

## Submission to the Senate Inquiry: Value of a justice reinvestment approach to criminal justice in Australia

I am an ordinary Australian citizen, with very little personal experience with the justice system, but with considerable life experience, and strong ethical views and commitments to my fellow Australians. My views are also informed by my humble attempts to follow the teachings of Jesus, within the context of my membership of the Uniting Church in Australia.

I have become convinced over my adult life that we, as Australians running our justice systems, fall very short of our collective self-image as being tolerant and egalitarian, let alone meeting the desirable minimum standards of equity and justice in a civilized country. We should aspire to much better.

### Evidence

There are many sources of evidence of my assertions. One to which I draw to the attention of the Senate Inquiry is the following.

Why do some modern societies punish their offenders differently to others? Why are some more punitive and others more tolerant in their approach to offending and how can these differences be explained? Professor John Pratt and Dr Anna Eriksson have written a book, *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*, which addresses these issues. It is based on extensive historical analysis and fieldwork in the penal systems of England, Australia, New Zealand on the one hand, and Finland, Norway and Sweden on the other.

The book argues that the penal differences that currently exist between these two clusters of societies emanate from their early nineteenth century social arrangements. The Anglophone societies were dominated by exclusionary value systems in contrast to the more inclusionary values of the Nordic. The development of their penal programmes over this two hundred year period, including the much earlier demise of the death penalty in the Nordic countries and significant differences between the respective prison rates and prison conditions of the two clusters, reflects the continuing influence of these values. Indeed, in the early 21st century these differences have become even more pronounced.

Dr Anna Eriksson of Monash University is one of only two scholars in Australia to be awarded a DECRA in Criminology in 2011. She has received funding to undertake a three year program of research titled 'Othering' in Penal Policy and Practice: A cross-national study of imprisonment in Australia and Sweden.

Her book documents that Scandinavian prison guards have longer and more rigorous training than those in Anglophone countries and often mix with prisoners in the same canteen area. Scandinavian countries have a male guard to female guard ratio of about 3:2 in their male prisons, compared to as much as 4:1 in male prisons in English-speaking countries.

Inmates in Nordic countries access the same social services as the broader population, including free education through to university and free medical treatment.

“The research shows the current cultures that exist have very long historical roots. It has a lot to do with class relationships, the value and function of education, the roles of religion in the late 19th and the early 20th century, and the role of the central state in everyday governance,” said Dr Eriksson.

“Whereas Nordic cultures have very flat class structures, they have a strong hierarchical class structure in England that spread to the other English-speaking countries and that’s reflected in the attitudes to prisons.”

Dr Eriksson said “the role of experts (as opposed to politicians and lobby groups), and the role of the media, have played a major role in maintaining the focus on humane and inclusive approaches to punishment.”

Quotes from:

<https://theconversation.com/nordic-prisons-less-crowded-less-punitive-better-staffed-12885>

#### Further Remarks

A truly civil society based on democratic principles envisages engagement with, and serious modification of its policies to reflect, the needs of its minority groups, whether these groups are defined in ethnic, health, socio-economic or other terms. In our justice system we are so palpably ignoring the needs of our indigenous groups, our mentally ill, and our socially and educationally disadvantaged. This is particularly true in my State of Western Australia. It is a national disgrace. Our approach is also redolent of our British, class-based origins as a society, which we should and must leave behind as irrelevant to modern Australia.

More resources need to be allocated to developing alternatives to current punitive, “lock-them-up” approaches. Such alternatives should include access to education and training, to learning functional life skills and the opportunity for inmates to engage in the healing process of seeking forgiveness from victims and their families, in many cases.

By contrast, we are stuck in a cycle of “red-neck”, populist pre-election policies, (such as “three strikes and you’re out”) where the major parties tend to compete in a race to the ethical bottom. Our policies encourage and reinforce recidivism.

Australia can afford much more benign, and socially more successful, policies than pursuing punitive approaches to justice. That humane policies are likely to be cheaper in the long run should not be the major motivation for change. But it is an argument against stasis.

David Maxwell Gray

March 2013