



From The Managing Editor

By Philip M. Langbroek

This Issue

The journal has a professional and an academic section. We have good articles from the ICC, about the use of ICT's, and one from the USA about the use of social media by courts. The Synergia Justizmanagement project from Switzerland again has resulted in several interesting articles on ADR, the way management and judges perceive the core values in their courts. There is also an article about the effects of justice policies on the prevalence of crime in Switzerland. Next to that we have an article about the performance of the judiciary in the Netherlands, and about the rhetoric aspects of sentencing hearings in an English Crown court. Last but not least we have an article about selection of probation officers. The first two submissions for the next issue are being processed already, so we are growing content-wise.

Please Submit Reviews of Books or Reports in Our Field

I also would like to draw your attention to the possibility of submitting the review of a book or an interesting report. Please contact me or Markus when there is a publication you want to draw our attention to.

A Personal Note about Socially Proactive Courts and Judges

This afternoon, I was present at a research seminar in Utrecht considering the possibilities of judges and courts functioning more proactively in society. This is not an exclusive European affair, of course, considering for example drugs courts in the USA and problem solving courts in Australia. We have been considering divorce and youth care, the so called New Case Management in administrative court proceedings, and projects developing the 'neighbor judge'.

New Case Management in administrative proceedings leads parties away from a juridification of the conflict, demanding that administrative bodies send someone with the mandate to negotiate during the court hearing. It is a kind of mediation during the court session. Instead of a possible reversal of the contested administrative decision, parties may reach an agreement that is sealed by the court. Neighbor judges can be called when a police officer or a social worker cannot effectively mediate a quarrel between neighbors. They, for example, can make judgment on the legal state of affairs between them, so that the mediation can be more effectively continued afterwards.

We think what they have in common is that the judge is moved to a frontline position from where a judicial intervention may be considered. That is of course very different from judges who work on cases that have been brought to the courts and where judges lean back to consider the case, looking back in time. Some of the participants suggested that judges should accept more responsibility and take a coordinating role in prevention of neighborhood crime, youth protection, and relations between administrative bodies and citizens. They demanded that judges adopt an orientation on the future of the parties. Of course judges are not social workers. But they have a role to play if it comes to administering societal peace. European judges in general do not have a democratic mandate, and therefore they cannot act as executive policymakers. And that would put their impartiality at risk. So, one of the research questions we ask is what role judges can play in those different contexts and how they can contribute to maintaining societal peace without overstressing their office. A key in answering that question probably is the answer to the question, how judges and courts for those specific situations can cooperate with and make themselves available in the work of e.g. the police, youth care agencies, and administrative bodies. It requires a lot of organizational and judicial flexibility; it is most likely that not the juridical skills of judges will be tested, but other skills. The advantage for society is that judgments can be given quickly and to the point and sometimes even on the spot. Justice will be seen to be done. Probably that will be a good advertisement for the judiciary. That will not be such a bad sign in times where cut backs in government expenses make politicians question what use those expensive judges actually have for "us."

