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Foreword

It is difficult to think of a more interesting place in the world for criminologists to work than Australia. Police corruption and corporate crime here have always been unusually colourful. Latterly our gun control debate has been painted on an unusually large political canvas. Allan Borowski and Ian O'Connor's collection shows, in a more low-key way, just how interesting are our juvenile justice institutions and the debates surrounding them.

One reason we are interesting is our history. We are a country that had a large institution for delinquent boys (at Port Arthur) before we had a large hospital. The song our children learn more completely than any other is of a nineteenth century stock thief. The nineteenth century historical figure they remember best (and with some affection) is a cop-killer.

The unremembered elite of that century were responsible for a terrible genocide and expropriation, which only now we begin to concede. During the 1980s, Alan Bond was a national hero when he won us the America's Cup, even though he had been convicted of a serious burglary as a young man and had matured into a world-class corporate criminal. As I sat recently watching my children in a school play that idolised Ned Kelly, I pondered the peculiarities of Australian ambivalence about crime and criminals. We so much enjoy a good public debate over gun control, police corruption or whether the dingo or Lindy did it.

Perhaps this is why criminology is a field that attracts so many scholars in Australia, including many good ones, as is evidenced by what follows in this volume. Australia has always attracted a good deal of innovation. The mark system on Norfolk Island was innovative; so was the assignment for sending convicts out into the community (Barry, 1958). Point Puer was an innovative institution for boys, as John Seymour's (1988) work shows. Indeed the whole idea of creating a new country whose main purpose was the correction and incapacitation of criminals was innovative. Today, New Zealand is a more innovative place than Australia with juvenile justice. Yet many of the chapters show how we have adapted and been influenced by Maori notions of restorative justice.

Another reason we and New Zealand are interesting is our location as predominantly European outposts in Asia and the Pacific. This makes us a natural conduit for learning how to usefully adapt Polynesian, Melanesian and Asian philosophies and practices to contemporary Western problems. It is still disappointing how little we do this. In the discussion on family group conferencing in this volume, no-one is commenting on the positive and negative lessons to learn from Singapore's conferencing program, even though evaluation is available in English (Chan, 1996; Hsien, 1996).

While we still do look mainly to Europe and North America for theoretical stimulus and practical innovation, today we do tend to eschew mindless modelling of the North. There is a richer local debate, as this book shows, which means we can learn from culturally distant innovation and adapt it through culturally local diagnosis. Growing Asian immigration (see Patricia Easta's chapter), Polynesian immigration, combined with traditional European immigration means that the local

is almost as plural as all the world's cultures in any case. Most are represented here in strength. Australia's multiculturalism is a vital resource. Yet our history, as Chris Cuneen points out, has been one of destroying plural traditions for securing social order, with the saddest of consequences. We can learn from the tragedies of our homogenising past, just as we can benefit from the possibilities of our multicultural present.

On so many fronts, this volume makes a good start toward those objectives. It is compendious in its coverage of the key issues in juvenile justice policy and theory. There is plurality, contest, local freshness, eschewing of mere derivativeness from Northern debates. For students of juvenile justice, the book is also a goldmine of basic data. Has juvenile crime increased in Australia? Are victims of child abuse more likely to become criminals? Do immigrants have higher delinquency rates than the Australian born? What percentage of Australian high school children have used cannabis? This volume is the right place to look for answers to these questions and many more.

It was only a few years ago that many of us were tramping the country giving lectures about how see-sawing back and forth between the justice model and the welfare model (see O'Connor's chapter) was getting us nowhere with juvenile justice. We needed to break out of this contest to forge a third model. This book shows that the third model is now half-formed. It is restorative justice. You will find herein a rich plurality of conceptions of what restorative justice might mean, its potential weaknesses and strengths. New Zealand and Australian criminologists have made bigger contributions toward forging these models than criminologists from most other countries. The contributions have been critical, theoretical, empirical and, most importantly, they have been constructive at the D end of R and D. Everywhere in the world today the debate on restorative justice as a third model is hotting up. Nowhere is it hotter than in the Antipodes.

There is civility and thoughtfulness in the debates in the pages of this book. This is as well, for the history of our justice is one of shocking incivility, especially with respect to Aboriginal people. The challenge of being a criminologist in Australia is to feel for the evil of our past punishment practices, to be effectively politically engaged in resistance against the oppressiveness and indecency of our current (in)justice system, yet to see the present as a point of transition from the most brutally unjust societal beginning to a future of some international leadership toward more productive ways of dealing with security for our persons and property.

Prime Minister John Howard has shown such leadership in the gun control debate. At the same time, he has set his face against the labour market programs for young people toward which the Keating Government had made only small steps. There is much that governments need to change. But for the most important changes, it is in civil society that the movement must stir. Reconciliation with Aboriginal Australia requires the Australian people to accept that there is nothing sacrosanct about a symmetrical constitution. Indeed an asymmetrical constitution (Webber, 1994) will deliver stronger freedom as non-domination (Pettit, forthcoming) when Aboriginal citizens are free to decide that they want legal problems of a certain type to be dealt with at the level of an Aboriginal community, just as citizens of Queensland can be free to make different decisions from the people

of Tasmania as to what matters of law should be settled in Geneva, in Canberra, in Brisbane or Hobart, in local councils and in schools and families.

Constitutional change is important partly because of the signal it gives to Aboriginal communities, schools and extended families that they can seize back parts of the criminal justice system. They can innovate in the same way that large companies feel increasingly empowered to innovate with commercial arbitration and self-regulation as alternative to state command and control. The non-state conferencing programs that schools and churches are increasingly running in Australia to deal with problems of juvenile crime are particularly promising manifestations of restorative justice in civil society (Hyndman, Thorsborne and Wood, 1996). There is evidence that school-based anti-bullying programs can succeed in reducing violence in a way that state-based programs are rarely found to succeed (Farrington, 1993; Olweus, 1994).

The most exciting future research on juvenile justice will involve intense empirical engagement with what we must hope will be a proliferation of innovation from Australian civil society and indeed international civil society. Allan Borowski and Ian O'Connor have been leaders in fostering this kind of work, a leadership evident in the selections for this book.

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