



## ARCHIVED - Archiving Content

### Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

## ARCHIVÉE - Contenu archivé

### Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.

# A Century of Changing Boundaries

by Charles M. Friel

Imagine that we find ourselves in a dream. Slowly, as we gain our bearings, we realize that we are at a great assembly that has brought together two generations of justice reformers who have been separated by a century of time.

Leafing through the agenda, we find that our responsibility is to explain to our predecessors how the American system of justice has changed in the past hundred years. The challenge is to describe how the various boundaries that define the shape and texture of our laws, policies, jurisdictions, values, and aspirations have shifted across the century, sometimes for the good and, regrettably, sometimes for ill. Clearly, the changes to be addressed are staggering in both their diversity and complexity and demand a thoughtful understanding of who we are, from whence we came, and where we are in our own history.

We recognize our own generation. There are the leaders of the law enforcement community, members of the bench and the bar, academic social scientists, and law professors. We are victims' rights advocates, professionals from the treatment community, forensic scientists, and administrators of community corrections facilities, prisons, and jails. We recognize our colleagues from the legislature, journalists, policy analysts, representatives of the various justice professional organizations, interested citizens, and private-sector vendors, all offering a cornucopia of new products, programs, and proposals.

Not surprisingly, our generation is a mixture of men and women from all parts of the country, professionals from both the public and private sectors. Some are older, others younger. We are a sea of different faces, values, and hopes that represent the complex diversity of America at the

---

*Charles M. Friel is Professor with the Criminal Justice Center, Sam Houston State University.*

beginning of the 21st century. We pride ourselves in being stewards of the administration of justice, professionals dedicated to improving the quality of justice in a society just stepping forth into a new millennium.

We have consensus on a number of fundamental principles. We agree that a balance must be maintained between individual rights and the security of the community. We know that if the ends of justice are to be achieved, the letter of the law must be tempered by the gentle hand of equity. We recognize, sometimes grudgingly, that law and policy must change from time to time if they are to remain congruent with the demands of a dynamically evolving society. We know that justice can be well served through the prudent embrace of new technologies, including everything from biometrics to robotics, from artificial intelligence to the brain chemistry of addiction.

Understandably, however, this consensus begins to evaporate as the justice debate moves from fundamental principles to particular applications. Agreeing that children should not be held to the same standard of accountability as adults, we are perplexed about where the boundary should be drawn. As neophytes in the information age, we wonder how to balance our need to know in order to protect the community with the risk of invading the citizen's privacy. We wrestle with whether the administration of justice should be primarily the domain of local and State government or whether the Federal Government should continue to take a greater policy and enforcement role. Beneath all these discussions on the particulars, however, is the daunting question of balance: How do we set the boundaries, how do we fit all the pieces together so that justice can be better served?

## **The Progressives**

Lest we forget, we are not alone in this dream. Attending the assembly with us is the generation of justice reformers of a century ago. Men and women like us, stewards of a justice system at the dawn of a new century. Who were these predecessors in the pursuit of justice? Will we find kinship with them or will we find ourselves a century apart in beliefs and aspirations? Let us take a moment to meet some of them, since the century-long changes in justice, which we are about to reveal to them, were hammered into shape on the anvil of their ideas.

On their side of the podium are the police reformers, men like Major Richard Sylvester and Chief August Vollmer. Sylvester was the chief of police in Washington, D.C., and in 1901, he fortuitously became the president of the National Chiefs of Police Union, now the International Association of Chiefs of Police (Johnson 1988, 247–250). Through the turn of the 20th century, he

strenuously advocated the professionalism of law enforcement through creation of a civil service system, centralization of police administration, and the establishment of a national criminal identification system, an idea that subsequently became the Identification Division of the FBI (Monkkonen 1981).

Vollmer was the chief of police of Berkeley, California, and he sought the professionalism of police officers through university education (Dunham and Alpert 1989, 27; Vollmer 1936). He put theory to practice when he designed the first law enforcement degree program at San Jose State College and later became one of the founders of the School of Criminology at the University of California at Berkeley.

Vollmer's ideas were carried into a new generation by his protege O.W. Wilson, who sketched the blueprint of the professional model of policing in his classic text *Police Administration*, underscoring the benefits to be derived from scientific management and other innovations (Wilson 1962, 56–64).

The deplorable conditions of confinement in the 19th century nagged at the conscience of many reformers, among them Enoch C. Wines and Zebulon R. Brockway. Wines, who became the secretary of the New York Prison Association in 1862, would spend the rest of his life championing the cause of prison reform through centralized professional administration and the rehabilitation and education of prisoners. His innovative ideas were first set forth in a treatise entitled *The State of Prisons and of Child-Saving Institutions in the Civilized World* (1880). He was a principal in the organization of the National Prison Association, which he served as secretary until his death, and he represented the United States at the first International Penitentiary Congress in London. In recognition of his reform efforts, he was appointed by Congress to chair a permanent international commission on corrections (Clear and Cole 1990, 78–82).

Brockway offered a catalyst for prison reform in his paper *The Ideal of a True Prison System for a State*. His ideas became the building blocks for the *Declaration of Principles* issued by the National Prison Congress meeting in Cincinnati in 1870 (Goldfarb and Singer 1973, 40). From this congress evolved the American Correctional Association, which has been at the vanguard of correctional reform for more than a century. In 1912, Brockway capped his career

***Our concept of childhood stands in stark contrast with that of a century ago. Rapid industrialization, coupled with unchecked urbanization and the struggle to survive in an age of low wages, put many a child and adolescent into the harsh reality of the factories, mines, and sweatshops.***

with the publication of his autobiography, *Fifty Years of Prison Service*, which provides us a glimpse at a heroic struggle for the treatment of offenders.

Our concept of childhood stands in stark contrast with that of a century ago. Rapid industrialization, coupled with unchecked urbanization and the struggle to survive in an age of low wages, put many a child and adolescent into the harsh reality of the factories, mines, and sweatshops. By 1900, more than 1.7 million youngsters under the age of 16 were in the work force, more than the entire membership of the American Federation of Labor. The growing social conscience of the late 19th century, however, would seek to redefine this boundary between children and adults.

Reformers like Sophia Minton of the New York Committee on Children, Lucy Flowers of the Chicago Women's Association, Sara Cooper of the National Conference of Charities and Corrections, and their colleagues became known as the "child savers" in this reform movement (Salerno 1991, 37). They championed the cause of children and juveniles whom they saw falling into the chasms created by unchecked industrialization, urbanization, and the dislocating effects of immigration. By 1900, the work of the child-saver movement flowered into the establishment of more than 300 societies dedicated to the protection of children. A 20th-century legacy of their efforts was the concept of the reform school, ideally patterned on the model of the Christian home in a bucolic setting, anchored in the work ethic. Their efforts would also give birth to the idea of the juvenile code and the juvenile court, epitomized in 1899 with the enactment of the Illinois Juvenile Court Act (Illinois Statute 1899, sect. 131).

A 19th-century legacy of the abolitionist movement was the clarion call of reformers championing the rights of women. Some sense of the status of women during this era is portrayed in an 1856 report on the disposition of cases in the Boston courts. The author noted that while one man might end in prison for beating a truculent horse, another would likely receive just a \$3 fine and court costs for beating his wife—that is, if he did not maim or blind her (Fenner 1856, 253; Pleck 1987, 28–30).

By the end of the century, however, the public's attitude toward domestic violence began to change. As a result of the crusading work of the Grimké sisters (Angelina and Sarah), Elizabeth Cady Stanton, Susan B. Anthony, Lucy Stone, Charlotte Perkins Gilman, Carrie Chapman Catt, and other crusaders, the letter of the law began to recognize the seriousness of domestic violence as States began to criminalize wife beating (Fenner 1856, 243). Regrettably, it would be a strenuous century-long process before the letter of the law began to mature into the spirit of the law (Pleck 1979, 60).

Consistent with the zeitgeist of the era, politicians, educators, lawyers, journalists, and even artists began to join the ranks of the progressives late in the 19th century. At first their voices were lone cries in a wilderness of corporate greed and indifference to the plight of the common man. Undaunted, however, their crusade would lay the foundation for the social policy agenda of the next century. This progressive agenda has continually reinvented itself, beginning with Theodore Roosevelt's Square Deal, Woodrow Wilson's New Freedom, and Franklin D. Roosevelt's New Deal, then evolving into the Fair Deal, the New Frontiers, and the Great Society of Presidents Truman, Kennedy, and Johnson.

Indicative of the diversity of the reformers who sought to change the boundaries in this progressive era are Defense Attorney Clarence Darrow, Supreme Court Justice Louis Brandeis, Senator Robert La Follette, and Congressman George W. Norris. Even artists joined the fray. The so-called "ashcan" artists—among them Robert Henri, John Sloan, and George Luks—following the inspiration of their mentors William Hogarth and Francisco Goya, used their art to prick the conscience and unsettle the mind of an indifferent age.

Other progressives attacked the nonfeasance and corruption in urban government. Examples include Fremont Older and Rudolph Spreckels in San Francisco, Samuel M. Jones in Toledo, Tom L. Johnson in Cleveland, Joseph W. Folk in St. Louis, and Seth Low in New York (Berkin and Wood 1983, 320–323). Their example would lead to the widespread enthusiasm for municipal and State crime commissions that became the vogue in the 1920s and culminated with President Hoover's creation of the Wickersham Commission in 1929. Stalled for a time by the Great Depression and World War II, this trend in the use of commissions would reemerge in the form of President Johnson's Commission on Law Enforcement and Administration of Justice, the creation of the Law Enforcement Assistance Administration, and the justice policy debate of the past 30 years (Garraty 1966, 644–654; Walker 1980, 232–238; Feeley and Sarat 1980).

*If we are to know where we are in our own history and prepare for the future, then we need to understand how the amorphous commingling of the economic, political, social, and philosophical issues of our times will shape the boundary debates of the coming years.*

## The Changing Boundaries

This volume represents an attempt to address some of the agenda items of the assembly in our hypothetical dream. By no means are the ensuing chapters a definitive or exhaustive treatment of the subject. The subject areas selected represent mere examples, not a representative sample, of the myriad boundary changes that defined the character and nuance of our evolving system of justice of the past century.

In each chapter, the author or authors isolate an example of a boundary shift and describe its etiology, contemporary consequences, and possible futures. As appropriate, observations and conclusions are tied to the available literature, and specific issues that represent important concerns in need of future research are identified.

While the patient reader may find the subject of one boundary change more interesting than another, we hope that the real value of this work is in providing a better understanding of the dynamics of boundary changes themselves. If we are to know where we are in our own history and prepare for the future, then we need to understand how the amorphous commingling of the economic, political, social, and philosophical issues of our times will shape the boundary debates of the coming years.

The following boundary issues are addressed in this volume:

- The privatization and civilianization of policing.
- The boundary between Federal and local law enforcement.
- The changing interface between the courts and corrections.
- The blurring of the line between juvenile and adult justice.
- The changing response to domestic violence.
- The internationalization of criminal justice.
- Community justice: A new paradigm.

### The privatization and civilianization of policing

One of the goals of 19th-century reformers was to rescue law enforcement from the corrupting control of urban political machines. They sought to accomplish this through a variety of initiatives, including the creation of a civil service system to combat patronage and the centralization of administration, with

lines of accountability and military-style discipline mirroring the corporate administrative structures that had proven successful in the private sector. They called for educating and training officers, using scientific techniques and emerging technologies more aggressively, and forming professional organizations for police executives so that the enforcement community could better share common concerns and address issues with a collective voice.

This movement was typified in the reformation of the New York Police Department under the leadership of Commissioner Theodore Roosevelt, who worked to extricate the department from the control of Tammany Hall (Axelrod, Phillips, and Kemper 1996, 234–235).

This professional model of policing would illuminate the efforts of law enforcement reformers through the first half of the 20th century, until its unintended weaknesses began to appear in the turbulent 1960s. With increasing frequency and escalating violence, the police found themselves confronting civilian demonstrators who challenged the status quo on issues ranging from civil rights and the plight of the inner-city poor to the war in Vietnam. One of the conclusions found in many of the post mortem reports resulting from these confrontations, such as the Kerner Commission report, was that in attempting to professionalize themselves, the police had not only extracted themselves from the urban machine, but, in the process, had also lost touch with the community (National Advisory Commission on Civil Disorders 1968, 157–160). These reports suggested that the police neither looked like the communities they served nor shared their values or concerns.

From this boundary eruption has arisen a call for the police to return to the community. Over the past few decades, a number of community initiatives have taken root, providing pathways for the police to return to the community and for the community to join in helping to secure the peace. Examples include more aggressive minority recruitment, neighborhood watch programs, cultural sensitivity training, and problem-oriented policing strategies with a shift of focus from responding to incidents to solving community problems. Much of this paradigm shift has been christened *community-oriented policing* and, according to Cordner (1999, 137–149), is characterized by:

- Decentralization: granting more authority and responsibility to line officers.
- Bureaucratic flattening: reducing the number of hierarchical layers of the organization to improve communications.
- Despecialization: reducing the number of specialized units to allow more direct service delivery.



- **Teaming:** improving efficiency and effectiveness by pooling officer skills and resources.
- **Civilianization:** replacing sworn personnel with civilians to make more effective use of personnel.

It is on this last dimension of community policing that Brian Forst has prepared the chapter entitled “The Privatization and Civilianization of Policing.” He traces the evolution of policing from the reform initiatives of the late 19th century through the professional era of the mid-20th century to the community policing vogue of the current era. In the context of this history, Forst clarifies the origins of the privatization and civilianization of policing, focusing on its assets and liabilities with respect to effectiveness, cost, equity, choice, and legitimacy. The chapter concludes with a view toward the future. What direction might privatization and civilianization take in the coming decade? What factors might mold the future of this trend, and how might this boundary change more effectively serve the public and restore the security of the community?

## The boundary between Federal and local law enforcement

In the eyes of 19th-century progressives, the government not only practiced a hands-off philosophy relative to the abuses of the private sector, but also was malfeasant in its apparent indifference to the plight of the common citizen. Urban political corruption, the working conditions in the mines and factories, the burden of perpetual debt laid on the shoulders of the farmer by the banks and railroads, the spiral of inflation and depression, and declining wages all led to a grassroots populist movement that demanded intervention by the Federal Government. For this generation, intrusion by government into the life of the citizen was seen as an appropriate and necessary step in the fulfillment of the American dream. This was true in almost all areas of life—from the conditions in the workplace to the rights of the laboring and debtor classes, education of the masses, pure food, health care, the environment, the care of children, and even the administration of criminal justice (Berkin and Wood 1983, 465–476).

Over the course of the 20th century, hands off began to turn into hands on as the Federal Government extended its involvement into the warp and woof of American life. This involvement was punctuated by political initiatives ranging from the Square Deal to the Great Society. In the field of criminal justice, it became manifest in 1968 with the passage of the Omnibus Crime Control and Safe Streets Act and the creation of the Law Enforcement Assistance Administration (President’s Commission on Law Enforcement and Administration

of Justice 1967). Beginning with this Act and the Federal funds that then flowed to State and local criminal justice agencies, the Federal Government would become a major player in local crime control and justice policy.

For the 19th-century reformer, this might seem to be the fulfillment of a long-awaited dream. For our generation, it is a source of contention. On top of the long litany of decisions by the Federal courts that have tempered almost every area of the justice system in the past 40 years, we now question whether there is too much Federal involvement. Some argue for more, while others demand less. Still others suggest that what is really needed is less direct involvement and more State-Federal partnerships.

Daniel C. Richman has tackled this issue in his chapter, “The Changing Boundaries Between Federal and Local Law Enforcement.” It is his thesis that surveying the boundary between Federal and State law enforcement has become a complicated task, because the distinction does not lend itself to a categorical description. At certain junctures, the boundaries overlap; at others, the lines are blurred or shifting, advancing or retreating.

Richman argues that the appropriate and interesting question is not whether there is or ought to be a clear boundary between the two domains of enforcement, but what is the curious process by which the boundaries form? In the exposition of his thesis, he helps us to understand more clearly not only the tectonic shifts that have occurred along these boundaries but also where these lines might lie in the future.

## **The changing interface between the courts and corrections**

A prison should be safe, clean, productive, and—most of all—hopeful. This maxim was the life’s work of the progressives Wines and Brockway and their 20th-century proteges, correctional innovators like Sanford Bates and James V. Bennett.

Over the course of our history, the philosophical boundaries of correctional thinking have ebbed and flowed around various notions of what to do with the offender. At different times, these notions have emphasized penitence, reform, work, correction, and reintegration. It is curious how these ideas have been reflected in the very names that different generations have given to their places of detention: the penitentiary, the reformatory, the work camp, the correctional institution, and the halfway house.

*The child savers of the 19th century carved a boundary that put adults on one side of the line and young people on the other, a penal code and its punishments on the former side, and the juvenile code and its sanctions on the other. As we begin our journey into the 21st century, however, the distinction is becoming muddled.*

On briefing the progressives on the current state of corrections, could we say that our institutions are now safe, clean, productive, and hopeful? Might we say that we have achieved a century-long great step forward, or would we be compelled to admit that we have taken several steps forward and a few steps back? Would they be surprised to learn of the revolution in correctional case law of the past 30 years and the extent to which the Federal courts, vis-a-vis penologists, have defined the administration of corrections, from the rights of inmates to the conditions of confinement?

In the chapter on the governance of corrections, Christopher E. Smith lays before us the complex tapestry of court decisions that have redefined the boundaries of almost every aspect of correctional administration. As he speculates on the future, he concludes that the courts and corrections will continue to be inextricably bound together because of a boundary change that has created an avenue for both prisoners and prison employees to challenge in the Federal courts conditions of confinement.

## The blurring of the line between juvenile and adult justice

A historical study of paintings of children and adolescents of different ages reveals a great deal about how different generations perceived their younger people. Not two centuries ago, it was common to depict young people as little adults dressed in adult clothing, striking adult poses, doing adult things. Such a view was also reflected in the treatment of young people before the law and in the workplace.

Contrast this image of the young with the mid-20th-century depictions by Norman Rockwell on the covers of the *Saturday Evening Post*. Here, children are clearly different than adolescents, and neither is depicted as a “little adult.” Is this a matter of art imitating reality or vice versa?

Now recall how young people are depicted today in commercials, on billboards, and in the magazines, movies, and music targeted for the young. Are they once again depicted as little adults, striking adult poses, free to do adult things? Again, is art imitating reality or vice versa?

The child savers of the 19th century carved a boundary that put adults on one side of the line and young people on the other, a penal code and its punishments on the former side, and the juvenile code and its sanctions on the other. They began their new century attempting to draw a sharp distinction between the juvenile and the adult, with a hope that the twain would not be confused. As we begin our journey into the 21st century, however, the distinction is becoming muddled.

Child savers still abound, but now they are in the midst of a hard-edged reaction to juvenile violence. There is growing sentiment that if these not-so-young-looking young people commit violent acts, why should they not be treated as adults? Why not lower the boundary between juvenile status and adulthood? Why should juvenile records be sealed? Why are juvenile criminal records not kept in the same computerized repositories as those for adult offenders, readily available to the justice community?

This is no longer just a topic of conversation among concerned citizens and policymakers. The boundaries are already changing. The veil of privacy that has traditionally surrounded the juvenile court and its proceedings has been rent. Juvenile law and procedure have changed, and substantially so. In the chapter contributed by Jeffrey A. Butts and Ojmarrh Mitchell, a picture is painted of two systems of justice converging, one absorbing the other. They describe a boundary change that is resulting in an increasing number of juveniles being certified as adults, tried in adult courts, and sentenced as adults. They describe this historical swing in the pendulum of our view of young offenders and document the legislative and policy changes that are erasing the boundary between juvenile and adult justice. They conclude their discussion by suggesting several fundamental issues that should, in the coming years, circumscribe the policy debate on what to do with offending juveniles.

*Immigration is not a new phenomenon in the American experience; in fact, it is the taproot of our history. In the half-century between the War of 1812 to the end of the Civil War, 6 million immigrants arrived to savor the melting pot of the American dream.*

## **The changing response to domestic violence**

The story of America is about the cry for recognition of basic rights and the freedom to give those rights expression. It began in 1776 over the rights of a people relative to their king and Parliament. For more than two centuries this struggle has continued as debtors have contended with creditors, laborers with

owners, States with the Federal Government, farmers with the railroads, the poor with the rich, and regional, religious, ethnic, and racial factions with one another. Progress has been agonizingly slow, not always forward, sometimes violent, and always frustrating.

Such has been the struggle for the rights of women. It has been a just demand to be able to stand equal before both the letter and the spirit of the law, to be treated equally in the workplace, in the corridors of government and academics, and in the streets of the marketplace.

How would we describe our progress on this front to the likes of the Grimké sisters, Lucy Stone, Elizabeth Cady Stanton, and the other progressives who championed the concerns of women? And, in particular, how would we describe our response to the pernicious problem of domestic violence?

Alissa Pollitz Worden suggests in her contribution to this volume that there has been a substantial shift in the boundaries that define the public's attitude toward domestic violence, the law, and its enforcement. As she indicates in her discussion of the history of this problem, we have made progress across several fronts, including reformation of the law, more appropriate policies and practices in local justice agencies, and the innovations encouraged by the Federal Government. She warns, however, that these advances should not lull us into complacency. The record of success is spotty and has been short lived in many places. Although some successes have been empirically documented, we know little about why well-intended programs fail. She leaves us with the intriguing thought that we may have more to learn from the study of the domestic violence initiatives that fail than from the study of those that succeed.

## The internationalization of criminal justice

Would our audience be surprised at our growing concern over international crime and the fact that its tentacles have extended even to the local administration of justice? Probably not, since they shared similar concerns emanating from the complex problems associated with the wave of immigration at the turn of the 20th century.

Immigration is not a new phenomenon in the American experience; in fact, it is the taproot of our history. In the half-century between the War of 1812 to the end of the Civil War, 6 million immigrants arrived to savor the melting pot of the American dream. While the annual number of immigrants ebbed and flowed over the 19th century, it became a human tidal wave by 1900. In the 50 years following the Civil War, 25 million new immigrants arrived, reaching an all-time peak of 1.28 million in 1907 alone (Garraty 1966, 529–530).

Industry welcomed these immigrants as a source of cheap labor. By the turn of the century, more than half of the industrial labor force was foreign born. Organized labor, however, resented this influx of new workers because it depressed wages, and it became outraged when companies began to use foreigners as strikebreakers.

Although empathetic to the plight of the new immigrant, community-minded citizens, heads of charitable organizations, social workers, and even church leaders began to question whether their overcrowded cities could absorb any more of this huddled mass. As a result, these compassionate reformers began to call for a moratorium on immigration (Morison 1965, 479–483).

Festering slums, the rise in urban crime, the downward slide in wages, labor violence, the recessions of the 1890s, and the rawness of the friction created by differences in language, culture, and religion all contributed to the growth of a new “nativism” that saw the foreigner as a threat to domestic security. The Haymarket bombing and other acts of crime and violence were attributed to the socialism, alcoholism, criminality, anarchy, and communism brought to our shores by the immigrant. This nativism fostered the proliferation of antiforeign organizations and associated acts of violence against immigrants like the American Protective Association, whose hatemongering is akin to that of the racial and ethnic supremacist groups of our own day (Bailey 1975, 580–581).

By the turn of the century, the link was well established between crime at home and the political and social forces abroad that were driving immigration. This criminological paradigm is found between the lines of the crime surveys of the teens and twenties, culminating in 1931 in one volume issued by President Hoover’s Commission on Law Observance and Enforcement, entitled *The Report on Crime and the Foreign Born* (National Commission on Law Observance and Enforcement 1931).

No, these progressives of a century ago would not be surprised by the contemporary concern with international crime and how it is changing the boundaries of the criminal justice system of the 21st century.

This issue is addressed in the chapter contributed by Richard H. Ward; he brings into focus the confluence of a variety of criminal activities whose origins are foreign but whose consequences affect the domestic life of our communities. He

*Our predecessors shared our belief in the importance of the “community” in securing domestic tranquility. They experienced firsthand the destabilizing effects of uncontrolled urbanization.*

presents a sweeping picture of the challenge of international crime to the administration of justice at all levels of society. Cybercrime, narcoterrorism, sale of body parts, Internet-suborned crime, computer hacking, exploitation of women and children, transnational fraud, international money laundering, exploitation of immigrant labor, and growth in international criminal cartels are all presented as the sinews of the Gordian knot that the justice system must slice through in the decade to come.

## Community justice: A new paradigm

The final briefing for our hypothetical audience of a century ago must include some explanation of the ever-increasing use of the adjective “community” in describing our evolving approach to the problems of crime and the administration of justice. Notable examples include community policing, community crime prevention, community defense, community courts, reintegrating the offender into the community, and strengthening community normative standards. These are but some examples of community-oriented initiatives addressed in the final chapter of this volume, contributed by David R. Karp and Todd R. Clear.

Our predecessors shared our belief in the importance of the “community” in securing domestic tranquility. They experienced firsthand the destabilizing effects of uncontrolled urbanization. On the eve of the Civil War, one in every four citizens lived in a city. By 1890, it was one in three, and by 1910, it was every other one (Garraty 1966, 531–537).

By our standards, the cities of the 1880s were unlivable. Urban populations were growing out of control. Sanitation, fire protection, transportation, public safety, public health, housing, and other city services we take for granted could hardly keep pace with the unchecked growth of the community. Urban government, frequently dominated by political machines with the primary purpose of perpetuating their own power, seemed indifferent toward (if not incapable of) addressing the pox of urbanization, while the State and Federal governments suffered from even greater indifference because they were twice removed from the problem. Even the law and the courts were publicly reprimanded for the failure to keep pace, as in Roscoe Pound’s (1906, 395) scathing address before the American Bar Association, *The Causes of Popular Dissatisfaction with the Administration of Justice*.

In many ways, the progressives saw good government as the key to achieving the “community” in their communities. The police had to be removed from the control of the urban bosses. The courts and the law had to be surgically reorgan-

ized and streamlined if they were to be congruent with the problems of an industrial age. Government needed to act aggressively to take children out of the factories, hazards out of the mines, and politicians' hands out of city coffers; to provide safe drinking water, reasonable working hours, clean streets, and uncontaminated food; and to implement a host of other reforms.

Much of the social legislation of the 20th century has been an outgrowth of the reaction to the squalid community conditions of the late 19th century. Progress has been slow. Some community problems have been better attended to than others. On the upside, our communities are probably better managed and more livable today than a century ago. The downside, however, has been growth in government bureaucracy, coupled with a tangle of laws, regulations, and red tape, which, although intended to restore the "community" instead has removed the government from the community.

The boundary changes idealized in Karp and Clear's chapter are in many ways similar to those demanded by the reformers of a century ago. They call for a system of law and agencies for its enforcement that seeks to improve the quality of community life by reducing the inequalities and indignities of social disorder, the agony of victimization, and the paralysis that emanates from the fear of crime. The authors present a blueprint for the community justice ideal as well as seven basic principles on which it should be founded, processes for its pursuit, and anticipation of the difficulties to be encountered if community justice is to be achieved.

## **A Final Thought**

Our dream is concluded. We have attempted to explain to our predecessors the various boundary changes that have characterized the maturing of the justice system of the past century. What have we learned?

Hopefully, the reader will find the specific boundary changes discussed in this volume interesting and informative. The greater hope, however, is that describing these specific changes will provide a better understanding of the tectonics of how the boundaries of our laws, agencies, programs, and philosophies change over time in response to evolving social and economic conditions, as well as of the changing will of "we the people." We are, in the final analysis, best prepared for an uncertain future when we at least know where we are in our own history.



## References

- Axelrod, A., C. Phillips, and K. Kemper. 1996. *Cops, crooks, and criminologists: An international biographical dictionary of law enforcement*. New York: Facts on File.
- Bailey, T.A. 1975. *The American pageant: A history of the republic*. Lexington, Massachusetts: D.C. Heath.
- Berkin, C., and L. Wood. 1983. *Land of promise: A history of the United States*. Glenview, Illinois: Scott, Foresman and Company.
- Clear, T.R., and G.F. Cole. 1990. *American corrections*. Pacific Grove, California: Brooks/Cole Publishing Company.
- Cordner, G.W. 1999. Elements of community policing. In *Policing perspectives: An anthology*, edited by L.K. Gains and G.W. Cordner. Los Angeles: Roxbury Publishing Company.
- Dunham, R.G., and G.P. Alpert. 1989. *Critical issues in policing: Contemporary issues*. Prospect Heights, Illinois: Waveland Press.
- Feeley, M.M., and A.D. Sarat. 1980. *The policy dilemma: Federal crime policy and the Law Enforcement Assistance Administration*. New York: Russell Sage Foundation.
- Fenner, B. 1856. *Raising the veil; Or, scenes in the courts*. Boston: J. French.
- Garraty, J.A. 1966. *The American nation: A history of the United States*. New York: Harper & Row.
- Goldfarb, R.L., and L.R. Singer. 1973. *After conviction*. New York: Simon & Schuster.
- Johnson, H.A. 1988. *History of criminal justice*. Cincinnati: Anderson Publishing Company.
- Monkkonen, E.H. 1981. *Police in urban America, 1860–1920*. New York: Cambridge University Press.
- Morison, S.E. 1965. *The Oxford history of the American people*. New York: Oxford University Press.
- National Advisory Commission on Civil Disorders. 1968. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: U.S. Government Printing Office.
- National Commission on Law Observance and Enforcement. 1931. *Report on crime and the foreign born*. No. 10. Washington, D.C.: U.S. Government Printing Office.
- Pleck, E. 1987. *Domestic tyranny: The making of social policy against family violence from colonial times to the present*. New York: Oxford University Press.

- . 1979. Wife beating in nineteenth-century America. *Victimology* 4:60–74.
- Pound, R. 1906. The causes of popular dissatisfaction with the administration of justice. *American Bar Association Reports* 29:396–471.
- President's Commission on Law Enforcement and Administration of Justice. 1967. *The challenge of crime in a free society*. Washington, D.C.: U.S. Government Printing Office.
- Salerno, A. 1991. The child saver movement: Altruism or a conspiracy? *Juvenile and Family Court Journal* 42:37–49.
- Vollmer, A. 1936. *The police and modern society*. Berkeley: University of California Press.
- Walker, S. 1980. *Popular justice: A history of American criminal justice*. New York: Oxford University Press.
- Wilson, O.W. 1962. Reorganization in Chicago. In *The police yearbook*. Washington, D.C.: International Association of Chiefs of Police.