, 2014, p. 887). According to Fund for Peace (FFP), state fragility is deficiencies in one or more of a state’s functions. State fragility is manifested in various ways; however, the Fund for Peace (FFP) establishes the most common features: (1) the loss of physical control of its territory or a monopoly on the legitimate use of force; (2) the erosion of legitimate authority to make collective decisions; (3) an inability to provide reasonable public services; and (4) the inability to interact with other states as a full member of the international community.

Acemoglu, Robinson and Santos (2013) note that

*although state capacity is multifaceted, most scholars argue that it inevitably relies on Weber’s famous notion of the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” (p. 6).*

States that do not have a monopoly on the use of force are deemed fragile and are ‘failed’ or ‘failing’. What such a characterization fails to “account for and recognize are the environmental and constitutive effects of societal and historical forces in the making and unmaking of local contemporary conditions” (Helland & Borg, 2014, p. 888). This characterization and construction of the state is static and one-dimensional at best because it does not account for the different elements that may come into play in building different territorial entities. Plus, states are all seen as self-contained and homogenous entities (Helland & Borg, 2014). Specific to state fragility, such characterizations only serve to “legitimize the conditions for a global neocolonial hierarchy trickling down from the West’s seemingly ‘enviable’ stability” (Helland & Borg, 2014 p. 885). The West is held as the



model to be emulated and the rest are rendered more or less deviant from the norm, and as deviants, should be treated as such. As Helland and Borg (2014) put it, Western characterizations of the state are linear and promote representations of these territorial entities as “aesthetically pleasing,” while features of subaltern polities are characterized as “repulsively frightening.”

### **The Jamaican Context**

When looking at states, however, it is important to look at the contexts within which they were created. For most post-colonial states, sovereign power was historically fragmented and distributed among mostly informal but effective forms of local authority (Hansen & Stepputat, 2006 cited in Jaffe, 2015). The Jamaican state has had a history of “outsourcing state responsibilities” to protect the well-being of the elite and keep the underclass contained and in check (Jaffe, 2015, p. 48; see also Brown-Glaude, 2011). After several failed military missions against the Maroons – enslaved Africans who escaped the clutches of slavery by fleeing to the mountainous parts of the island – the colonial government signed a treaty granting them a significant portion of the Jamaican interior and partial political autonomy (Jaffe, 2015). In exchange, the Maroons agreed to maintain peace and provide military assistance to the British when needed. During the period of slavery on the island, the Maroons aided the British to capture and return runaway slaves and after Emancipation, their services were used to suppress the Morant Bay Rebellion and help the British round up rioters. As Jaffe (2015) argues, in the context of multiple sovereignties and the relationship between violence and law, the role of the Maroons and subsequently the dons, “complicate distinctions between formal/legal and informal/*de facto* sovereignty,” suggesting the coexistence of multiple normative systems (p. 49).

Because of the relationship the Jamaican state has had with gang leaders, over the years, the lines between criminality and governance have been blurred. Hybrid governance arrangements occur wherein “non-state actors take on functions classically attributed to the state and, in the process, become entangled with formal state actors and agencies to the extent that it is difficult to make a clear distinction between state and non-state. These are arrangements in which diverse governance actors become co-rulers, sharing control over territories and populations” (Colona & Jaffe, 2016, p. 2). Hansen and Stepputat (2006) emphasize that sovereignty is always tentative and emergent and that the idea of a sovereign nation-state

wielding comprehensive, totalizing power over its territory has always been an illusion, especially in colonial and postcolonial contexts (as cited in Jaffe, 2015).

### ***Jamaica and the Garrison***

Over the years, specific Jamaican inner-city communities – pejoratively termed garrisons – have established self-policing mechanisms to ward off the threat of outsiders. Garrison, a name adapted by the late Professor Carl Stone,<sup>iv</sup> was the name given to these communities in his study of their voting behaviour. Garrisons were initially set up as part of a political mobilization strategy for the Jamaica Labour Party (JLP) and the People’s National Party (PNP), wherein the politicians of the day provided well-needed amenities in exchange for votes. “Garrisoning” is a process of monopolizing political power and establishing one-party-dominant communities and constituencies (Figueroa & Sives, 2002; Harriott, 2001). According to Harriott (2001) “a garrison community is one in which this process has reached a high level of maturity” (p. 65; see also Figueroa & Sives, 2002).

The garrisons of the Kingston inner city are in the Kingston Metropolitan Region (KMR) and are viewed as established sites for the intersection of crime and politics and a place where illegal activities are given protection (Harriott, 2003; Sives, 2002). In its evolution, the garrison space is a hotbed of crime and criminality – drug trafficking and gun smuggling serve as the two main sources of income for the “dons” or leaders of these communities. According to Gayle (2009), using the information available on “special communities” in the national censuses, it is estimated that these violent inner-city communities make up about 20% of the Kingston Metropolitan Region (KMR). A great deal of criminal activity occurs through the workings of the garrison structure, which according to Jamaican crime analysts contributed to 79% of the country’s homicides in 2013 (Harriott & Jones, 2016). Most of the homicides in garrison communities in the KMR are the result of gang feuding and extrajudicial killings carried out by the country’s police force – The Jamaica Constabulary Force (JCF). In more recent times, where crimes were previously concentrated in the Kingston Metropolitan Region (KMR), Jamaica Constabulary Force (JCF) crime data by division show they are now more dispersed geographically, especially in suburban areas (Harriott & Jones, 2016). Arguably, over-policing of the Kingston Metropolitan Region (KMR) crime hotspots has resulted in crimes being displaced to other communities. Despite how geographically dispersed



the occurrence of crime may be across the island, the KMR continues to be the hub and central nervous system for organized crime.

What exacerbates the issue of high homicide rates is that the nature of policing by the Jamaica Constabulary Force (JCF) in these communities further criminalizes the garrison space. Embedded in the culture of the JCF are colonial modes of control, which are geared towards protecting the state (and the then political class) rather than focusing on the security of its citizens. The JCF has been in operation since 1867 and the country only became independent in 1962, suggesting that the force's colonial past still influences how it functions today. According to Harriott (2000), the style of policing by the JCF is "...cultivated by structures of power, originating in the colonial period, that treat the policed [in the garrison] like subjects rather than citizens" (p. 72). Surveys conducted with members of the JCF led Harriott (2000) to conclude that the most noticeable perspective is a paternalistic view of policing inner-city communities. He notes that this is in part due to the legacy of a colonial structure that sees the poor and indigent as incapable of taking care of themselves, and thus need to be constantly monitored and contained (Harriott, 2000; see also Sheller, 2012).

Another residue of the country's colonial past is the maintenance of the class boundaries that prevent solidarity among individuals from the various groupings (garrison and non-garrison groupings, for example). The legacy of slavery and colonization has resulted in a socio-spatial divide based on race, class and skin colour (Jaffe, 2012). The darker-hued Jamaicans, who were previously the plantation field hands, are being confined to the Downtown Kingston area, which remains associated with low-income, darker-hued 'black' Jamaicans in comparison to the Uptown Kingston area or 'Upper St. Andrew,' which is seen as the domain of the wealthier classes and lighter-hued, 'brown' Jamaicans of mixed descent (Jaffe, 2012).

In addition, the adoption of Western ideas and the use of Western experts to deal with the issue of crime in these communities have worsened the problem. Quite often, the funding intended to provide solutions to the issue of crime within these communities is used instead to carry out the interest or the demands of the donor agencies rather than prioritizing the needs of the community to which such funding is extended (Harriott, 2003). The foregoing has created a lack of trust in the government and its agencies, especially the police, within the garrison. Further, the unequal distribution of wealth and the perceived power that the ruling elite has over the social underclass affects the relationship that the poor have with the police. Most

of Jamaica's population is of African descent,<sup>v</sup> with multiracial Jamaicans forming the second largest racial group and Jamaicans of Indian and Chinese ancestry forming the third largest racial group. While Lebanese, Syrian, English, Scottish, Irish, and German Jamaicans make up a smaller racial minority, they hold significant economic and social influences on the island (Arias, 2013).<sup>vi</sup> My previous work on the garrison established that there exist 'two Jamaicas,' especially regarding the administration of justice – one for the elite (the rich, middle to upper class, which is predominantly the smaller racial minority) and the other for the underclass consisting of garrison dwellers (or Fanon's *lumpenproletariat*<sup>vii</sup>) who are excluded, contained, and still visibly reeling from the effects of the country's colonial past (Scott, 2014). The reality is that garrison communities have been forgotten and discarded by the wider Jamaican society and have had to make their own existence, particularly as it relates to justice.

### **Access to justice**

According to the Victoria Law Foundation (2020), the core principles of any justice system should be equality, fairness, and access. Fairness and equality reflect the experiences one should have with the justice system once it's accessed, while access speaks to the availability of resources throughout the justice system. The United Nations Development Programme (UNDP) (2004) defines "access to justice" as "the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards" (as cited in Wojkowska, 2006, p. 8). The term informal justice system (IJS) is used to distinguish between state-administered formal justice systems and non-state-administered informal justice systems, which can take on many forms (Nyamu-Musembi, 2003; Röder, 2012; Wojkowska, 2006).

Globally, the poor and disadvantaged are often more reliant on the informal justice system (IJS) because they have "the potential to provide quick, cheap, and culturally relevant remedies" (Wojkowska, 2006, p. 5). In addition, because of a lack of access to the formal justice system, IJS options become viable alternatives. According to Wojkowska (2006), informal justice systems (IJS) are prevalent throughout the world, especially in developing countries, and have become the "cornerstone of dispute resolution and access to justice for the majority of populations, especially the poor and disadvantaged" (p. 5).





### ***It's Not All Bad***

Within the Jamaican context, the operations of the informal justice system (IJS) that are often mentioned in the literature mainly focus on the instances of human rights violations, for example, the wounding, maiming or sometimes death as punishment for the wrongdoer. However, there are also many good decisions made by the informal justice system (IJS), which is given little to no attention. For example, the settling of family disagreements and local community problems. Ahmad and Von Wangenheim (2021) argue that the good the informal justice system (IJS) offers should not be overshadowed by the challenges it presents. They advocate for a balanced view that also documents the positive side of the informal justice system (IJS) by “capitaliz[ing] on these positives and gradually improv[ing] on the negative aspects of the system” (Ahmad & Von Wangenheim, 2021, p. 233). Arguably, the same improvement strategy needs to be employed within the Jamaican formal justice system, as well.

According to the UNDP (2013), any attempt to define the informal justice system (IJS) must acknowledge that no definition can be both very precise and sufficiently broad to encompass the range of systems and mechanisms that play a role in delivering access to justice (p. 6). In their assessment of the operation of the informal justice system (IJS) in garrison spaces, Charles and Beckford (2012) define an informal justice system (IJS) as an organized system of justice operating outside of the rule of law in a state, but which replicates the activities of the legal system. They add that these informal systems do not include extrajudicial killings by the police, or mediation, restitution, and restorative justice offered by the state or legal private authorities that complement the authority of the state (pp. 52-53; see also Charles, 2002; Johnson & Soeters, 2008). Suffice it to say, that they view the informal justice system within the garrison space as counter-state authority.

Arguably, for the most part, the workings of the garrison’s informal justice system (IJS) do not run counter to the authority of the Jamaican state. Apart from the human rights violations that may take place, as Charles and Beckford (2012) highlight in their analysis, the clash of authority primarily occurs when their survival is being threatened, for example, arresting a don, who is the community’s main benefactor. I also would like to add here that this “clash of authority” often occurs when there are extrajudicial killings of garrisonites by the police. In addition,

government dealings with dons of these communities provide evidence of outsourcing of responsibility for urban order, and the *de facto* practice of co-rulership with community dons (Jaffe, 2015). Charles and Beckford's (2012) definition has an imperialist undertone ("rule of law" framework), is very limiting and does not account for the usefulness of these informal mechanisms in these communities. Their definition does not provide a holistic view of the operation of these informal structures, nor does it present them as complementary to the formal system, which it should, since the citizens who use it do not have adequate access to justice from the formal system. Further, their assessment of the garrison's IJS is over a decade old and may not be relevant to the current operations of the system, suggesting the assessment is up for review.

### **Discussion**

One of the biggest challenges that the urban poor in Jamaica face is access to justice. Because of the mistreatment and social exclusion experienced at the hands of state providers, particularly the police, there is often a reliance on informal justice structures within their communities to "split justice"<sup>viii</sup> and provide safety and protection. Wojkowska (2006) contends that because of the "rule of law" approach, credence is not given to the informal justice system (IJS). Here the "rule of law" approach implies that all citizens are equal before the law, have equal access to justice and are all held accountable to the laws of the land, as a result. Consequently, behaviours and/or activities that fall outside these prescribed laws are deemed criminal. Wojkowska (2006) advocates for a more detailed look at the operation of these structures because the "rule of law" approach is generally not focused on issues of accessibility, tends to focus on institutions rather than people, employs top-down strategies, and "has generally not been successful in improving access to justice for poor and disadvantaged populations" (p. 5). In addition, because of its focus on institutions and not people, the "rule of law" approach pays little to no attention to where people go to seek justice or why they seek this form of justice (Wojkowska, 2006).

Various social, economic, and political events have changed the political economy of the garrison, which ultimately impacts the operation of its informal structures. One of the main arguments of this paper is that there is a constant interplay between people and space. Because the garrison dweller is an agential, embodied being, during their interaction with the environment there is a constant (re)definition of the garrison space. Before



the 1970s, the informal structures within the garrison were used to promote and support homogenous voting and kept residents in line by executing harsh and sometimes fatal punishments. Transgressors were either removed from the community or killed. IMF structural adjustment programs and globalization made the post-colonized world a different place, and accordingly, the rules within the garrison space changed. With their newly acquired global connections and alliances through gun and drug trades, over time, the dons amassed huge wealth and were no longer solely dependent on state patronage. Consequently, being able to do more for their communities, the focus of the informal structures shifted to providing welfare and protection for residents.

Critical to understanding the self-policing strategies employed within the garrison space, there needs to be an evaluation of the role of the informal justice system (IJS) that operates within these spaces for an assessment of the inherent opportunities and challenges it presents. So, what are the opportunities present within these informal systems that would serve as a complement to the formal justice system? What are the challenges or growth opportunities? Given that state resources are stretched thin, one opportunity that the garrison's IJS possesses is the provision of protection and conflict resolution within the space, thus giving members of these communities access to justice. As Charles and Beckford (2012) note, within these spaces, conflicts (or any wrongdoing) are handled swiftly without any reference to the formal justice system. A challenge with the operation of the informal justice system (IJS) within the garrison space, however, is the violation of human rights principles that can sometimes take place in executing punishment, for example. On account of the foregoing, the informal justice system (IJS) or community justice within these communities is disparagingly called by Uptown, Kingston, "jungle justice" (Robinson-Walcott, 2020).

### **Hybrid Governance Arrangement**

Creating a hybrid governance arrangement is an emergent form of statehood in which different actors – "[...] are entangled in a relationship of collusion and divestment as they share control over urban spaces and populations" (Jaffe, 2013, p. 734). In their share of control of the urban spaces in Jamaica, the dons through informal structures have become the providers of social welfare and justice services. Taking a Eurocentric view of the state, its formation and sovereignty, the foregoing may be viewed as an erosion of state

sovereignty, making Jamaica a fragile state. However, as noted previously, Jamaica's sovereign power was historically fragmented and distributed among informal forms of local authority (see page 5).

On account of this overlap, actions of the post-colonial subject cannot be seen as solely state or non-state. Colona and Jaffe (2016) further note that "while many contexts exist in which non-state actors have entirely replaced the state in exercising such functions, hybrid governance arrangements refer explicitly to those contexts in which state and non-state actors are highly intertwined or merged, often to the extent that we can speak of a new or emergent political formation that is neither state nor non-state" – a blurring of the line of distinction between formal and informal actors (p. 2).

A major critique that is expressed about hybrid governance approaches is that the outsourcing of state services signals that the state is weak or failing; however, Colona and Jaffe (2016) argue that "hybrid governance approaches tease out the generative potential of these processes and relations" (p. 8). Jamaica cannot be divorced from the legacy of its colonial past. It is an intrinsic part of the country's state creation. The history does not mirror that of the European (Westphalian) experience; therefore, it would be a blight on the country's future for its structures to be measured based solely on Western standards. As a nation, the country will forever be at a disadvantage, as based on these frameworks it will always be deemed a "fragile," "failed," "weak," or "failing" state. As Colona and Jaffe (2016) argue, the focus should be on "relations between state apparatuses and various other governance actors [state and non-state]," rather than the Weberian state where the government is the central actor (p. 4).

With different objectives, postcolonial states may also condone or actively facilitate the development of multiple legal orders as a mode of "outsourcing" sovereignty. The hybrid state that emerges from this entanglement of state and non-state actors creates an appreciation for the dynamic co-constitution of legal and *de facto* forms of sovereignty within the Jamaican state (Jaffe, 2015). In addition, Colona and Jaffe (2016) note that "this 'discovery' of hybridity in contemporary governance arrangements in the Global South obscures the fact that such blurred arrangements were central to colonial rule" (Colona & Jaffe, 2016, p. 4). In the case of Jamaica, the arrangements established between the British and the Maroons come to mind.



## Conclusion

The area of policing and security are fertile grounds for formalized hybrid arrangements. Specific to policing the garrison space, a hybrid governance approach should be the first step to decolonizing the justice system. Within this first step to decolonize the justice system, we need to rework justice narratives by critiquing those frameworks that reinforce colonial power, which this paper briefly addressed. In addition, a key goal of this paper is to participate in a dialogue on the garrison by disrupting the frameworks within which we seek solutions to address the high incidence of crime within the space. Key to this process is centring the voices and experiences of the garrison dweller with the aid of frameworks that move away from perpetuating discrimination and harmful stereotypes. Most specifically, if the goal is to adopt and truly take on a people-centred approach to nation-building (as stated in the nation's Vision 2030 plan<sup>ix</sup>), the fundamental question to be asked is: Which structures support regeneration as a nation, and which structures, systems and processes extend oppression?

Since the lines between state and non-state actors have already been so blurred within garrison spaces, the hybrid governance approach I suggest is one wherein the emergent design of these relationships embraces and creates a legitimate space for the peaceful coexistence of both formal and informal justice structures, with established boundaries between the formal and informal authorities. These boundaries should put limitations on how conflicts and disputes are handled within the community – limitations that prevent the violation of human rights principles, for example. Taking an emergent approach will allow for an evolution of these arrangements, accounting for the constant interplay between people and space.

Engaging with informal justice systems is necessary for enhancing access to justice for the poor and disadvantaged. Ignoring these systems will not change problematic practices present in the operations of informal justice systems (Wojkowska, 2006). Nyamu-Musembi (2003) argues that engagement with informal justice structures should not be an end in itself but rather a part of wider and more comprehensive justice reform. If the IJS is to serve as a complement to the formal justice system, this would mean that there would have to be some work done to address the current issues the formal justice system has. If not, the informal IJS will be plagued with the same weaknesses and challenges (Ahmad & Von Wangenheim, 2021; Wojkowska, 2006).

Any programme undertaken to harness operations of the IJS should work towards addressing the weaknesses of the system by gradually enhancing the dispute resolution process, educating both operators and users of the system, and ensuring that they abide by human rights principles. As Wojkowska (2006) notes, programs for engagement “should be part of a broader, holistic access to justice strategy which focuses on achieving the broader goal of enhancing access to justice by working with both formal institutions and informal justice systems” (p. 6).

Ahmad and Von Wangenheim (2021) suggest three approaches to engage the IJS. They first call for reforming the IJS by updating basic human rights principles and following the basic minimum law of the country. The second calls for regulating the IJS in a multidimensional way, for example, the state deciding the types of cases an IJS can hear and defining the decisions it can reach on said cases. The third, which they recommend, is the gradual phasing out of the IJS and replacing it with alternative dispute resolution. Since the garrisonites rely on these systems, I suggest all three approaches should be a part of the justice reform strategy, with each approach serving as a different phase of the plan. The Dispute Resolution Foundation of Jamaica (DRF) was established in 1994 with one of its mandates being to establish Peace and Justice Centers (service points) in communities throughout Jamaica. If the garrison’s IJS will be handling only conflicts and disputes within the community, as a part of a long-term strategy, establishing them as alternative dispute resolution service points for the DRF (or any other alternative dispute resolution services) is a worthwhile strategy to explore as the first phase of the plan.

In the grand scheme of things, a space needs to be created for these messages and the voices need to be heard if the aim is to have a more inclusive democracy (which this study encourages), or as the *Vision 2030 plan* states, create a *secure, cohesive, and just society*. Like Lorde (1979)<sup>x</sup> and Bowleg (2021), I advocate for more critical research that involves the experiences of those deemed marginalized. The narratives and analyses of social exclusion, marginalization, and high levels of crime tell only a part of the story of what it means to live within the garrison space.

Like other proponents of engagement with informal justice systems, I do not believe there is a one-size-fits-all model for reforming the operations of the IJS; therefore, there might be a need to devise multiple strategies specific to each type existing within the garrison spaces. Reforming these informal structures within the garrison space will provide a viable



complement to the formal justice system and reduce its current burden. To this end, an overhauling of the current justice system is proposed, and the creation of a justice system that is generated through a people-centered, grounded approach to justice, rooted in the lived realities of Jamaicans and not based on or prescribed by colonial power. The way forward to achieving the foregoing end, is the establishment of a justice system that takes seriously the concerns of the garrison dweller as it relates to security, safety, and social and judicial justice, a key goal that is put forward by the country's current Vision 2030 Plan.

## References

- Acemoglu, D., Robinson, J., & Santos, R. (2013). The monopoly of violence: Evidence from Colombia. *Journal of the European Economic Association*, 11(Supp. 1), 5–44. <https://doi.org/10.1111/j.1542-4774.2012.01099.x>
- Ahmad, J., & Wangenheim, G. V. (2021). Access to justice: An evaluation of the informal justice systems. *Liberal Arts and Social Sciences International Journal*, 5(1), 228–244.
- Arias, E. (2013). Getting smart and scaling up: The impact of organized crime on governance in developing countries. *Centre on International Cooperation: A desk study of Jamaica*. [https://cic.nyu.edu/sites/default/files/kavanagh\\_crime\\_developing\\_countries\\_jamaica\\_study.pdf](https://cic.nyu.edu/sites/default/files/kavanagh_crime_developing_countries_jamaica_study.pdf)
- Bowleg, L. (2021). “The master’s tools will never dismantle the master’s house”: Ten critical lessons for Black and other health equity researchers of color. *Health Education & Behavior*, 48(3), 237–249. <https://doi.org/10.1177/10901981211007402>
- Brown-Glaude, W. (2011). *Higglers in Kingston: Women’s informal work in Jamaica*. Vanderbilt University Press.
- Charles, C. (2002). Garrison communities as counter societies: The case of the 1998 Zeeks’ riot in Jamaica. *IDEAZ*, 1(1), 29–43. [http://www.academia.edu/898667/Garrison\\_Communities\\_as\\_Counter\\_Societies\\_and\\_the\\_1998\\_Zeeks\\_Riot\\_in\\_Jamaica](http://www.academia.edu/898667/Garrison_Communities_as_Counter_Societies_and_the_1998_Zeeks_Riot_in_Jamaica)
- Charles, C., & Beckford, O. (2012). The informal justice system in garrison constituencies. *Social and Economic Studies*, 61(2), 51–72.
- Colona, F., & Jaffe, R. (2016). Hybrid governance arrangements. *European Journal of Development Research*, 28(2), 175–183. <https://doi.org/10.1057/ejdr.2016.5>

- Figueroa, M., & Sives, A. (2002). Homogenous voting, electoral manipulation, and the 'garrison' process in post-independence Jamaica. *Commonwealth and Comparative Politics*, 40(1), 81–108.
- Gayle, H. (2009). Young boys learning to fear, hate, and harm: A recipe for sustaining tribal politics in Jamaica's garrisons. *Institute of Development Studies Bulletin*, 4(1), 53–62.
- Harriott, A. (2003). *Understanding crime in Jamaica: New challenges for public policy*. University of the West Indies Press.
- Harriott, A. (2001). *The crisis of public safety in Jamaica and the prospects for change*.  
<http://www.columbia.edu/cu/ccbh/souls/vol3no4/vol3num4art6.pdf>
- Harriott, A. (2000). *Police and crime control in Jamaica: Problems of reforming ex-colonial constabularies*. University of the West Indies Press.
- Harriott, A., & Jones, M. (2016). Crime and violence in Jamaica: IDB series on crime and violence in the Caribbean. *Inter-American Development Bank – Institutions for Development and Country Department Caribbean Group (Technical Note # IDB-TN-1060)*.  
<https://doi.org/10.18235/0000333>.
- Helland, L., & Borg, S. (2014). The lure of state failure. *International Journal of Postcolonial Studies*, 16(6), 877–897.
- Jaffe, R. (2015). From maroons to dons: Sovereignty, violence, and law in Jamaica. *Critique of Anthropology*, 35(1), 47–63.  
<https://doi.org/10.1177/0308275X14557093>
- Jaffe, R. (2013). The hybrid state: Crime and citizenship in urban Jamaica. *American Ethnologist*, 40(4), 738–748.
- Jaffe, R. (2012). Criminal dons and extralegal security privatization in downtown Kingston. *Singapore Journal of Tropical Geography*, 33, 184–197.
- Johnson, H., & Soeters, J. (2008). Jamaican dons, Italian godfathers and the chances of "reversible destiny." *Political Studies*, 56(1), 166–191.
- Klein, H. S. (1978). The English slave trade to Jamaica, 1782-1808. *The Economic History Review*, 31(1), 25–45.  
<https://doi.org/10.2307/2595799>
- Morgensen, M. (2005). *Corner and area gangs of inner-city Jamaica*.  
<http://www.coav.org.br/publique/media/Report%20Jamaica.pdf>





- Nyamu-Musembi, C. (2003). Review of experience in engaging with “non-state” justice systems in East Africa. *Department for International Development (DfID)*. <http://www.gsdrc.org/docs/open/ds37.pdf>
- Planning Institute of Jamaica [PIOJ]. (2009). *Vision 2030 Jamaica: National development plan*. <https://www.vision2030.gov.jm>
- Robinson-Walcott, K. (2020). Dudus, Viv and Vybz: Resistance, legitimacy, and a different reality. *Interventions*, 22(1), 8–29. <https://doi.org/10.1080/1369801X.2019.1659159>
- Robotham, D. (2000). Blackening the Jamaican nation: The travails of a black bourgeoisie in a globalized world. *Identities*, 7(1), 1–37. <https://doi.org/10.1080/1070289X.2000.9962658>
- Röder, T. J. (2012). Informal justice systems: challenges and perspectives. *Innovations in Rule of Law*, 58, 58–61.
- Scott, M. (2014). *We deal with it Ourselves (“Wi deal wid it wiself”): A look at life in the Jamaican garrison* [Unpublished Masters Thesis]. Simon Fraser University.
- Sheller, M. (2012). *Citizenship from below: Erotic agency and Caribbean freedom*. Duke University Press. <https://doi-org.proxy.lib.sfu.ca/10.1215/9780822393825>
- Sives, A. (2002). Changing patrons, from politician to drug don: Clientelism in downtown Kingston, Jamaica. *Latin American Perspectives*, 126(5), 66–89.
- Sives, A. (2003). The historical roots of violence in Jamaica: The Hearne report 1949. In A. Harriott (Ed.), *Understanding crime in Jamaica: New challenges for public policy* (pp. 63–87). University of the West Indies Press.
- Statistical Institute of Jamaica [STATIN]. (2011). Population by urban/rural distribution: 2001 – 2011. <https://statinja.gov.jm>
- Victoria Law Foundation. (2020). The principles of justice: Equality, fairness & access. <http://content.victorialawfoundation.org.au/wp-content/uploads/2020/09/The-Principles-of-Justice-2020.pdf>
- Weber, M. (1946). Politics as a vocation. In H.H. Gerth and C. W. Mills (Eds.), *From Max Weber: Essays in Sociology*, (pp. 77–128). Oxford University Press. (Original work published in 1918).
- Wojkowska, E. (2006). Doing Justice: How informal justice systems can contribute. *United Nations Development Programme – Oslo Governance Centre*. <http://www.albacharia.ma/xmlui/bitstream/handle/123456789/30>

[535/0280Doing Justice How informal justice systems can contribute \(2007\)7.pdf?sequence=1](https://doi.org/10.3917/amx.055.0073)

Worsley, P. (2014). Frantz Fanon and the *lumpenproletariat*. *Current Marx*, 55, 73–98. <https://doi.org/10.3917/amx.055.0073>

## Endnotes

<sup>i</sup> This data was collected for my Master's thesis (Scott, 2014), which focused on the experiences of persons living in garrison communities in Jamaica. The participants ranged in age from 25 to 46 years, and three were female. All but one participant completed a secondary level of education. For financial reasons, the foregoing participant's high school attendance ended at grade nine. The remaining participants have a variety of post-secondary exposure, vocational and academic education, with the highest level of educational attainment being a Master's degree. The participants were at the time employed in administrative, academic, and ancillary positions; however, two were unemployed and one was a full-time student.

<sup>ii</sup> This is a term used by Town Planning to describe the country's most urban belt. It comprises Kingston, urban St Andrew, Spanish Town, and parts of the St Catherine South Police Division including the Metropolitan of Portmore. The Kingston Metropolitan Region (KMR) has a population of over one million (Gayle, 2009; Statistical Institute of Jamaica (STATIN), 2011).

<sup>iii</sup> A community norm in the garrison that involves taking justice matters into one's own hands without reference to the formal justice system. It is a form of recourse that aids an aggrieved individual. The don and his criminal gang typically maintain this system of justice.

<sup>iv</sup> The late Professor Carl Stone, OM (June 3, 1940 – February 26, 1992) was a political sociologist who studied and wrote extensively on Jamaican voting behaviour.

<sup>v</sup> The Taino Indians (Arawak people who were Indigenous people of the Caribbean and Florida) were the island's inhabitants when it was "discovered" by Columbus. During the Spanish occupation in the 15<sup>th</sup> century, the Tainos were put into slavery and eventually exterminated. In the 16<sup>th</sup> century, importing slaves from West Africa became a practice on the island (Klein, 1978; [https://www.embassyofjamaica.org/about\\_jamaica/history.htm](https://www.embassyofjamaica.org/about_jamaica/history.htm)). The



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Jamaican slaves that lived on the island after emancipation came from present day Ghana, Nigeria, and Central Africa (Klein, 1978; [www.embassyofjamaica.org/about\\_jamaica/history.htm](http://www.embassyofjamaica.org/about_jamaica/history.htm)).

vi Robotham (2000) notes that over the years, with the rise of a black professional stratum, a “black bourgeoisie” currently occupies a larger role in the state; however, the white and/or brown elite (those of mixed ancestry) wield a significant control over the political process and continues to control the economy. This status quo still exists today.

vii The *lumpenproletariat*, a word coined by Karl Marx and Friedrich Engels, in Marxist theory refers to the underclass who are at the lowest stratum of the industrial working class and devoid of any revolutionary capabilities and class consciousness ([www.britannica.com/topic/Lumpenproletariat](http://www.britannica.com/topic/Lumpenproletariat)). Conversely, for Fanon, within a “Third World” context, the underclass does possess revolutionary capabilities because they were critical to the anti-colonial struggle (Worsley, 2014).

viii Within the garrison’s IJS, this occurs when a don (or one of his henchmen) decides on punishment/remedy for a wrongdoing.

ix Vision 2030 is the country’s first long-term strategic development plan towards a developed country status that covers goals and objectives for a 21-year period, 2009-2030. The Plan is presented as one that was prepared by Jamaicans from all sectors of the society, locally and overseas, to guide the country's development up to the year 2030. It is based on seven guiding principles which put people at the center of Jamaica’s development. These guiding principles are transformational leadership; partnership; transparency and accountability; social cohesion; equity; sustainability; and urban and rural development (Planning Institute of Jamaica [PIOJ], 2009, p. 12).

x Lorde’s commentary was at the “The personal and the political panel,” Second Sex Conference, New York, September 29, 1979, and later published in *Sister Outsider*, 1984.

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