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**Edited by
Steven Kohm, Kevin Walby,
Kelly Gorkoff, and Katharina Maier
The University of Winnipeg
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Introduction: Access and Justice in the 21st Century

Kevin Walby, Kelly Gorkoff, Steven Kohm and Katharina Maier
The University of Winnipeg

This thematic issue of the *Annual Review of Interdisciplinary Justice Research* (IJR) comprises 10 articles examining the issues of access and justice. Access and justice are ideal concepts for interdisciplinary justice studies because they implicate a range of fields including law, philosophy, cultural studies, and a variety of social sciences, from geography and political studies to sociology. Access can (and should) play a central role in criminal justice studies and criminology too (Reiss 1974). Yet there remains much to explore with these ideas at the beginning of the 21st century as the world seems wrought by recurrent economic, environmental, political, and social crises. The authors of the papers in this issue of IJR address theoretical, methodological, and ethical dimensions of access to justice that beg for scholarly analysis. The papers that follow in this issue emanate from a conference entitled *Accessing Justice* held at the University of Winnipeg May 9–11, 2018. At *Accessing Justice*, we encouraged scholars from a range of disciplines to provide analyses of diverse justice topics spanning all these dimensions. The event explored how access matters in criminal justice studies beyond simple access to legal counsel and at all stages of encounter between citizens and the state.

The idea of access to justice has traditionally been limited to a strictly legal meaning and professional sphere of practice. Most literature on access to justice examines access to legal services (Dyson and Schellenberg 2017; Mant 2017; Salem and Saini 2017; Nacicj 2016; Brescia et al. 2015; Durant 2015; Mayo et al. 2014; Evans 1997; Vargo 1993; Kinlin 1986; Wheeler and Lavan 1984; Cappelletti et al 1978). Many publications in Canada reflect this particular focus (see Canadian Bar Association 2013; MacPhail 2012; Unrepresented Litigants Access to Justice Committee 2007). There have also been stock appeals by legal leaders and association presidents to boost access to justice using law (Tate 1979; Spann Jr. 1978). More

broadly, some literature focuses on critical legal education for lawyers (Nicolson 2015) whereas other literature focuses on structural issues that may restrict or facilitate access to legal services (Mayo et al. 2014; Sandefur 2008; Rhode 2004). Examining the issue in a comparative perspective, Cappelletti, Garth, and Trocker (1982, 1976) once referred to access to justice as a global movement. If it is, this movement is largely limited to the formal legal sphere.

Although the formal legal sphere is important, the movement for access to justice must extend into other domains. Literature on access to justice is starting to expand conceptually, methodologically, and empirically in interesting and critical ways. Cunneen et al. (2014) show how truth and reconciliation measures and other attempts at eroding colonial power are a part of access to justice for Indigenous peoples. Stern (1988) claims access to justice is a concept that should apply in cases of cross-border migration and asylum seeking as well (also see Malone and Pauls 2017). Mrema and Häntschel (2015) show how access to sustainability and sustainable development translates into access to justice (also see Pirker 2016). Mosher (2015) argues that alleviating gender inequality is crucial to access to justice. Mosher (2008) also examines access to education as access to justice and access to health as access to justice (Mosher 2014; Outka 1974). Brownlee and Walby (2015) argue that access to information and freedom of information in Canada should be thought of as crucial to access to justice. Albiston and Sandefur (2013) also call for conceptual and methodological innovation in literature on access to justice. With this thematic issue of IJR, we are trying to move access to justice literature forward in similar cutting-edge ways.

Overview of Contents

Colleen Dell, Darlene Chalmers, Dwayne Cole, and James Dixon's article moves the issue of access to justice to a carceral context. Reporting on the outcomes of a therapy dog program in a male federal prison in Canada, their article highlights the positive effects of therapy dog programming for prisoners' mental health. Prisoner

participants in their study perceived to receive love and support from the therapy dogs and managed to develop a close bond with these animals. In an environment where opportunities for and access to relational connections are greatly reduced, Dell et al. demonstrate the importance of innovative correctional programming for prisoners' mental health and access to justice.

Jessica Hutchison also explores access to justice within the prison context but directs our attention to a different issue: strip searches in Canadian women's prisons. Drawing on qualitative interviews with former female prisoners, the author discusses the harmful nature of strip searches and the ways this practice impacts on women's bodies and experiences in distinct ways. Hutchison demonstrates that access to justice is denied: women must endure being strip searched by correctional staff and risk punishment if they try to resist. She suggests that in an effort to bolster access to justice, we must understand strip searches as a form of sexual abuse and work toward banning this practice in prison.

Moving on from current prison practices, Justin Piché, Matthew Ferguson, and Kevin Walby's article encourages us to think about access to justice even after prison facilities are closed down. Analyzing access to information disclosures, Piché et al. examine the backstage work of Correctional Service Canada (CSC) at the time when CSC organized tours and planned other activities to commemorate the closing of Kingston Penitentiary (KP). The authors find that CSC sought to elevate positive stories of KP staff, while prisoners' voices and experiences were neglected and often ignored. The authors conclude by highlighting that prison tourism can help sustain carceral logics and spaces.

Kimberly N. Varma and Elisabeth J. Leroux's article focuses on the issue of adolescent sexual offending, and examines access to justice for accused and victims in this context. Drawing on Uniform Crime Reporting survey data, the authors find that the nature of adolescent sexual offending in Canada varies widely and is influenced by the age and gender of the accused as well as the relationship between

victim and accused. Based on these findings, the authors consider how police could best respond to both the accused and the victim of sexual offending in a way that ensures access to justice for both, and propose that specialized and independent response units could be a viable option in this regard.

Sarah Buhler, Priscilla Settee, and Nancy Van Styvendale provide an innovative paper on the method of justice and injustice mapping. This is an approach that allows persons who are not typically allowed to share their stories and views to do so in a creative, digital, and interactive manner. Members of classes that Buhler, Settee, and Van Styvendale teach in Saskatoon, Saskatchewan, collaboratively create justice and injustice maps of urban and rural spaces. Justice maps embed participant pictures and videos in a publicly accessible digital map to reveal peoples' experiences of control and justice in a way that directly connects teaching, research, and knowledge mobilization. These maps allow the makers, as well as the viewers, to access justice in ways that settler colonial visions (e.g., crime maps) do not.

Kory Smith combines legal and sociological insights to examine provincial legal aid programs and Rowbotham orders. Rowbotham orders were designed to create better access to justice and legal aid for marginalized and impoverished Canadians. With focus on Ontario, Smith uses freedom of information requests and interviews to assess whether Rowbotham orders really are boosting access to justice or not. Based on this research, Smith is able to show where impediments to access to justice exist and how the mechanisms can be improved at multiple points.

Sandrine Prom Tep, Florence Millerand, Alexandra Bahary, Pierre Noreau and Anne-Marie Santorineos examine access to legal information and access to computerized court records. Specifically, the authors explore access to records and a computer system designed and implemented to promote access in Quebec. However, a digital divide manifests itself whereby many litigants face barriers in

accessing court records pertaining to their own cases. This is because of how cumbersome and difficult the digital system makes record retrieval. Like Smith, these authors show how a system designed to boost access to justice ironically and inadvertently can decrease access or create new barriers that need to be overcome.

Jonnette Watson Hamilton reviews amendments to residential tenancy legislation in many Canadian provinces that has made it easier for victims of domestic violence to leave their rental housing agreements. She points out that although legislation has changed, there is great diversity across the country, and some of the provisions are problematic. This leaves access to justice for victims of domestic violence somewhat precarious and unpredictable. She points out areas of reform including a ban on landlords giving a bad reference to victims who have terminated their tenancy and a ban on failing to renew tenancy due to no-contact orders. She suggests continued review of residential tenancy law should become part of the public agenda and should be supported by the federal government's National Housing Strategy.

The contribution by Catherine Piché examines the experience of justice by members of class action lawsuits. Drawing on in-depth interviews with participants in the Class Actions Lab at Université de Montréal, Piché demonstrates the importance of representation in class actions, and how class members experience access to justice. Through the perspectives of her participants, she argues that while members rely on and have confidence in their counsel, communication enhances member experience and perceptions of justice. Piché's findings suggest ways that class actions may be reformed to provide participants with greater satisfaction and a feeling of improved access to justice.

Rosemary Ricciardelli, Dianne Groll, Stephen Czarnuch, R. Nicholas Carleton, and Heidi Cramm examine the experiences of emergency personnel with trauma. Focusing attention on those who work behind the scenes to support frontline emergency responders, Ricciardelli

and her colleagues demonstrate through a national survey that these personnel have greatly limited access to psychological supports and assistance and often feel that their contributions are overlooked and overshadowed by those working on the frontline. Ricciardelli et al. demonstrate that access to justice in this instance means greater awareness of the diversity of emergency responders as well as improved access to supports for all those who serve the public in times of emergency and crisis.

It is our hope that this thematic issue of the *Annual Review of Interdisciplinary Justice Research* moves scholarship on access and justice forward in new and creative ways. The essays in this volume embody a diversity of perspectives and disciplinary positions that promise to open up new theoretical, methodological, and empirical insights into both access and justice. Along with our contributors, we invite readers to imagine new ways of approaching issues related to access and justice in the 21st century and we present this volume of the IJR as an important step in that direction.

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