

REFLECTIONS ON COMMUNITY JUSTICE IN MONTREAL

By David Ward in conversation with Jean Hine

Jean **Shall we start with where you went to, why you went and what you were doing while you were there, to give a context?**

Dave I went to Canada on the invitation from a former PhD student, Dr Annie Pullen Sansfacon, who is a member of staff at the University of Montreal. We both share an interest in the theory and practice of empowerment through group work and so my main purpose for being there was to link into work that she was doing and to evaluate and engage with community based projects in Montreal that were taking a user community member centred approach. I was interested in addressing structural issues around whatever was the focus of the project. In addition, I agreed to run seminars, mainly for postgraduate students, around self-directed group work, social action participatory methods of research, which is a distinctive approach to user involvement in research. The seminars became very open with a mixed membership including people who were based in academic institutions and people who were members of projects working in the community and interested in the methodology. I ran seminars in three universities in Montreal and also in Quebec City and in another University in the Province of Quebec.

Jean **Did they come up after you arrived - word got round that you were there?**

Dave There had been a little bit of preparatory work before I got there but mostly it was sending emails around when I got there saying I was there and then people came back and made arrangements for me to go and lead workshops, rather than actively deliver seminars. The first part of the visit was fairly relaxed, getting to know the environment, getting to know people, getting to find one's way around. As I got to know people and got involved in things it became busier and busier and it was very hectic towards the end. In particular this was true of my contact in the University of Montreal, which has a partnership with academic staff from two other universities, and a grant from the Canadian Research Council, (which is the equivalent of the ESRC), to do some action research with parents of children who are gender variant or gender non-conforming. This is very much an area which, if this is the right word, is being 'discovered' in the sense that as soon as one gets involved in the subject area you find that it is an issue. The experience of gender non-conforming children is not an uncommon thing and both the children and their parents have to struggle to manage their development and to access support services. There is also work with established services to help

them provide appropriate and sensitive services to gender variant young people. One of the main things that I did, as part of the project, concerned the explicitly stated proposal that the methodology was going to be social action research. When I was in Canada I was to train the Research Assistants involved in the project in social action research methodology. While I was there I ran six half-day training workshops for three Research Assistants involved in this project on social action participatory research methods.

Jean **So this project is the social action of the parents trying to bring about change within organisations?**

Dave Yes - you've got it - the parents group is a group which was established on the basis that it was an opportunity for parents who had something in common, to get together. But then the facilitation of the group enabled the parents to have the option, which they took up, of becoming a change orientated group rather than a self-help group.

Jean **I see.**

Dave This is part of social action; self-help is embedded in the process of working together to change external circumstances. So I worked with the Research Assistants who were action research workers and I will come back to explain that in a second. They were action research workers in terms of social action group work methodology: preparing the group and working with the setting up of the group. They introduced the parents together, then worked with them to establish an agenda for the group, and then facilitated and supported whatever they decided to do. But the groups started after I had left.

Jean **I was going to say is it in its very early stages - but it was actually pre the group starting?**

Dave It was pre but then I went back to Canada for a fortnight in May, so I was able to spend a day with the group workers reviewing what had been happening. I had been given information between times anyway and had commented on it, but in May I was able to review with the action researcher facilitators what had been going on in the group.

Jean **And how did they find the experience?**

Dave We have written a paper which is currently out for review which we are hoping to have published in *The Journal of Progressive Human Services*, which is the North American equivalent of *Critical Social Policy* but more geared to practice: it is an interesting journal.

Jean **How long was this piece of work planned to last?**

Dave One of the features of social action work is that it is open-ended. The researchers have been specifically funded by the research grant for nine months, but the group takes over and plans its own future and decides where it is going to go. One of the commitments of the rest of the team is that they won't just walk out when the funding ends. But the way research happens in Canada is interesting as well. When you are awarded a research grant you specifically

cannot use that grant to buy yourselves out, you have to use the grant to buy in research support. It is a way of insisting that academics are trained as researchers and have opportunities to do research. So once you graduate from being a Researcher, you become a PI and become essentially a Researcher Supervisor. The academics are Research Supervisors within the contracts for academics in Canada which gives them a lot more space to do research as part of their job. A lot of the teaching in the universities in Canada is done specifically by people who are on teaching contracts, and usually they do that on a part time basis. So academics have a lot of opportunity for research and writing.

Jean You mentioned in one of your pieces that the link between academics and policy makers seems to be a lot more positive and stronger in Canada than it is over here. To what extent do you think that is related to the way in which the researchers work?

Dave Part of the background is that I went to Montreal, and Montreal is in Quebec, and Quebec is a very distinctive society. I suppose it is a bit like Scotland where it is small enough for everybody to know everybody else. What came over very clearly was that there were very strong personal and institutional links between academics and people in government. And that academics were almost routinely referred to in terms of being asked to advise. Well not advise but provide information to enable politicians to make decisions and I suppose civil servants to gather information in support of that. Also the press was very open. I saw references to articles on socially relevant topics in the press, which referred to university academics and to academic research within the articles. I have some examples I brought with me. That was one of the things which really struck me. Here is an article on homeless young people being targeted by the police. The author was a colleague at the University of Montreal who did research on this. She collected together a dossier with her co-researcher at the University of Ottawa. This is in an ordinary kind of newspaper and it is just not the way you would see it reported in the UK. We are not familiar with seeing the press comfortably refer to academic research.

Jean And is it a balanced report?

Dave Oh yes very - and that's the other thing. We would regard 'balanced' as perhaps meaning it is not right wing and not condemnatory of the socially disadvantaged. One of the things which stood out very strongly for me was the much more balanced approach to social issues in the press. This article is about the police targeting homeless young people and harassing them. It argues that to institute stronger penalties for juvenile offenders would be ineffective: the line is we want a much more liberal approach. This is partly mixed up in the fact that some of the Quebec identity is its liberalism and its social awareness compared with the rest of Canada. When I talk about what this situation is in Quebec and in Montreal it is important not to generalise and to see that as a reflection of what is going on in the rest of Canada. What underlines this is that the government of Canada, under Premier Harper, who is seen as very much a right-winger, is putting forward legislation which is a 'two strikes and you're out' type of policy and with longer sentences. Quebec is seeking to resist that within its own

jurisdiction and various constitutional battles are going on between Quebec and the federal government.

Jean **Do they have the right to make their own decisions in that respect?**

Dave What is critical of course is where is the dividing line. There is a federal penal code, but then there is flexibility about the implementation of it at a provincial level. But I am not familiar exactly with what the details of those divisions are. What we do have is a central government and it tends to be a federal Canadian government and because Canada is mostly English speaking it also gets associated with Anglophone culture. This is not related particularly to the UK but is related to the USA as opposed to Quebec, which is Francophone. It has its own identity and its identity is embedded in a whole range of things, which are different to what go on in the rest of Canada.

Jean **Is that just because they want to be different from the rest of Canada, not because they particularly see the French, for instance, going a different way and they want to be similar?**

Dave There is not an identity of that kind with France. It is a three-way relationship really for Francophone Canada. The relationship with Anglophone Canada, the relationship with France and there is also a relationship with the UK. And the relationship with France is more nostalgic than real because it goes back into the history that Quebec was wrested from France in the 1760s before the French revolution, and when Quebec was taken over by Britain as a result of a treaty which ended the Seven Years' War. Britain was not particularly interested in Quebec in terms of colonising it. One of the things which is in the mythology of Quebec, was that apparently Voltaire said when the treaty was being negotiated to end the war, that the French had a choice of either giving up Guadeloupe and Martinique in the Caribbean, or Quebec. Voltaire was reported to have said whoever wants that place of ice and trees and dark nights when you could have the sugar and the spices and the sunshine of the Caribbean? So the French surrendered Quebec to the British, and for the British, Quebec was important strategically rather than a place they wanted to colonise. There was this view that the French at that point held Louisiana and they held Quebec, and in a sense they could have circled the British colonies down the Mississippi valley. By taking Quebec the British strategically prevented that, but what happened was that, as part of the settlement in effect Quebec became self-ruling. But self-ruling meant being self-ruled within the structures of pre-revolutionary France; the feudal structures where the dominant forces were the church and absentee landlords. There is a great ambivalence because the Quebecois on the one hand recognised that that allowed them to keep their French identity because the British did not impose anything, whilst Ontario and the rest of Canada was developed on the Westminster model, which was more capitalist and liberal. It encouraged and allowed commercial development and prosperity. So while the rest of Canada developed under the Westminster model, Quebec became almost a feudal backwater, and it remained a feudal backwater until the 1960s.

Jean **So is it still playing catch up or has it caught up?**

Dave In some ways it has caught up but to some extent it is still playing catch up. In the 1960s was that there was an internal revolution within Quebec. It was known as the Quiet Revolution. Up to that point the church dominated education, health, the social field, and also culturally was very dominant. Commerce was largely in the hands of Anglophones who came in from other parts of Canada, rather than Quebecois Francophones. So there was this internal revolution in Quebec in the 1960s which threw off the power of the church, nationalised all the things that the church had done and the state took them over. It nationalised the commercial infrastructure and took over, in particular, power generation and the mining industries in the 1960s.

Jean **And is it still nationalised?**

Dave Largely yes and that is one thing one notices; a very, very strong public sector structure. As happens in revolutions, there was a strong reaction, which went from one thing to another. The distinctive French speaking, Catholic church had been the corner stone of Quebec identity, and Quebec became an aggressively secular French speaking state based on what it calls 'public' services but what in the French translation are 'collective' services. The population identifies with those services in a way which one does not experience here. The services are seen as 'ours' rather than seen as the state providing for us. I'll give you an illustration which is the metro system in Montreal. We have London underground which will be the equivalent in London, and they have the UTM in Montreal, which is the 'movement collective'. Public transport is not a service which you buy into, it is a collective service which we all own and contribute to in our fares.

Jean **So it is not paid for out of taxes?**

Dave It is partly paid for out of taxes because it is relatively cheap but there is no question of privatising it and there is a brilliant integrated public transport system of buses and underground which is this 'movement collective'. It advertises every week in the newspaper special offers and things they are putting on. It presents itself as 'this is our service to you'. It has this participatory kind of aura to it.

Jean **The distinctiveness that you mentioned - is this something the Quebecians see and feel and talk about?**

Dave Yes completely. There are two worlds in Canada, for Quebecois there is Quebec and what they call the 'ROC', which is the rest of Canada. So they talk about the ROC, while from what I hear, the rest of Canada regard the Quebecois as a bit 'off the wall'. Quebec was seen as being 'backward', so there is an assumption that it must still be a little bit backward, not in the real world. So there is quite a lot of feeling that the rest of Canada has to subsidise Quebec. But although there is a transfer of resource around Canada from, in particular, the oil rich states of the mid-west of Canada, it is from west to east. In fact the poorest parts of Canada are the Maritime States which of course are English speaking; Nova Scotia, Prince Edward Island, New Brunswick and Newfoundland are the poorest parts of Canada, but in a sense that is overlooked by the Anglophones. They see Quebec as being the part of Canada which rides on the back of the rest of Canada.

Jean So as a consequence of this collective view of the world, do they have less social problems?

Dave I don't know whether there's a connection, but the collective view produced services and the public services tend to be of a high quality. In the criminal justice field the public services are geared towards help rather than punishment; they are very welfare orientated, very anti-carceration. I was told, (and I cannot currently verify this) that there are lower crime rates and lower recidivism rates in Quebec than there are in the rest of Canada.

Jean That is interesting because I had a look at those figures as I was wondering whether they sentenced differently. The statistics are a bit hard to make sense of because they do not add up. I have not brought them with me but although Quebec is different to some states, I only looked at the biggest provinces. There were some other provinces that had similar figures if you looked at the proportion of custody, and the proportion of probation. There were other places that were similar like I think Ontario was one that was similar and some that were very different, more punitive.

Dave Well if you go west it becomes more punitive I think.

Jean It could have been, I did not look at it geographically.

Dave So Ontario is seen as being more or less England in North America. Ontario, Toronto has a very strong identity with Europe and then as you go further west you move into the open country where it is very individualist. So you have the farmers in the prairies and they are huge farms, but also the frontier spirit of the mining and the oil industry in particular. And then British Columbia is seen as being different again because a huge proportion of the population in British Columbia is from Japan and China - from East Asia and is orientated very much towards the Pacific Rim and the kind of culture of the tiger economies. I just assume you would find that British Columbia was more liberal than the prairie states. The people I have spoken to say they can back up the view that the way of doing things in Quebec, particularly in relation to young people, works.

Jean So what does community justice mean to Quebecians?

Dave I don't know whether community justice as a term would mean very much to Quebecians, but the under eighteens are all dealt with by the Child Protection Service, which is not Child Protection in terms of non-accidental injuries as we think of it, but is the social services for young people.

Jean So do the people who work there, presumably social workers, are they responsible for taking them through court and that sort of thing? Court reports?

Dave Yes

Jean Sentences from the court?

Dave Yes

Jean Do they have a similar range of sentences?

Dave Yes the range of provision is very similar in terms of community provision and a lot of that provision is in fact provided for by what we would call third sector organisations. But there seems to be a more comfortable relationship between those and the state than there is here. Third sector organisations are involved because it is seen as right that they should be doing it rather than for economic reasons.

Jean **Does that mean that their funding is more secure? The charitable, third sector organisations?**

Dave Yes

Jean **Because one of the problems with ours is its always short term isn't it?**

Dave Yes that kind of short termism people are not worried about where they are going to get their funding, or whether their funding is going to get renewed. It is just assumed that things will continue. Organisations will provide an annual report each year and if the annual report shows that the service is no longer viable or needed, well self-evidently it would be reviewed. I don't know how to express it but there is not that sense of being under threat really. There is scrutiny but not with that motive.

Jean **Yes so do they not have to divert as much of their attention to fundraising, to getting donations from people?**

Dave There are some big foundations. I suppose that is a feature which seeps in from the USA; the notion of private beneficence is very strong. So the funding is mixed, and it is partnership funding, but the funding from the private foundations is very secure. The foundations are very secure. One of the things which is interesting about Canada, but also in Quebec, is the strong public investment in culture, and culture is not just highbrow culture it is popular culture as well. One of the people who, you hear a lot about is Celine Dion who is from Montreal. She seems not to be revered in the kind of celebrity way celebrities are treated here, the Posh Spice type thing, but just respected: somebody does well and when they do well it's almost assumed that they then contribute to the community. She is a great contributor to voluntary and charitable works in the city but it is not presented or does not come over in the way it would be if some footballer set it up here where it would be seen as an exception rather than the rule. It's taken for granted that that is the way it is. It is this collective culture that I experienced as being very, very strongly established everywhere, and permeates everything.

Jean **The charities that provide services to young offenders or look after the sentences of young offenders, they do not find that these are the less attractive places for people putting their money?**

Dave The view of the person who was my contact at the Centre de Jeunesse, which is the young offenders organisation, is that we accept in Quebec that the young people are not a problem for the present but hope for the future so we should invest in them. Now I did not always agree what was being done but it is nice to be able to get in to that kind of debate, about the nature of investment. A lot of the services, and a lot of the way things are done, they are very therapeutic and

individualistic in terms of medical model approaches to things and that is where my social action stuff comes in. But those are the services that are provided. There is no question that they should not provide services to help young people rather than punish them and let them learn their lesson. It is not a matter of letting them learn their lesson.

Jean From what you have said you would expect restorative justice to be fairly strong?

Dave I didn't see it as being particularly strong but I would not have expected that would necessarily be the case because in a sense the investment is in helping. I think restorative justice comes up as an antidote to punishment. Restorative justice gets introduced in order to counter exclusionary policies whereas in Quebec there are not exclusionary policies in the first place. If you are not excluding offenders in the first place then the issue of dealing with their exclusion by reconciling the victim and the offender, or the community of the offender, does not come up.

Jean So is there not a strong focus on victims either?

Dave Only in one area did I notice it and that is in domestic violence - I found a lot of preoccupation with domestic violence in the adult criminal field. A lot of thinking about how to deal with domestic violence and the perpetrator in a more nuanced way, rather than just looking to the interests of the victim by protecting them from the perpetrator or dealing punitively with the perpetrator.

Jean Interesting.

Dave I found this very interesting because, in the work I do with the Probation Board in Nottingham and in particular with serious further offending. A lot of the serious further offending is around domestic violence. So I was interested in projects that were taking place in Montreal around domestic violence. When I say a nuanced way, dealing with domestic violence in a way that recognises the interdependence between the perpetrator and the victim. Not in terms of emotional interdependence which in a circular way comes around to blaming the victim, because it says that some women keep getting themselves into victim situations, becoming victims. But more about structural and material interdependence and that a crude or an unsubtle approach to domestic violence can rebound on the victim in terms of their material circumstances and their life opportunities. An example, deceptively trivial, that was given, in explaining a diversion programme for perpetrators, was that once someone has a criminal conviction they cannot get entry to the USA. That could mean no more holidays in Florida for the whole family, quite an issue if you think about Canadian winters. So although it is about putting the victim at the centre of attention, it is also recognising the complexities and ensuring that the victim does not come off worse whatever happens.

Jean I see right ok, what about something like community payback or community service?

Dave Yes they call it community service.

Jean **So they do have it?**

Dave Yes. It is run by a voluntary organisation. I think it is run by the Howard League.

Jean **Of Canada?**

Dave Of Canada.

Jean **So I guess this is something like what is envisaged for over here, the third sector?**

Dave Well no, over here it is envisaged that it will be run by the commercial sector. I almost need to go back to why did I go to Canada? I went to Canada for the reasons I said in the beginning but also because of my work on the Probation Board here and because of what I'd experienced. My involvement in probation and criminal justice is just as much an intellectual academic area of interest as social action. Canada, it had seemed to me, had made a huge impact on the way the probation service had evolved in the last twenty years or so, particularly through What Works. And the importation of a system of providing responses which was predominantly based on the development of group work programmes and the dominance of programmes in probation practice. We had always been told that Canadians have produced the research that shows that it works. So that is the evidence base for us adopting it almost wholesale. So I was quite interested to see whether it was as it seems; whether that characterisation held up to scrutiny. That is one of the things that I did while I was there, to pursue and find out more about that.

The first thing that I found, which took me quite a long time to find it but it was the most important thing that I discovered, was there are two criminal justice systems in Canada. There is the federal system and the provincial system. The CSC, the Correctional Service of Canada, is essentially a prison based system which provides the facilities for people who are sentenced to over two years imprisonment within the Canadian penal code. There are no Probation Officers within this federal system, there are only Parole Officers who work predominantly within penal institutions and much less intensively in the community. Prisons are much more strongly resourced with Parole Officers and Psychologists who do the therapeutic work while Prison Officers are known as guards and they manage the day to day locking up, control and discipline of people within the institution. But compared with us the prisons are very well resourced with therapeutic professionals. The programmes have been developed and largely put in place within prisons whereas they have been transferred across the Atlantic and put in place in the UK within community based correctional services. So there is a big question for me as to whether one is looking at like for like. Whether the so-called success of programmes which have been instituted in prisons can be transferred to the community and can be assessed in the same way. Controversially I feel that this has been hidden from us here over the last twenty years.

Jean **Canada was important because that is where the LSIR had been developed, which was the first scale used for What Works. A lot of the programme material was actually developed here, in the UK.**

Dave I thought the programmes were developed over there, Think First and all of that stuff?

Jean **Some of the ideas for them might have come over but they were promoted as being very UK developed. The notion of CBT was coming in at that time as well. Meta-analysis was identifying CBT as working best and therapeutic programmes are seen as not being very good.**

Dave And where were the programmes though, the programmes were in the prisons?

Jean **They were primarily at that the stage yes because they can only use programmes that are evaluated to a certain sort of level in meta-analysis.**

Dave What is interesting is that the high status place to work is in prison because Officers in prison have got a captured audience and they can use their therapeutic skills to facilitate and lead the programmes that are put in place in prison. But because of the size of the country and the dispersal of the population, the role of the Parole Officer, once somebody has been released from prison and is on licence, is essentially just checking up. There is very little on-going work

Jean **So that is very much the American model isn't it? Huge caseloads and little contact?**

Dave Yes in the community and that is the obverse from what it is here where Probation Officers want to work in the community and see going into work in a prison as being given a 'sentence'. There it is entirely the opposite. People want to work in prison because that is where they feel they can use their skills. There is no specific training for Parole Officers; there is no such thing as probation training courses. People are recruited as psychologists or predominately criminologists so they have done criminology degrees at university and then they learn the correctional services application on the job, not through going through special courses. Their qualification is their degree or, more often, their master's degree in criminology or psychology. Then they are employed as Parole Officers or as Probation Officers but Probation Officers only exist at a provincial level, based in the provincial services, the Ministry of Public Protection in the case of Quebec. They do social enquiry reports and they supervise community sentences very much in the way that we supervise them here. It appears as though in Canada you get people who get two years or more imprisonment and they go off into the federal system. But Quebec province has very few prisons so people who could be sentenced to less than two years seem to serve their time differently. You do not have a load of people on short term sentences so you get people either sentenced for over two years or sentenced to community disposals or weekend imprisonment. In the Quebec provincial system, most imprisonment is weekend imprisonment, periodic imprisonment and for which, indeed, there is some strong backlash against it because it is seen as a waste of time. So weekend imprisonment would probably be seen as a step forward here but there it is now seen as a waste of time because all it does makes people come away from their families for the weekend and while they are there they do nothing. They simply have to be occupied.

Jean So is their role mainly surveillance as well the Probation Officers?

Dave No they would work with people on supervision, on probation orders. The range of community sentences that Probation Officers would deal with here.

Jean The court still decides what it is that the offender is going to do? That's not down to the Probation Officer?

Dave Yes and it was made very clear to me that Probation Officers, although they are recruited in the same way again predominately from psychology degrees and criminology degrees, don't share a common identity with Parole Officers. Parole Officers are in the federal system and that is a whole different kind of world to the provincial system. In Quebec the provincial system as I say is very much geared to health, welfare and keeping non-custodial provisions.

Jean Which presumably works through to individual officers and their recommendations in courts?

Dave I would expect yes.

Jean What about the notion of anti-oppressive practice? If again they have got a more inclusive society on the whole, are there groups that are not included?

Dave Yes and this is one of the things which really fascinated me while I was there because what I began to see was a distinction between their welfare state and our welfare state. Their welfare state is public services for the majority but they are a very, very poor people and an inadequate safety net for them. Public services are high quality and supported and accessed by the majority of the population but this access is dependent on the principle of contribution. For instance there is cheap child care which is state subsidised and costs a few dollars a day which has led to high female employment: it is the norm to work whether a single parent or in a couple. Social services have high quality surroundings and buildings and are accessed by all the population. There is a culture of collective provision for the mainstream majority but what shocked me was the lack of a safety net for people outside the mainstream. There were large numbers of beggars on the street and homeless people, often, I was told, people with mental health problems or even elderly people who did not fit within the structured provision. Old people were begging because they were not able to access full pension provision. The safety net is totally inadequate: I was told that it didn't even cover rent for a room for somewhere to live. Soup kitchens are provided by voluntary organisations and are very visible even in fashionable parts of the city. Free care in care homes is available for the eligible but there seems to be a view that if you haven't contributed you deserve what you get and there is no need for a comprehensive safety net because we have full employment. One academic I spoke with, whose speciality is homelessness, talked enviously of public provision for the homeless in the UK.

Jean What about ethnicity and cultural differences?

Dave What is absolutely crucial in Quebec is the Quebec and Francophone identity. There are a lot of immigrants who are French speaking, notably from the Caribbean and Africa. There is a particularly strong link with Haiti and there is a

Haitian community which is fully integrated but there is some residual hostility to immigrants and a view that they see Quebec as a passport to the rest of Canada and, to some extent, to the USA and are not committed to the distinctive identity of Quebec.

Jean **What about the indigenous population?**

Dave The term used is aboriginal. They are very disadvantaged, marginalised and discriminated against. It is a big issue not only in Quebec but in Canada generally because of lack of progress in terms of resolving the rights of the aboriginal population and their achieving access to contemporary standards of living.

Jean **We are running out of time: any final thoughts?**

Dave Although the quality of the infrastructure, public services and the environment such as the cleanliness of the streets is striking, not everything is rosy.

People in Quebec are closer to power, which makes them more powerful. For instance a recent proposal to raise student fees led to a student strike and huge demonstrations right across the population. There was a sense that important principles had been betrayed. Free education was an important part of the collective provision and young people had been betrayed. I got no sense of people complaining about their taxes. The format of Quebec society has changed in the short period of time since its 'quiet revolution' in the 60s and 70s, but people are still committed to the original 'collective' principles.