

Review Essay

BUILDING COMMUNITY AND NURTURING JUSTICE: A REVIEW OF THE COMMUNITY JUSTICE IDEAL

GORDON BAZEMORE

Florida Atlantic University

The Community Justice Ideal, Todd Clear and David Karp, Boulder CO,
Westview Press, 1999, 199 pp. \$25.00 (paper).

INTRODUCTION

It is always wise to be suspicious about the terms “justice” and “community.” Each term alone is clearly “loaded,” and when used together, there is the potential for double-barreled misunderstanding, if not outright deception. Minority group members know that in America, criminal justice has always meant “just us,” and are aware that in earlier times, “community justice” was operationalized in some communities as lynching. Recently, more benign applications focused on developing justice to local communities may, unfortunately, be more about abdicating government responsibility for ensuring against tyranny of the majority, and more broadly, for promoting social justice (Crawford, 1995).

In *The Community Justice Ideal*, Todd Clear and David Karp avoid any such misunderstandings in a principle-based discussion that merges the best of restorative and community justice thinking and practice into a coherent vision. Early in the text, the authors acknowledge that part of the problem confronting advocates of community justice has been the absence of a

coherent, principle-based vision that might bring a clarity of purpose to the proliferation of community policing, community prosecution, community courts, and community corrections programs. Community justice cannot simply be something that criminal justice does. At no time do the authors allow the reader to believe that—in the absence of meaningful involvement of citizens and community groups in criminal justice processes seeking outcomes beyond offender punishment and treatment—these very trendy initiatives are likely to represent anything more than “something of a spontaneous adaptation of the system to its lack of credibility and effectiveness, undertaken by some elements of the justice system, often in isolation from others. What has not occurred is a systematic, overarching conceptualization of community justice that exploits its full potential both in design and implementation” (p. 24).

Though the “ideal” Clear and Karp present to fill this void is just that, their vision of community justice is grounded in a growing movement of citizens and practitioners seeking to change the terms of the criminal justice debate. This movement is at best a fledgling, largely informal, attempt to unite diverse interests around a shared dissatisfaction with the retributive and crime control agendas that together make up the “punitive paradigm” (Cullen and Wright, 1995). Yet, a growing number of criminal justice professionals and their allies in community groups now seem interested in a new approach that challenges the contradictions inherent in the dominant criminal justice systems and existing movements to limit it.

Because criminal justice is most likely to be encountered as a “coercive agent of social control rather than a fair agent of justice,” perhaps the most important contradiction is the one between efforts to expand and strengthen criminal justice, and community empowerment. Moreover, Clear and Karp believe that the ultimate irony of criminal justice responses is their tendency to actually increase the level of harm in society by weakening vulnerable communities (Chapter Two). If reducing this harm is one of the primary forces driving the community justice movement, part of the solution is to envision and then promote a different role for government as a resource to communities rather than an occupying force in a “war against crime.” To move beyond punishing and treating offenders toward outcomes focused on repairing harm and building community capacity, proponents of community and restorative justice suggest the need for a new criminal justice process based on maximizing involvement of victims, offenders and their supporters and communities (Van Ness and Strong, 1997; Bazemore and Walgrave, 1999).

To provide a strategic and philosophical model for uniting this movement, *The Community Justice Ideal* addresses three questions: what is the

practical case for greater community involvement in criminal justice; what is the philosophical basis for community-oriented criminal justice; what might a community-oriented justice practices look like? Through numerous other examples throughout the text, the authors illustrate the possibilities for a government/community collaboration that may produce more satisfying outcomes for victims and offenders, save money, and, at least in a small way “build community.” In doing so, they will convince many readers that their vision is achievable, if difficult.

CHAPTER AND VERSE

Defining Community Justice, Tracking the Movement

To move toward developing the conceptualization called for in the quote above, the authors provide a definition that leaves little doubt about what kinds of activities do, and do not, fit under the rubric of community justice while providing an open door to a wide variety of practices and policies, some of which are yet to be discovered. Community justice refers to:

all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as an explicit goal. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual goods to the common good. Typically, community justice is conceived of as a partnership between the formal criminal justice system and the community; but often communities autonomously engage in activities that directly or indirectly address crime (p. 25).

Two key elements of this definition stand out because they provide important principle-based restrictions on what practices and initiatives qualify for entry into the “community justice tent.” First, community participation and inclusion in the response to crime is a central criterion for distinguishing community justice interventions from other approaches (Van Ness and Strong, 1997). Second, the focus on collective outcomes targeted to the general goal of enhancing community life necessarily excludes a variety of

punishment or treatment interventions that limit themselves to changes in offender behavior only. The ultimate outcome of the community justice Clear and Karp describe is a better quality of community life.

Chapter One presents four core elements of community justice: neighborhood level operation based on place-based relationships that create expectations for behavior; problem-solving rather than conflict-focused approaches that address underlying problems rather than incidents; decentralization of authority and accountability that implies organizational changes to increase discretion for lower level staff and in turn to empower community; citizen participation aimed at capacity building as well as ensuring that local concerns are addressed.

Theoretical and Empirical Grounding

The authors present the theoretical and research base for their arguments in Chapter Two, entitled "Crime, Community and Criminal Justice." This is perhaps the most important part of the text for scholars and researchers interested in beginning to ground the normative framework of community justice in a body of theoretical and research literature.

Essentially, the practical and theoretical basis for community justice is developed around the following set of assumptions about the relationship between criminal justice processes and community processes:

When agents of the state become the key problem solvers, they might be filling a void in community; but . . . once a function is being performed by one party it becomes unnecessary for another to take it on. It is plausible to think of the formal agent of the state as supporting the social control processes of community life, but it is perhaps just as accurate to think they take them over. Weak informal control systems are gradually replaced by the stronger formal social control processes: parents expect police or schools to control their children; neighbors expect police to prevent late night noise from people on their street; and citizens expect the courts to resolve disputes . . . informal control systems may atrophy like dormant muscles, and citizens may come to see the formal system as existing to mediate all conflicts (p. 38).

Communities are caught in a downward spiral in which disorder and weak relationships make them vulnerable to crime, increasing crime creates victimization, fear, and isolation which weakens the community's capacity for action, and leads to more crime. As the authors point out, this cycle has

been most often linked in the literature to social disorganization theory which, in its newer forms, (e.g., Bursick and Gramick, 1993; Sampson and Wilson, 1995) has emphasized social ties or relationships in the community context which determine: the ability of communities to engage in collective action; the scope and quality of such action as indicated by the production of informal social control, socialization, and resource leveraging; the quality of community life as crime undermines the community context and triggers aggressive “order restoring” criminal justice responses. The chapter ends with the provision of theory-based, yet practical, “ways out of the cycle,” built on the expansion of informal strategies of social control and a more intentional focus on the quality of community life as a justice outcome. As the authors put it, “the idea of ‘community safety’ shifts our attention from ‘what is to be done about people’ to, ‘what is to be done about the places people live and work.’” This different view of justice forms the basis for the remaining chapters in the text.

Community Justice and Individual Freedoms

In Chapter Three, “A Positive View of Community Life,” the authors provide a need for a kind of normative affirmation of the importance of community life and of collective action to sustain and enhance it. Here, community justice is presented as a way of moving beyond seemingly unresolvable debates between authoritarian and libertarian perspectives in which the problem of order is mischaracterized as a “Hobbesian exchange of freedom for security” (p. 33). Indeed, although individual liberties cannot be “sacrificed at the altar of the common good” (p. 68), the doctrine of individual freedom is “an ethical minimum upon which a richer understanding of the reciprocal obligations between the self and society can be articulated” (p. 69). Liberalism, and the libertarian perspective that has been at the foundation of rights-based discourse in criminal justice, is problematic because “its emphasis on autonomy embraces an adversarial model of justice” in which the “claims of one are achieved only at the expense of another.”

The bureaucratic adversarial model produces outcomes that have little or no grounding in social relationships (p. 68), and it works in every way to separate citizens from their community. In doing so, the system defeats its purported purpose of protecting the individual because in the context of the reality of interdependent relationships, without community we lack a sense of self. In a communitarian critique of both market (libertarian) and authoritarian (crime control) approaches, Clear and Karp reformulate the problem from one of rights and autonomy as antagonistic by suggesting that “order is

found through community action and social integration,” while “rights are protected by nurturing the conditions in which individuals can develop their own identities and interests as well as their own capacities for voluntaristic commitment.”

Three community ideals must be promoted as a part of this community justice project: strengthening social ties; reconciling order and autonomy; and promoting the common good through voluntary cooperation. While these provide the “philosophical benchmarks” against which policy initiatives and programs can be evaluated, “community mechanisms” needed to promote these ideals—community institutions, socialization and informal social control, and civic participation—are discussed in detail in the remainder of this chapter.

Principles for Democratic and Egalitarian Community Justice

“Principles of a Democratic Community Justice” (Chapter Four) will be most familiar to advocates of restorative justice because it articulates in some detail how crime damages community and victims and thus creates reparative obligations for offenders. In defining active roles for victims, offenders and community members as stakeholders, this chapter is also the most practical and concrete expression of the implications of the normative and etiological theory put forward in earlier chapters.

Here, “democratic” means essentially that victims, offenders, and community members can expect a balanced attempt to address their individual and mutual needs. More importantly, it means that decision-making processes are premised on the active involvement of these stakeholders. This operationalization of community justice also creates concrete obligations for each stakeholder, and for the system itself. Though these obligations are voluntary, a great strength in this conceptualization is that Clear and Karp forcefully state them as mutual expectations and tie them to their vision of a democratic community. Having done so, it is then possible to provide a very meaningful discussion (Chapter Five) of the egalitarian principles, grounded in the commitment to these three stakeholders, that must inform all community justice efforts.

Realizing and Evaluating Community Justice

In their final two chapters Clear and Karp address the unique implementation and evaluation needs associated with community justice. Regarding

implementation (Chapter Six), practical examples of successful strategies, as well as obstacles to realizing the ideal are presented. As Chapter Seven suggests, community justice also presents challenges to evaluators. Because implementation of true community justice initiatives will be community-driven, the intervention itself is often emergent, and researchers may find that the “independent variable” is contested ground. Most importantly, outcomes are different than the individualized impacts anticipated in other criminal justice reforms, and they may span a range of organizational and community transformation objectives.

Clear and Karp caution that traditional evaluation approaches may limit our ability to understand and capture the impact of true community justice reforms. As a start, they suggest that more than ever we need principle-based implementation standards for determining “how we know community justice processes when we see them (Bazemore, 2000).” With an openness to community processes of determining outcomes, evaluators may then begin to make some headway.

CONCLUDING REMARKS

Overall, Clear and Karp provide us with little basis for criticism of this very important work. Realizing that this is a concise text, readers may of course want more discussion on some issues.

For example, more discussion, even speculation, about where the community justice movement is really coming from would be helpful. Is it really simply a creation of the Department of Justice wishing to expand on community policing, or a merger of important social movements? I would also like more elaboration of the authors’ very meticulously-developed normative theory of community justice to address how socializing institutions—especially schools and the workplace—fit into the community justice frame of reference. Although there is some mention of studies of organizational school reform, these are not connected to a vision of schools as “communities.” Moreover, there are structural change issues that need to be addressed more clearly in a community justice vision that anticipates that school and work will be able to more effectively integrate and reintegrate offenders and would-be offenders.

Finally, a link to more micro processes based on restorative justice in the context of the “problem solving” agenda of community justice would be a helpful addition to the theory chapter. Such discussion might emphasize the apparent current absence of “space” in community life for revitalizing the parochial and private social controls discussed in social disorganization

theory that the authors view as a primary alternative to continuing criminal justice expansion.

There will be other places and times to explore these issues outside the constraints of a concise but extremely cogent exposition of a very different vision for justice in the context of community. Clear and Karp have given the rest of us plenty of things to think and write about. More than anything, their vision of community justice allows us to begin a dialogue about a positive ideal for community life based on democratic values.

References

- Bazemore, G. (1999). The fork in the road to juvenile court reform. *The Annals of the American Academy of Political and Social Science*, 564, 81–108.
- Bazemore, G. (2000). Community justice and a vision of collective efficacy: The case of restorative conferencing in criminal justice 2000. Prepared for the National Institute of Justice, Washington, DC.
- Bursick, R. J. and Gramick, G. (1993). *Neighborhoods and crime: The dimension of effective community control*. New York: Lexington Books.
- Crawford, A. (1995). Appeals to the community and crime prevention. *Crime, Law and Social Change*, 22, 97–126.
- Cullen, F. T. and Wright, J. P. (Eds.) (1995). *The future of corrections*. New York, NY: General Hall.
- Etzioni, A. (1996). *The new golden rule*. New York: Basic Books.
- Sampson, R. and Wilson, J. (1995). Toward a theory of race. In J. Hagan and R. D. Peterson. (Eds.), *Crime and urban inequality* (pp. 37–54). Stanford, CA: Stanford University Press.
- Van Ness, D. and Strong, K. (1997). *Restorative justice practice*. Washington, DC: Justice Fellowship.