

Community Is Not a Place: A New Look at Community Justice Initiatives

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Posted 1997-06-07 International Institute for Restorative Practices

Downloaded – September 16, 2012 - http://www.iirp.edu/article_detail.php?article_id=NDc1

Paper presented to the International Conference
on Justice Without Violence: Views from
Peacemaking Criminology and Restorative Justice
Albany, New York, June 5-7, 1997

ABSTRACT

Community justice initiatives, such as community policing and restorative justice, have tended to define community rather loosely. There is some consensus that a primary goal of community justice is to mobilize communities to be active partners in crime-control and problem-solving efforts. However, community justice initiatives have largely failed to reach this goal. One of the obstacles seems to be that, in many areas, "genuine" community does not in fact exist. If community justice is going to have any success, then, it is necessary to take a deeper look at the meaning of community. The question remains if there are alternative ways of defining community which take into account the absence of "genuine" communities but recognize the viability of community justice strategies. This paper will discuss the various ways that "community" has been conceptualized by current community justice initiatives and we consider a reconceptualization of community which is more consistent with restorative justice principles that emerges out of problem-oriented policing of Herman Goldstein and the work of Australians John Braithwaite and David Moore. Micro-communities are the social networks that we all belong to that are fluid and dynamic, and include home, work, leisure, religious and other social sub-structures that bind us to society. An incident-based definition of community seeks to define community differently for each incident or problem by including members from among the "micro-communities" of concern for each particular incident. The implications for community justice practice implied by this micro-communitarian perspective for community policing and restorative justice are realized in police-based family group conferencing, a restorative model of policing.

INTRODUCTION

Community justice initiatives, such as community policing and restorative justice, have tended to define community rather loosely, if at all. This has led to confusion about and variation in what exactly constitutes a community justice program. In community policing, community has often been equated with neighborhood. In restorative justice literature, community is often indistinguishable from society. These

ways of defining community have significant consequences for these new justice initiatives. Not only do they affect the way in which these approaches are designed and implemented, but they may cause confusion about the underlying values and thwart goals of community justice.

Critics and evaluators of community policing initiatives have noted the variety of forms and goals that these efforts assume (Rosenbaum, 1994). There is some consensus that a primary goal is to mobilize communities to be active partners in responding to crime; however, community policing initiatives have largely failed to reach this goal. One of the obstacles seems to be that, in many areas, "genuine" community does not in fact exist.

Advocates for the new justice paradigm known variously as restorative justice, transformative justice, and relational justice, have also differed greatly in their conceptualization of community. There is general agreement, in theory, that community is as central to restorative justice as are the victim and the offender (McCold, 1997). However, the actual involvement of those other than the facilitator, victim and offender varies widely in restorative justice practice.

If community justice is going to have any success, then, it is necessary to take a deeper look at the meaning of community. This paper will discuss the importance of defining exactly what is meant by the term "community" in community justice initiatives, especially community policing and restorative justice. We propose a non-geographic perspective on community which can be used to focus and define what community justice initiatives should look like and what they should be trying to achieve. This perspective is based on recent developments in restorative justice and community policing, especially the Real Justice model of family group conferences which, when used by police, exemplifies an integration of restorative justice and community policing. The implications of this perspective for community justice initiatives in general will be explored below.

DEFINING COMMUNITY

What is community? Community is a feeling, a perception of connectedness--personal connectedness both to other individual human beings and to a group. Building community, then, involves building bonds between human beings. Where there is no perception of connectedness among a group of people, there is no community. Although we may live in the same neighborhood, municipality, county, state or nation, be governed and served by the same institutions, we may have no sense of connection with each other, no sense that we are part of a unified group. As such, we are not of one community.

On the other hand, we may belong to the same bowling league. We may go to the same place of worship, work in the same office, or go to the same school. We may be relatives or friends. As such, if we perceive a connection between each other and a common interest in the activities and well-being of the group--the sports league, the religious group, the workplace, the school, the family, the circle of friends--then we are, by definition, part of a community.

When we speak about the "sense of community" that is missing from modern society, we are speaking about the absence of meaningful interrelationships between human beings and the absence of a sense of belonging to and common interest in something greater than ourselves. At a societal level, this manifests itself as individualism. Excessive individualism tends to breed selfishness and a lack of empathy, which lays the groundwork for crime (Braithwaite, 1989; Moore, 1997).

We can, of course, simultaneously value both ideals of the individual and of the group. In terms of political philosophy, we might equate this with valuing elements of both libertarianism and communitarianism. In modern society we have a problem in that we seem to undervalue collective responsibility and overvalue individual rights, thus losing a sense of balance between the two (if such a balance ever actually existed). As such, we have diminished respect for others and have only a limited sense of responsibility to the collective.

Thus, the promise of community justice initiatives in empowering and building community has strong popular appeal. Against a tide of individualism and a perceived decline of community life, we long for a sense of connectedness in our lives and a sense of safety in our neighborhoods. Our sense of safety is obstructed when neighbors are strangers. As Kay Pranis, restorative justice planner for the Minnesota Department of Corrections has suggested, neighborhoods are caught up "in a downward spiral where crime leads to greater fear and increased isolation and distrust among community members, which in turn leads to

even more crime. As community bonds are weakened by fear and isolation, the power of community disapproval is reduced and crime increases" (Pranis, 1996, p.10).

Place, therefore, can play a role in creating a community of interest around a crime in a specific location, but only coincidentally. In and of itself, community is not a place other than as a mythical reflection of a romanticized past. In many areas, geographical units do not constitute or correspond to communities. The resident population may lack a sense of shared interests and there may be relatively few interpersonal connections between neighbors. Even where genuine community does coincide with place, "the socio-political constructions of that community may differ greatly from one culture to another" (Tyler, 1995). There is most likely not one unified community, but a number of fairly distinct communities, perhaps at odds with one another, excluding those on the proverbial "other side of the tracks."

The consequences of crime extend beyond neighborhoods, towns and cities, because our networks of relationships are not confined by geographical boundaries. A theft committed against a family member in another state would probably affect someone more personally than a burglary committed in their own neighborhood. The problem with many community justice initiatives is that they have defined community primarily in terms of geography, ignoring the very vibrant sense of community that exists in personal networks of relationships. In doing so they may, in reality, be indistinguishable from existing justice practices, failing to address collateral harm and the weakened community caused by crime and failing to establish meaningful roles for community members in justice interventions.

Retributive justice approaches can actually make matters worse by alienating both offenders and victims. John Braithwaite explains how offenders who have been stigmatized by the justice system often are drawn together to form their own subcultures. These become communities in themselves, unsympathetic to the norms of conduct and morality of the larger society (Braithwaite 1989). Ironically, members of these "criminal subcultures" may have a greater sense of belonging and connection than members of mainstream society. The influence that any community has on individuals belonging to that community--community as a perception of connectedness to an individual or a group--is a source of informal social control. It is a powerful motivator in maintaining group norms, whether these norms are positive or negative.

For community justice initiative to be effective they must capitalize on the fact that people act in a certain way because they want to avoid experiencing the external shame of disapproval by people they care about and because of the internal shame experienced through conscience. Conscience is largely developed through a maturation process in which the behavioral values of interdependence become internalized. Where conscience is not fully developed, approval of others is the primary motivator, not punishment or fear of punishment (Braithwaite, 1989). It follows, then, that a primary goal for community justice should be mobilizing informal social control mechanisms by strengthening, creating or restoring healthy interdependencies and by encouraging the development of mature internalized control, or conscience. In this process, harm can be repaired, offenders and victims can be reintegrated (or perhaps integrated for the first time), empathy can be fostered and relationships can be healed and formed. Fundamentally, community justice is about building and utilizing perceptions of connectedness to individuals and groups as a way to respond to and prevent crime and wrongdoing.

COMMUNITY IN COMMUNITY POLICING

Community policing has tended to define communities as existing in specified locales or neighborhoods. Community policing initiatives often involve the creation of foot patrols, permanent geographic assignment of officers and mini-stations serving a particular neighborhood. Attempts to organize and unify neighborhood residents into a "community" are also common practice (Rosenbaum, 1994). In urban settings, each neighborhood may have its own look, and perhaps residents feel some sense of collective ownership of their area. However, this does not translate into significant interaction or the formation of stable personal relationships. The natural communities that exist are spread out over varying distances, rarely co-locating with geographic boundaries.

The Innovative Neighborhood Oriented Policing (INOP) programs, funded by the Bureau of Justice Assistance to implement community policing approaches to drug demand reduction, are a prime example of the interchangeability of "community" and "neighborhood." INOP program efforts included increased law enforcement, drug prevention, education and treatment, as well as the creation of satellite offices and the purchase of motor homes to increase police presence in specific problem neighborhoods. The cumulative results of these efforts were unimpressive. There was a lack of involvement of community residents in

program design, citizens were largely unaware of the project goals and they did not become involved (Sadd & Grinc, 1994).

In general, community policing means many different things to different people (Hunter & Barker 1993; Bayley 1994). There is some consensus that its general aims are to prevent crime and create a better quality of life and to change the reactive, control-oriented style of policing to a proactive, problem-solving, service-oriented style. Its specific objectives, however, are varied: to reduce crime, fear of crime, calls for service and complaints against police; to increase preventative knowledge, crime clearance rates, public satisfaction, number of volunteers, police satisfaction, police efficiency and police effectiveness; and to build police-community partnerships (Normandeau, 1993). The specific methods of achieving these aims may differ very little from previous policing approaches, and despite its popularity, community policing has been characterized as being "more rhetoric than reality" (Mastrofski 1988; Klockars 1988; Jones, et al. 1994; Bull & Stratta, 1994; Stenson 1993).

In summarizing how the community has been utilized in community policing, Buerger (1994: 270-271) points out that community participation has largely been limited to four primary roles: 1) "eyes and ears of police"; 2) cheerleading (political support for police); 3) monetary assistance (e.g., taxes supporting foot patrols) and 4) statement-making (threats of opposition, intolerance and sanctions for misconduct, such as "Drug-Free School Zone" or "Neighborhood Watch" signs). In addition, education and training of neighborhood residents for their roles in community policing has been virtually non-existent (Sadd & Grinc, 1994). For the most part, then, community policing initiatives have failed to involve communities in meaningful and effective ways.

There are, however, promising signs of innovation in policing. Much of this innovation can be traced to the work of Herman Goldstein, considered by many to be "the father of problem-oriented policing." Community policing and problem-oriented are often considered one and the same, but Goldstein is careful to make a distinction between the two. Community policing is "designed to place great emphasis on one great need in policing, which is to engage the community" (1997: 8). Problem-oriented policing has a broader focus--to adopt an analytical approach to identify and solve the specific problems that police confront. A key element in this is intensively engaging the community in problem solving (Goldstein, 1990, 1997).

The job of social control in society ultimately depends upon networks other than the police, networks that the police can only facilitate and support.

Several arguments can be made for maximum use of informal controls that are already available in the community. First, invoking informal nongovernmental control may truly be the most effective means for dealing with the problem. Second, doing so reinforces the concept of the police as facilitators in getting the community to control itself rather than depending on the police and the criminal justice system for control. Third, it supports the strong preference, when an option exists, for using the least restrictive, least intrusive method of dealing with a problem (Goldstein, 1990:121).

The community should become responsible for policing itself. Goldstein offers numerous examples of police mobilizing the community and making use of existing forms of informal social controls, such as involving citizens in developing solutions to specific crime problems, promoting interaction among populations of varying age and racial composition to reduce fear, holding meetings to resolve ongoing conflicts among neighborhood residents, and seeking the help of "those who, because they have some power over an individual, may be able to influence his or her behavior" (1990:121).

Goldstein claims that, in actuality, individual police also tend to have a clearer definition of community:

In what I have observed of the practice, as distinct from the rhetoric of community policing, police tend to engage the citizenry in a very pragmatic and more relaxed manner. They use "community" rather deftly to describe those affected in any way by the specific problem they are attempting to address, or the program being launched in response to the problem. (1990: 25)

The community that should be involved in community policing processes, then, are those individuals that have been affected by a specific problem, and their roles should be as active participants in developing solutions and as sources of informal social control and support. Drawing on the work of David Moore (1997), we will call this community the "micro-community."

COMMUNITY IN RESTORATIVE JUSTICE

Central in understanding the new restorative justice paradigm is an understanding of the roles of stakeholders in crime and the response to crime. The stakeholders in restorative justice include the victim, the offender and the community (Zehr, 1990). Yet, for the most part, community remains a concept vaguely defined. While restorative justice advocates are less likely to fall prey to the fallacy of community as place, there is a tendency, by some restorative justice advocates, to confuse the role of community with the role of society. The problem begins with an ill-defined concept of the victim. To whom does the offender owe reparation: 1) the victim, 2) the victim and the community, or 3) the victim, the community and society? All three perspectives are represented in the descriptions of programs calling themselves "restorative."

Since it seems to be a basic principle of restorative justice that crime harms communities and that some sort of action needs to be taken to repair that harm, how we define community becomes crucial to the development of restorative justice practice. The community "wants reassurance that what happened was wrong, that something is being done about it, and that steps are being taken to discourage its recurrence" (Zehr 1990: 195). These are needs shared by all three categories of crime victims--primary, secondary and vicarious victims (the public or society; in other words, those who become aware of the crime). A geographic definition of community brings this assertion dangerously close to the traditional justice system view that offenders must pay their debt to society. Restorative justice initiatives may, in reality, be no different than existing practices and continue to weaken community by stigmatizing offenders and neglecting victims.

A fundamental principle of restorative justice is that society is not the victim, government is not the victim, the victim is the victim (McCold, 1996). Christie's (1977) principle of ownership reminds us of the danger that the conflict is easily "stolen" from the victim by defining the society as the victim. The question for restorative justice is "Can the principle of private ownership co-exist with public ownership of crime?" The current solution to this dilemma has been to order the two principles. For example, Ron Claassen's (1995) first principle of RJ, "Crime is primarily an offense against human relationships and secondarily a violation of a law."

Van Ness and Strong (1997) attempt to deal with the community/society dilemma by distinguishing between the role of the community and role of government. "In promoting justice, the government is responsible for preserving order, and the community is responsible for establishing peace"-- that there are actually four parties: victim, offender, community, and government. Van Ness (1989: 20). They suggest that it is in the balancing of the order function of government with the conflict resolution/peacemaking interests of community that "balanced and restorative" justice is produced. While they distinguish the local (i.e., geographical) community from the community of interests (micro-communities), they fail to distinguish the injuries, needs, and responsibilities of the local community from those of the personal micro-communities.

With the advent of family group conferencing and sentencing circles, the restorative justice movement has recognized the importance of including the personal communities of care of both offenders and victims in resolution of criminal conflict (Umbreit & Zehr, 1996). Restorative justice practice is moving from excluding the micro-community under early victim offender mediation models, to including them as a central part of the restorative process (Van Ness & Strong, 1997; Wright, 1996). Tony Marshall (1994) suggests that restorative justice seeks to reduce crime by strengthening bonds of interdependency while holding offenders accountable. Marshall defines restorative justice as

a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future. Parties with a stake in an offence include, of course, the victim and the offender, but they also include the families of each, and any other members of their respective communities who may be affected, or who may be able to contribute to prevention of a recurrence. (Marshall, 1997)

Thus, restorative justice, like problem-oriented policing, is moving toward a more practical micro-communities perspective (Wundersitz & Hetzel, 1996). If done correctly, restorative justice programs empower the victim and offender with control over the nature of the reparation, and empower the personal communities to exercise informal social support and control of the process. Not only are the micro-

communities important in the restoration process, but they are the means through which healing and reintegration is possible.

RESTORATIVE POLICING

The collaborative processes developed from restorative justice practitioners are a natural tool for police interested in engaging communities for crime control and prevention. While those experienced at mediation tend to be distrustful of the police and stereotype them as authoritarian, the police have tended to distrust "social workers" and stereotype them as naive and permissive. There is some truth in both perceptions, but both are largely incorrect. Conscientious police officers have always use soothing and smoothing techniques in the vast majority of encounters with citizens.

Against the background of major work in the development of mediation and other dispute-resolution techniques in both the public and private sectors, relatively little systematic attention has been given to perfecting the methods of responding to disputes by the governmental agency that probably handles the greatest number of them. (Goldstein, 1990: 113).

Research on police-based family group conferencing projects has demonstrated that police officers are quite capable of assuming the non-directive, empowering role of facilitator (McCold & Stahr, 1997; Sherman & Strang, 1997). Restorative justice and community policing come together in the Real Justice model of family group conferencing, which operationalizes the micro-community perspective. A powerful way of demonstrating the community empowerment and community building potential of conferences is through a conference story:

In an upper middle class suburb a group of youths vandalized a number of ice fishing houses on a local lake. The public prosecutor, because of the difficulty of matching specific damage to specific offenders, decided not to pursue the case. The traditional justice system failed to deal with the crime.

The police, however, had implemented a family group conference program for juvenile offenses and offered the victims an alternative response to the wrongdoing they had suffered. One particular victim, whose elaborate two-story ice fishing house had suffered considerable damage, was particularly irate, agreed only begrudgingly to attend the conference and threatened to display his rage at the conference.

The perpetrators, ice fishing house owners, and their respective family and friends gathered for the family group conference. First, the offenders admitted their wrongdoing and described the damage that they had done. Then each of the victims expressed how they had been affected by the destruction of ice houses that they had built themselves, over many years, with their families and friends. The son of the owner of the two-story fishing house spoke for his father and expressed, in rather poignant terms, how he had spent much of his childhood working with his father and the rest of his family building their house for each winter fishing season. He suddenly realized, when faced with the destruction the youths had caused, how much that experience meant to him. His father, instead of expressing his rage as he had threatened, saved his comments for the close of the conference, after the whole group had worked out the terms of reparation.

Then he spoke with great emotion and thanked the youths for having vandalized his ice fishing house. He explained that until the conference he had never heard his son express how much all those years of shared experience meant to him. The father then invited all of the boys and their fathers, when the damage was repaired, to spend a weekend with his family fishing on the lake.

All of the people who participated in this conference lived in geographic proximity, but until they were grouped into a "micro-community" through this powerful restorative justice process, they hardly knew each other. After the conference, bonds had been established that did not exist before the conference. Community, for purposes of a family group conference, can be defined identically to Goldstein's description of community that is used by good problem-oriented police officers: "They use 'community' rather deftly to describe those affected in any way by the specific problem they are attempting to address."

COMMUNITY AND GOVERNMENT

There is still a minor problem with this concept of micro-community and its implications for community justice processes. It could be argued that anyone "affected in any way," as Goldstein puts it, is anyone who becomes aware of the crime; it follows then that they should be included in the intervention, whether they are members of the same neighborhood, the same state or the same world. Thus all government agencies are affected because they have the responsibility to enforce the laws of society within specified geographic boundaries. In practical terms, the involvement in the micro-community should be limited to those with either direct geographic proximity or strong emotional connection. There is great danger in confusing the needs and responsibilities of the personal communities of crime victims and offenders with more abstract notions of community. The natural informal social control mechanisms that operate in every day life all involve the personal communities of care of each of us. When we include organizational relationships such as workplace, recreation and worship relationships as part of the network of personal micro-communities, the social control structures become more apparent.

It is the deeply interpersonal nature of such interrelations that give the collective community its character and strength. The greater the abstraction in defining community, the further it is removed from interdependency and the locus of existing informal social control. That is why it is important for community justice to encourage and create community, as a perception of connectedness to an individual or group, in its efforts to respond to and prevent crime. The micro-communities created by incidents of crime are a useful framework for action. Place is only relevant where proximity to a crime has generated fear and concern, thereby creating a host of vicarious victims. The most constructive response to these vicarious victims is to provide reassurance that what happened was wrong, that something constructive is being done about it, and that steps are being taken to discourage its recurrence. In this way, micro-community empowerment meets the main needs of the "broader" community -- to know that something constructive is being done about crime locally (McCold, 1996).

Because some micro-communities may be punitive and stigmatizing, care must be taken in all community justice programs that reparative or reintegrative principles are structured into the process, for example, by providing positive examples of reparative solutions when only punitive ones are suggested. In this way, government ensures that outcomes are fair and legal. As Kay Pranis advises, "Formal government is the source of legal authority, as contrasted with the moral authority of the community. The government is in a position of broader oversight than the community and the government is the guardian of individual concerns, in contrast to the community responsibility to collective concerns" (1996, p.3).

There is a danger in involving "official" community representatives in conferences, because their role as direct stakeholders in the crime may not be legitimate. Such "community" volunteers may represent interests that are anything but restorative or reintegrative. They may display an attitude of moral superiority which could disrupt the resolution process. These official community representatives may be little more than geographic or governmental representatives, with no real emotional connection to the crime or to those affected by the crime. Ultimately, the best solutions to the problems of crime come not from government or society, but from the individuals directly affected by crime, the micro-community (Moore, 1997).

The role of government officials, such as police, should be limited to that of facilitators and information providers, not key contributors to the decision-making process. The responsibility of government is to recognize patterns of dysfunction in society and help provide solutions. Since individuals and communities cannot be expected to have the capacity to address these larger concerns, that responsibility falls to the municipal, county, state and national government. The responsibility of the micro-community involved in each specific criminal incident is to intervene constructively in repairing the harm. For this, they need effective informal social control mechanisms. Where these are not available, government has the responsibility to provide them.

Government, however, cannot effectively address crime without the moral authority and informal social control provided by community. By continuing to define community in official geographic and governmental terms, our so-called community justice initiatives can only fail. But by recognizing that community defines itself through individual perceptions of common interest, such as those created by a criminal incident, we can successfully engage a wide range of individuals in the resolution of their own problems.

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