



Beyond Incarceration

The third and final Inter-News of 2014 focuses on offender supervision, restorative justice, and peacebuilding from a comparative and international perspective. The newsletter includes contribution by John Braithwaite, Fergus McNeill, Shadd Maruna and Pete Wallis.

John Braithwaite introduces the *Peacebuilding Project* which he has been working on since 2005. In his article he highlights the nexus between conflict and crime, and the role of criminologists in aiding in formulating policy and assisting in peacebuilding in armed conflict situations.

Fergus McNeill and Shadd Maruna discuss offender supervision that is occurring on a mass scale alongside mass incarceration. In addition to introducing new research on supervision in Europe, the piece outlines the need to engage with political, policy and practice communities about alternatives to incarceration. They suggest that a focus on public narratives around 'redemption' and 'second chances' may be more promising than trying to toughen community sanctions.

The final piece comes from a practitioner of Restorative Justice in the United Kingdom, who provides a personal account of his journey in restorative justice practice in the UK, from initially being trained by an Australian expert to broadening his practice beyond youth in the justice system to at risk children in a residential setting.

The next newsletter will be distributed in the Winter of 2015, it will feature all the news and happenings from the American Society of Criminology meeting in San Francisco this November. If you have research or a forthcoming book that you would like to highlight in one of the 2015 issues, please contact me. And as always, forwarding this e-mail to *at least* one non-DIC member helps spread the word about the Division's activities and leads to a growing membership.

Anamika Twyman-Ghoshal
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CHAIR'S REPORT

As the incoming chair of the Division of International Criminology, I am excited to see many of our members in San Francisco this November. This year, we have approximately 250 registered DIC members. As the date approaches, we are very busy making preparations for the event.



Congratulations to this year's award winners:

- Freda Alder Distinguished Scholar Award winner, **Dr. Patricia Brantingham** from Simon Fraser University;
- Distinguished Book Award winner, **Dr. Rosemary Barberet** from John Jay College of Criminal Justice for her book "Women, Crime, and Criminal Justice: A Global Inquiry";
- First Place Graduate Student Paper winner, **Bo Jiang** from the University of Maryland; and
- Second Place Graduate Student Paper winner **Ming-Li Hsieh** from Washington State University.

As some of you know, I participated in the Fourth International & Eighth Biennial Conference of the Indian Society of Victimology, which was held in Chennai, India, from October 9th through the 11th. The conference was attended by more than 300 participants from India, Japan, United States, Netherlands, & United Kingdom. In addition, representatives from UNICEF, the executive director IMF, Interpol, human rights activists, and children's rights activists were in attendance. The theme of the conference was Victimization of Children. Topics covered included children as victims of trafficking, terrorism, group violence, war, conflict, sexual abuse, & institutionalized victimization. An interesting aspect of the conference was the presence of high school and college students in addition to researchers, activists, treatment providers, law enforcement officials, judges, and politicians. I highly recommend members of DIC to participate in next year's conference. Once information is available, I will make sure to pass it along.

I am curious to see what international research DIC participants will bring to the table at this year's ASC conference. I'm more excited for the presentations than I am for the excuse to escape the cold weather in Illinois.

–Sesha Kethineni, Chair

ASC Division of International Criminology

PEACEBUILDING COMPARED

By John Braithwaite

Australian National University



Peacebuilding Compared is a study gathering data on peacebuilding, peacemaking, reconciliation and preventive diplomacy for more than 50 armed conflicts since 1990. It is mostly funded by the Australian Research Council and has been running on a systematic basis since 2005. So far only 22 wars have interim coding.

As project leader, I have committed significant fieldwork time on the ground in-country, at the United Nations and at other sites for each conflict. Usually I connect with a collaborator who is a native of the nation suffering the conflict.

The aim is a methodology that falls between qualitative studies focused on one or two conflicts and large, quantitative studies using World Bank and other statistics. It is not that we assume a hybrid qualitative-quantitative comparativism is superior, just that it adds value by doing something different from existing research. More than 700 variables are coded for each war, many on the basis of a qualitative assessment from fieldwork.

It is not mainly a criminological project. One aim, however, is to develop an integrated theory of crime-war. The idea here is that crime cascades to war (surprisingly often) and war cascades to crime (as we saw in the destabilizing waves of violent and property crime in Iraq after its 2003 invasion, and in Afghanistan after the defeat of the Soviet-backed regime in 1992).

An example of crime cascading to war is the assassination of Archduke Ferdinand of Austria by a transnational Serbian terrorist organization triggering World War I. When we studied undergraduate history, we were taught that if this assassination had not triggered World War I, something else would have. In contrast, the analysis of Oxford historian Chris Clark in *The Sleepwalkers: How Europe Went to War in 1914* is amazed that such an implausible cascade of events could have led to a World War. Put more provocatively, more effective crime prevention in Bosnia in 1914 might have prevented World War I, which in turn might have prevented World War II, and other catastrophes of the twentieth century.

I have just returned from the European Forum for Restorative Justice conference and fieldwork on the Northern Ireland conflict. When I was last there a decade and a half ago, the Patten Commission reforms to the Royal Ulster Constabulary had not happened. My colleague, Clifford Shearing, made an important contribution as a Commissioner with Patten. While the most radical reforms Shearing pushed were not accepted, the spirit of many proposals of a criminologist were put in place, and this has been a vital element of a reasonably successful peace process.

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Peacebuilding Compared

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The new Northern Ireland Police Service has helped create a large space for restorative justice programs led by former combatants and ex-prisoners from both sides. This became a significant part of the peace. The conflict in Belfast delivered to that city the best community of researcher-practitioner conversation on restorative justice that I know of. The quality of the research community at Queens University and the University of Ulster runs deep and broad. As a result, the quality of the dialogue on principles of restorative justice is particularly exceptional in Northern Ireland.

Afghanistan, Pakistan, Libya, and Timor-Leste have been other recent sites where fieldwork and publications co-authored with citizens of those countries are, we hope, making a contribution to both the study of restorative justice and to the prevention of war:

Ali Wardak and John Braithwaite 2013 'Crime and war in Afghanistan. Part 2: A Jeffersonian alternative?', *The British Journal of Criminology* 53, 197–214.

John Braithwaite and Ali Gohar 2014 'Restorative justice, policing and insurgency: learning from Afghanistan', *Law and Society Review* 48(3), 532–561.

John Braithwaite and Tamim Rashed 2014 'Nonviolence and Reconciliation among the Violence in Libya', *Restorative Justice: an International Journal* 2(2), 184–204.

John Braithwaite, Hilary Charlesworth and Aderito Soares (2012) *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste*, Canberra: ANU Press.

These publications and other books are available for free download on the Peacebuilding Compared website: <http://peacebuilding.anu.edu.au>

In this comparative work, we hope that learnings from evidence-based restorative justice in peaceful criminal justice can inform restorative justice in peacebuilding, and vice versa.



PENAL REFORM AND COMPARATIVE RESEARCH:

The Case of Offender Supervision

By *Fergus McNeill*¹ and *Shadd Maruna*²
University of Glasgow & Rutgers University



Criminologists, punishment scholars and penal reformers/abolitionists all tend to focus their attention and energy on the institution of the prison. Clearly, there is plenty to be concerned about both in terms of the overuse of imprisonment and the often brutalizing conditions in which people are contained. However, a few US researchers and reformers have recently begun to pay belated attention to the emergence of ‘mass probation’ or ‘mass penal control’ alongside ‘mass incarceration’ (see, for example, Phelps, 2013) -- especially as ethnographic work (e.g., Goffman, 2014) suggests such widespread supervision can have substantial impacts both on individuals and entire communities.

On the other side of the Atlantic, one of us (McNeill) is the chair of a European Union-funded research network on Offender Supervision in Europe (www.offendersupervision.eu). The network was established in 2012 to examine and explore what we term ‘mass supervision’ (McNeill, 2013; McNeill and Beyens, 2013). The network is now midway through its four-year program of activities, firstly examining and analyzing what we know about supervision in Europe, then developing new conceptual frameworks and methods for studying supervision.

Although the primary objectives of the network are scientific, one of our key aspirations is to engage constructively and critically with those political, policy and practice communities grappling with delivering justice efficiently and effectively in fiscally straitened times, and with the challenges of communicating the meaning, legitimacy and utility of supervision to an insecure public.

Lately, these policy and public facing aspects of our work have been preoccupying some of us in the network. Even if reforming the use of prisons and prison conditions is difficult, at least that challenging project starts from a position of some sort of public understanding of what a prison is. To be sure, public understanding of imprisonment may be faulty in key respects – and is more likely to be informed by media and/or cultural representations than by academic research. But at least people have seen ‘The Shawshank Redemption’ or ‘Orange is the New Black’ and therefore it is possible to start a conversation about representation and misrepresentation, and thus about what prisons are, and what they are for.

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Penal Reform and Comparative Research: The Case of Offender Supervision

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For scholars of probation, parole or community corrections, even that baseline understanding is largely absent. There are precious few films, TV series or books that provide cultural representations of supervision; or at least there are few that have reached the same sorts of audience as works in the prison genre. As a consequence, scholars and reformers of supervision are in the difficult position of trying to stimulate serious public deliberation about a set of institutions and practices that are, in effect, culturally invisible.

The importance of that cultural invisibility is hinted at in a research project by the other author of this piece (Maruna). In a paper reviewing evidence about public support for probation, Maruna and King (2008) argued that advocates for community supervision were wrong to think they can garner greater support by toughening up the rhetoric and practice of community sanctions. No matter how intensive, community supervision will never be able to compete with the high walls and razor wire of prisons in terms of sheer punitive bite. Instead, their research on public opinion suggested that other narratives might have greater purchase. In particular they presented findings around the popularity of public narratives around 'redemption' and 'second chances,' and showed that belief in 'redeemability' is associated with support for community sanctions (and opposition to mass incarceration). They argue that advocates of community sanctions, therefore, would do well to highlight their redemptive or reparative potential -- an approach later taken up (at least in part) by the Scottish Prisons Commission (2008) partially in response to this research. The cultural invisibility of supervision, therefore, is important partly because it constrains the capacity of reformers to tap into and mobilize these cultural tropes - and to engage effectively with the inescapably emotive and expressive aspects of punishment (and therefore of penal reform).

Comparative research has particular salience here. Seeing how punishment (and supervision) is done in other places tends to provoke questions about how it is done 'here'. The Scottish Cabinet Secretary for Justice, for example, in advancing the case for reducing the use of imprisonment in favor of reparative forms of community sentencing, is fond of posing the question of why the Scots incarcerate their fellows at nearly twice the rate of their Irish or Norwegian cousins.

For scholars of supervision however, there is a further problem. While there may be consensus amongst us that our justice systems imprison too much, we are also deeply concerned about the expansion of supervision itself - and our review suggests we know far too little (in Europe) about how supervision is experienced, how decisions about supervision are made, and about how practices of supervision are constructed and governed (see, for example: <http://www.offendersupervision.eu/blog-post/probation-myths-realities-and-challenges>). We also know surprisingly little about its impacts - both on imprisonment rates (but see Phelps, 2013) and on the people subject to it (but see Durnescu, 2011). 'Buying into' supervision as a means of penal reduction is, as the Scots would say, 'a pig in a poke' (i.e. we don't really know what we are buying).

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Penal Reform and Comparative Research: The Case of Offender Supervision

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So, perhaps the biggest contribution that an international research network on supervision can make to penal reform is to tackle supervision's invisibility. We might conceive of that as a purely academic project, writing books and articles and hoping that they reach a wide audience and provide a richer academic representation of supervision. Certainly this is part of what we intend to do; after all, it is what we as academics are best placed to do.

However, we are also inclined to stimulate and work with and through other forms of cultural representation too. For example, in just one of our evolving projects, entitled 'Supervisable', academics and artists will work with supervisees to depict in photographs what supervision means to them, and to curate those images. We hope that this work – alongside other forms of representation – will form part of an exhibition that will accompany our network's final conference in Brussels in March 2016.

Though small in scale, this sort of project – particularly in representing (we expect) a wide range of different experiences in different jurisdictions – might be the beginning of a much larger program of work that combines serious scientific work with cultural engagement in pursuit of progressive penal reform. From previous projects and parallel projects with which we have been involved, both together and separately, we remain convinced of the importance and the potency of this mix. Science, art and reform needs to travel together.

Note: Fergus McNeill's co-edited text (with Kristel Beyens) on 'Offender Supervision in Europe' will be featured in a launch/reception at the American Criminology Conference this year. If you'd like to meet Fergus and discuss the network, please come to the reception at the Palgrave stand, which is booth #10, between 3 and 4pm on Friday 21st November.

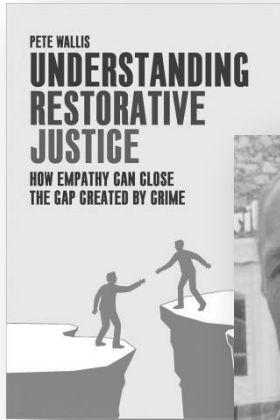
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UNDERSTANDING RESTORATIVE JUSTICE

By *Pete Wallis*

Senior Practitioner for Restorative Justice, Oxfordshire Youth Offending Service, U.K.



Pete Wallis

In 'Understanding Restorative Justice' I describe restorative justice as a conversation; 'a carefully facilitated conversation involving dialogue between people whose relationship has been damaged or destroyed as the result of a crime.' Since the Crime and Disorder Act in 1998, restorative justice has been embedded in the youth justice system in England and Wales, with young people who commit crimes being expected to consider how they can repair the harm they have caused through their actions, and on the receiving end of youth crime being contacted and consulted, and offered opportunities to be involved in a restorative process.

In my role of Senior Practitioner for restorative justice with Oxfordshire Youth Offending Service, I have the satisfying task of talking to those young people and to those they have harmed, and helping them to explore whether communication with each other would help the harm to be repaired, so that they can move forward.

The first training that I received in restorative justice facilitation was in 2000, soon after I joined Oxfordshire Youth Offending Service as a Restorative Justice practitioner. It was a five day course which was delivered by Thames Valley Police to thousands of police officers and other professionals. The course taught the skills required to convene and facilitate a 'restorative conference', and during the training we practiced preparing people who had been involved in a crime through phone calls and interviews, leading up to complicated role plays in the last couple of days of the training in which we facilitated large gatherings of people. As facilitators we were given a 'script', drawn from the work of Terry O'Connell (a police officer and restorative justice pioneer from Australia), which guided us through the questions to be asked of each participant. Perhaps unsurprisingly, many, if not most, of the people who received this training never had an opportunity to use their new skills.

Since that training I have facilitated hundreds of restorative meetings. In Oxfordshire we are successful in making contact with almost all the people harmed by the young people who are referred to the service by the police or the courts. About 50 –60% engage in a restorative process, with around 25 – 30% meeting with the young person who harmed them in a face to face meeting and another 25 –30% communicating indirectly through letters, messages, video, etc. The level of satisfaction expressed by the people harmed is very high. We aren't able to assess whether engagement in a restorative process makes it less likely that the young person who committed the crime will reoffend, although studies quoted in 'Understanding Restorative Justice' indicate that a restorative process can reduce re-offending by as much as 27%. My belief is that it is vital to explore a restorative resolution following every crime, partly to ensure that young people who commit crime are held to account for their actions and gain an understanding of the

Understanding Restorative Justice

(Continued)

consequences of their behavior, and partly because in rare occasions a restorative meeting can be profoundly important or even life saving for those involved.

'Restorative conference' is a term that I was never comfortable with and tend to avoid – I simply can't imagine many young people wanting to be involved in anything called a 'conference'. I have also been cautious about the use of a script, although an 'aide memoire' is helpful, and for my first two or three years as a restorative practitioner I had a little piece of paper sitting on my knee during a restorative meeting, with helpful prompts. In those early days, although I found in general that the approach worked, I am not sure that I fully understood why I was asking the questions on my prompt sheet or the logic behind their order.

After I had been practicing for a few years, I had the good fortune of attending another training in restorative practice, this time with Belinda Hopkins, who is the Director of Transforming Conflict based in the UK. Belinda has taken restorative practice into schools and other youth settings, cleverly adapting the existing principles and practices of restorative justice to create a model based upon five 'themes'. These are:

1. *Unique perspectives*
2. *Linking thoughts, feelings and behavior*
3. *Harm and affect*
4. *Needs*
5. *Accountability and empowerment, collaborative problem solving*

Each theme has its own set of skills and language, with questions that can be summed up as follows:

1. *What happened?*
2. *What were you thinking and feeling?*
3. *Who has been affected?*
4. *What do you need to feel better?*
5. *Where do we go from here?*

I have integrated Belinda's model in my own practice, and find that it helps me to understand why I am asking the restorative questions. They flow beautifully from theme to theme through a timeline, from looking back at what happened, thinking about the present and people's needs and leading to the future and how those needs will best be met. They express the principles of restorative practice by encouraging the listener to remain open and non-judgmental, to have a curious but not investigative attitude, leading the speaker to a deeper understanding of their experience and supporting them in finding a way forward based upon their expressed needs. In a sense, the questions are being asked not for the benefit of the practitioner, but so that the speaker can hear their answers.

Next week I will be joining colleagues in delivering restorative approaches training to the staff working in the children's homes in my county. The homes are run by the local authority for young people whose family situations have broken down. There is a growing understanding in the UK that a restorative approach to building, maintaining and repairing relationships can be helpful in these settings. Fortunately I will be co-training with two colleagues who have experience of working in children's homes, because the context for a restorative approach in a residential unit is very different from the world of youth justice, where the process of meeting people, hearing about the offence and supporting them in finding a way forward can be weeks, months or even years after the incident of harm.

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Understanding Restorative Justice

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As I have been preparing for this training, I have reflected on the fact that many young people living in the care of the local authority are likely to have poor attachment, and many will have experienced early childhood trauma. Although I am not an expert, I will include a discussion on these issues in the training, reminding the trainees that many of the young people they will be working with will be struggling to cope with their inner lives, may be in a continuous state of high alert and anxiety, and that the challenging behaviors they exhibit are likely to be a reaction to triggers from early childhood experiences in home environments that weren't nurturing or safe.

In 'Understanding Restorative Justice' I write about the importance of empathy in the restorative process. Baren-Cohen, in his book 'Zero Degrees of Empathy' describes about how these kinds of early childhood experiences can also hinder the normal development of empathy in a young person. Trying to work restoratively with young people, some of whom will have 'zero empathy' will be extremely challenging. However it is also crucial, partly because zero empathy is a pre-requisite for causing harm and offending. One statistic in 'Understanding Restorative Justice' is particularly shocking; if you randomly chose 100 young people aged 15 – 18 from youth custody in the UK, 44 will have a history of local authority care. Looked at more positively, I believe that the restorative approach itself has the potential to turn incidents that cause harm into opportunities for young people to transform their thinking, their wellbeing and relationships, and in doing so help them to find a better future.

Returning to Belinda's five themes, each can be seen in the light of the needs of young people who have poor attachment and early childhood trauma.

Theme 1 is about deep listening. Young people need to be heard and believed, and in a restorative conversation they can be offered a space that is safe and soothing.

Theme 2 is about emotional literacy. Young people can be led into an understanding of how their thoughts, feelings and behavior interact. In the process, by naming their difficult emotions they can start to tame them.

Theme 3 is about empathy. By being encouraged to think about the impact of their actions on others, they can learn to put themselves in another person's shoes, and in the process 'feel felt' themselves.

Theme 4 is about needs. Helping young people move from being reactive to being responsive, to go beyond their familiar patterns of defensive thinking and behavior, they can express their deeper underlying needs; perhaps for safety, reassurance and support.

Theme 5 is about empowerment. Young people are so often 'done to' or 'done for', and the restorative approach encourages them to find their own way forward in life.

The restorative approach and Belinda's themes can be used simply as a helpful framework for a conversation, as well as providing a structure for a restorative meeting. What I like about the approach is that it enables the listener to focus fully on the person speaking, to avoid their own buttons being pressed by what is being said, and to remain open and non-judgmental. It can turn any incident or conflict – in fact pretty much any conversation – into an opportunity for a young person, who may have been raised without pre-requisites for developing healthy empathy for themselves or others, to increase their self-awareness and empathy.

The new issue of the DIC-affiliated journal is available now!

International Journal of Comparative and Applied Criminal Justice

The official journal of American Society of Criminology's Division of International Criminology, published by Routledge (Francis & Taylor), is free to paid members of the DIC.

The new issue of the International Journal of Comparative and Applied Criminal Justice (IJCACJ) is available online. Issue 1 of Volume 39 of 2015 will be available online December 10th, 2014. It includes three articles:

Immigrants' Confidence in Police: Do Country-Level Characteristics Matter? by Sylwia Piatowska

How Data Visualization Can Improve Analytical Thinking in Cross-National Crime Research by Janet Stamatel

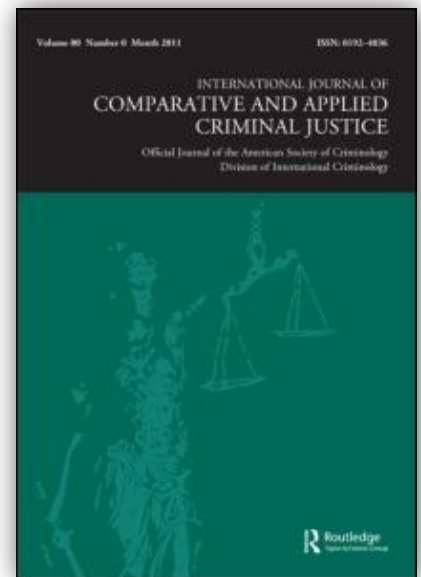
Cross-National Homicide: A Review of the Current Literature by Maria Koeppel, Gayle Rhineberger-Dunn, and Kristin Mack.

The forthcoming issues of 2015 include articles on human trafficking, terrorism, and other emerging topics in the field.

Mahesh Nalla, PhD.

Editor-in-Chief:

International Journal of Comparative And Applied Criminal Justice



The International Journal of Comparative and Applied Criminal Justice (IJCACJ) invites ASC members to submit their research to the journal.

IJCACJ publishes papers that use both quantitative and qualitative methods to address both traditional criminology and criminal justice issues cross-nationally and comparatively as well as emerging issues on crime and justice in the emerging global world. IJCACJ is peer reviewed and published online-first and in print four times a year. IJCACJ publishes original manuscripts which have not been published before and/or are not currently under review elsewhere. Please visit our website for instructions for authors and online submission: <http://www.tandfonline.com/action/.U34ifsagjxY>

Forthcoming Publications

The Twilight of Human Rights Law (Inalienable Rights)

by Eric Posner
(November 3, 2014)

Interviewing Rape Victims: Practice and Policy Issues in an International Context

by Karen Rich
(November 4, 2014)

Human Smuggling and Border Crossings (Routledge Studies in Criminal Justice, Borders and Citizenship)

by Gabriella Sanchez
(November 17, 2014)

Organized Crime: From the Mob to Transnational Organized Crime

by Jay S. Albanese
(November 6, 2014)

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Men to Devils, Devils to Men: Japanese War Crimes and Chinese Justice

by Barak Kushner
(November 17, 2014)

Transnational Penal Cultures: New perspectives on discipline, punishment and desistance (Routledge SOLON Explorations in Crime and Criminal Justice Histories)

by Vivien Miller and James Campbell (Editors)
(November 28, 2014)

Dealing With International Crimes in Africa: When Are Indigenous Justice Systems Better Than Criminal Trials?

by Simeon P. Sungi
(December 15, 2014)

Trends in the Judiciary: Interviews with Judges Across the Globe, Volume Two (Interviews with Global Leaders in Policing, Courts, and Prisons)

by David Lowe and Dilip K. Das (Editors)
(December 22, 2014)

Interpreting Crimes in the Rome Statute of the International Criminal Court

by Leena Grover
(December 31, 2014)

Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime (Cambridge Studies in International and Comparative Law)

by Payam Akhavan
(January 1, 2015)

Critical Issues on Violence Against Women: International Perspectives and Promising Strategies (Global Issues in Crime and Justice)

by Holly Johnson, Bonnie S. Fisher, Véronique Jaquier (Editors)
(January 12, 2015)

Immunity of Heads of State and State Officials for International Crimes (Developments in International Law)

by Ramona Pedretti
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