

## **EDITORIAL**

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It is my privilege to present this special Australian edition of the British Journal of Community Justice (BJCJ) and to introduce such a high quality collection of articles. The task of editing an Australian edition of this community justice journal does raise the question: what is understood by community justice in Australia? This introduction will set out some thoughts on how community justice can be understood in Australia before briefly introducing the papers comprising the special edition.

Community Justice is a familiar term but is not straightforward to define, not least because it brings together two widely used but widely contested terms, 'community' and 'justice'. In defining community justice it is possible to determine two strands in the term's use and understanding, which can simplistically (and perhaps, slightly reductively) be characterised as an American understanding and a British understanding. The American discourse of community justice is dominated by the work of Todd Clear and David Karp, separately or together, and focuses on community, as it is understood in local neighbourhoods (see, for example, Karp & Clear, 2002; Clear et al., 2011). This interpretation of community justice is primarily about local neighbourhoods taking control back from the state and the criminal justice system and resolving offending acts in a local way. Although it is a deliberately narrow understanding of community justice it is deep, clearly articulated and deals with such fundamental concepts as the nature of justice, the work of criminal justice professionals and the role of the state.

Community justice in the UK is sometimes used broadly so as to seem to encompass almost everything in the criminal justice system outside of custodial settings (see, for example, Winstone & Pakes, 2005). Community justice as a term has been in wide use over the last two decades – including its use in the title of degrees and training organisations such as the Community Justice National Training Organisation (CJNTO). There have been attempts to unpack it and define it, in the pages of this journal and elsewhere. Williams (2003), launching the BJCJ, characterised community justice as a democratic, not authoritarian model, signifying an intention to practice criminal justice in a particular way, including an engagement with communities and neighbourhoods. Williams (2003) identified the roots of this community justice model as being in Clear and Karp's American work and Christie's (1977) conception of conflicts as a form of property that should be returned from the state to their owners. Nellis (2005) suggested that community justice could be a way of expressing humanistic values within the criminal

justice system and could serve as a uniting discourse for probation as it was separated from social work. Most recently, in the tenth anniversary issue of the BJCI, Senior and Nellis (2013) discussed a definition of community justice as one where criminal justice agencies take their direction from what the community wants. This British understanding of community justice particularly focuses on the role of probation and youth justice, includes restorative justice within its ambit and places a strong emphasis on values. Community justice is a flexible enough concept to be able to link easily to other approaches and perspectives as they gain support. Fox et al. (2013) have drawn links between desistance approaches and community justice; their definition of a community as those who provide support in building a good life (see Ward & Maruna, 2007) is an important one, particularly as it acknowledges the importance of flexibility in determining the conception of a good life.

In discussing community justice in Australia, this wider British conception of community justice provides a useful framework for determining what issues should be included. Papers in this Australian special edition include discussions of the familiar community justice subjects of restorative justice, work with young people, resettlement and desistance. The issue of overwhelming importance, however, in discussing community and justice in Australia is the relationship between Aboriginal and Torres Strait Islander communities and the criminal justice system. The over-representation of Aboriginal communities in arrest, conviction and incarceration figures will perhaps be even more shocking to an international audience than to Australians who have become depressingly familiar with the situation and the stubborn lack of improvement. The 'Creative Spirits' website (Creative Spirits, 2014) collates and publishes well sourced official statistics on the Aboriginal prison population and the figures include:

- Aboriginal people make up 2.5% of the Australian population and 26% of the prison population;
- In the Northern Territory the Aboriginal population makes up 28% of the state but 83% of the prison population. This state has the highest Aboriginal imprisonment rate per 100,000 in Australia;
- 48% of Aboriginal young people will appear in court, as compared to 28% of non-indigenous young people;
- An Aboriginal person is seven times more likely to be the victim of a homicide than a non-Aboriginal person;
- 10% of Aboriginal children have a family member in prison.

This fracture in Australian society shows the inadequacy of a simplistic understanding of community, especially if the welcome of that community is expected, in itself, to bring healing or rehabilitation. In Australia, the criminal justice system is not alone in failing to achieve high standards in work with Aboriginal and Torres Strait Islander communities; the disparities in outcomes relating to education, health and employment are just as stark and just as bleak. In this context an understanding of community justice in Australia must include a discussion of restorative justice, as restorative justice approaches are often seen as a solution to the poor outcomes achieved for Aboriginal and Torres Strait Islander people. Australia has been a leader in the modern adoption of restorative practices and

restorative justice is a central aspect of how offenders – particularly first time, young offenders – are dealt with. The historical roots of restorative justice in Aboriginal, Torres Strait, Maori and other indigenous communities are widely discussed internationally but in Australia it is accepted that these origins are not as explicit as is sometimes claimed (Cuneen, 2007) and it is certainly misleading to claim that any introduction of restorative approaches will necessarily meet the needs of Aboriginal groups. In this special edition, the papers of Richards and Tauri particularly draw attention to the assumptions made about community, restoration and the lack of actual consultation that there has been with indigenous communities. The values of community justice present an opportunity to consider the response to Aboriginal and Torres Strait Islander communities in Australia and also demand that we think about other aspects of diversity including race, gender and age.

The papers in this special edition cover different aspects of community justice and, taken as a whole, present a rounded picture of contemporary community justice in Australia. Kelly Richards's paper draws attention to the term 'community' and its widespread use in restorative justice literature that is not accompanied by an exploration of its meaning or socially constructed nature. There is a strong theme throughout the papers in the journal of giving attention to the impact of criminal justice processes on Aboriginal communities in Australia and Richards highlights the impact of the assumption that a 'community' is something that only Indigenous young people belong to.

One place where the term community justice has widespread international recognition is in the use of community justice panels to include members of the in the criminal justice process. Kerry Clamp's paper looks at the use of the panels internationally and gives particular attention to their use within indigenous communities, including Aboriginal communities in Australia. The panels have been part of an attempt to close the gap between the criminal justice system and Aboriginal communities and have had limited success in this regard.

It is this use of community and restorative approaches with Indigenous communities that is the focus of Juan Tauri's article. He seeks to privilege the experience of Indigenous people throughout the world as crime control processes are globalised, often with claims to draw on indigenous knowledge and experiences. His challenging paper has an Australian focus with an international application and highlights how rarely the voice of Indigenous peoples is heard within debates on crime control policy.

Community justice has always given attention to diverse groups that have been poorly served by criminal justice and two of the papers in the edition focus on groups that have not had good outcomes from criminal justice interventions – women exiting prison and young people engaging in antisocial behaviour. Rosemary Sheehan draws on research in the state of Victoria and makes the compelling and disheartening argument that it is well known how better transition for women exiting prison can be achieved but that this good practice is not routinely implemented due to resource constraints and a focus on risk. The need to provide housing, family connections and employment opportunities is clear but monitoring and surveillance is prioritised. Stanculescu and Stout compare responses to antisocial behaviour in New South Wales and the UK, arguing that political attention and

strong rhetoric has not been matched by just and effective policy. In England and Wales, the negative and sometimes unintended consequences of antisocial behaviour policy have been well documented but in New South Wales antisocial behaviour policy appears to have resulted in very little practical action at all.

The final paper in the edition is a thought piece from Kevin O'Sullivan, outlining how researchers and policy makers in Australia might draw more extensively on the burgeoning research and literature available on desistance from offending. The journal also includes Australian community justice files, provided by Maggie Hall, providing context as to the contemporary debates within Australian community and criminal justice. Hall highlights the ethical issues and challenges to community justice values in contemporary developments in Australian criminal justice, both in basing detention on risk assessment and in harshly punishing violence in public places while responding inadequately to domestic violence. Nick Flynn's UK community justice files relate the continuing debate over 'Transforming Rehabilitation' in England and Wales and the concerns that continue to be expressed by all but those closest to the government.

I am confident that this edition will be of interest to the readers of the BJCJ as it deals with themes that have been regularly and effectively covered in the journal. The edition also fits with the BJCJ's ethos in including articles from practitioners, first time authors and PhD students (all of whom go through the same rigorous peer review process as other authors) alongside work from established and renowned academics. I hope that this special edition gives an accurate picture of current state of community justice in Australia and the main issues and concerns. I am very grateful to all who have contributed to this special edition including the BJCJ editorial board, the anonymous peer reviewers in the UK and Australia and the contributors of papers. I would particularly like to thank Jess Bamonte at the Hallam Centre for Community Justice for her persistence, patience, advice and support.

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