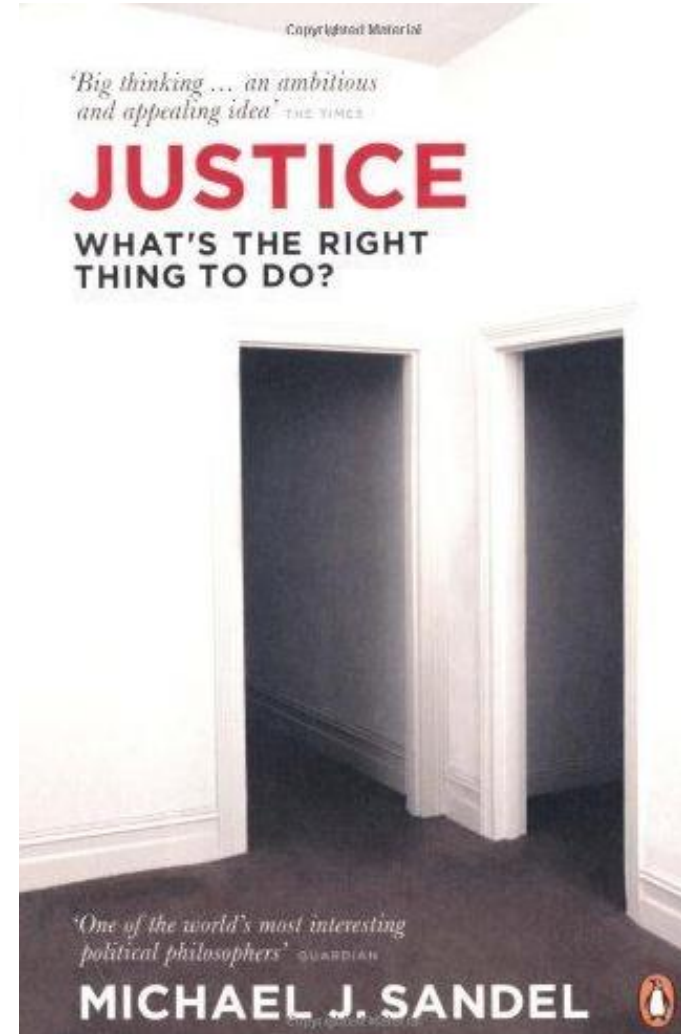


What is Justice?

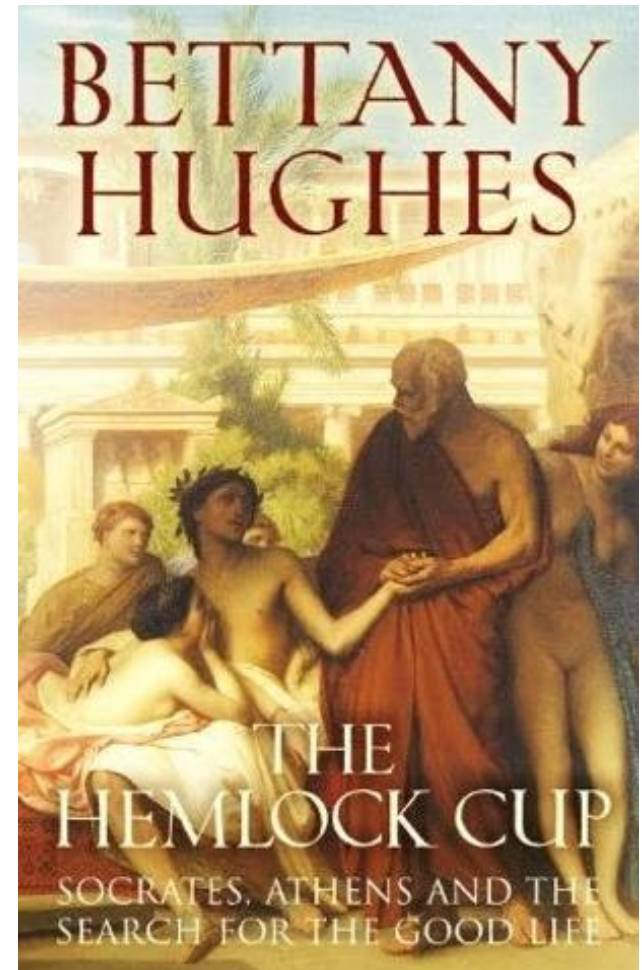
Fergus McNeill
University of Glasgow
Fergus.Mcneill@glasgow.ac.uk
Twitter: @fergus_mcneill

- Maximising welfare
- Respecting freedom
- Promoting virtue
- <http://www.justice.harvard.org>



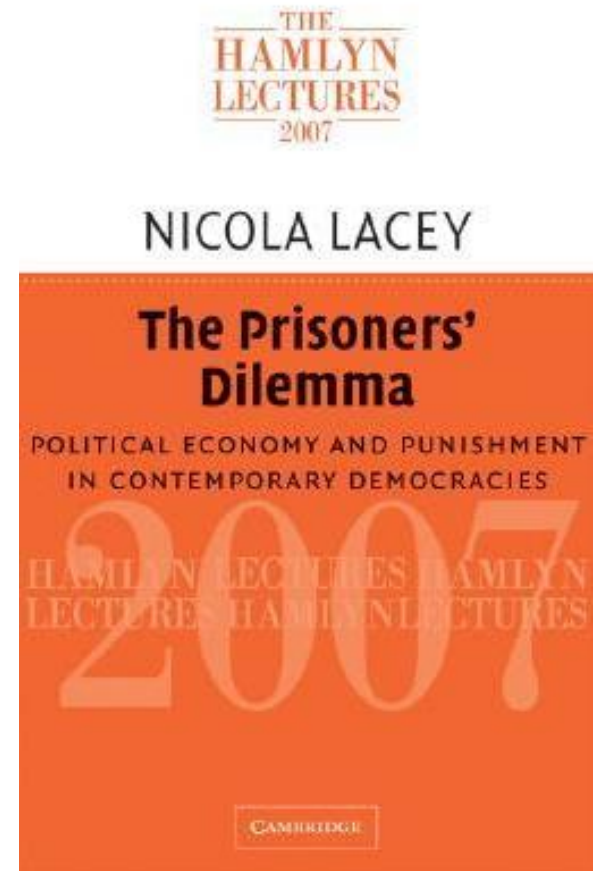
Bettany Hughes

- Prehistoric and ancient notions of justice
- Rage at injustice (e.g. in the Iliad)
 - An innate self-interested concern with unfairness
- In Greek: Dikē; in Latin: Iudex
 - A finger pointing the way
- Ancient Gods and Ancient Kings
 - Power, justice and welfare



- Justice and democracy (Plato's Protagoras)
 - 'Let all men have their equal shares of justice and respect'
 - Justice and the sacrifice of self-interest (Socrates)
 - Justice is not just reactive revenge; it is about the interior harmony of the psyche and of society.
- The oldest surviving human text:
 - 'Ana shulmi u balaatu'
 - 'To peace and to life'

- Disconnect between ideals, evidence and politics raises three questions...
- What does justice mean?
 - Retribution and punitiveness
 - Neglects collateral consequences
 - Challenge of rights and reintegration



- What does justice require?
 - Cannot divorce criminal justice from social justice
 - CJ reflects (and reinforces) social injustices
- How do we build justice?
 - The institutional and political preconditions for reform
 - Remove some aspects of penal policymaking from the political sphere?

What is Justice?

Fergus McNeill
University of Glasgow
Fergus.Mcneill@glasgow.ac.uk
Twitter: @fergus_mcneill

What (Good) is Justice?

Fergus McNeill
University of Glasgow
Fergus.Mcneill@glasgow.ac.uk
Twitter: @fergus_mcneill

What (Sort of Goods) are (Criminal) Sanctions?

Fergus McNeill
University of Glasgow
Fergus.Mcneill@glasgow.ac.uk
Twitter: @fergus_mcneill

A proposition and a qualification

- I want to argue that we should judge criminal sanctions not so much by the evils (or harms) they reduce as by the goods they promote.
 - Justice and plumbing
- But, like most criminologists, I am instinctively a minimalist when it comes to sanctions.

1. If we believe in **the values of kindness and forgiving**, then we ought to keep the institution of penal law a small one
2. If we believe in **the values of keeping civil societies civil**, then we have to keep the institution of penal law a small one
3. If we believe in **the value of living in cohesive, integrated societies**, then we must retard the growth of the institution of penal law

a **suitable**
amount of **crime**

Nils Christie



What sort of good is justice?

- ‘Justice is the first virtue of social institutions, as truth is of systems of thought’ (Rawls)
 - Distributive justice; social justice
- A constitutive good (of the good society)
- And a productive good (for humanity)
 - ‘Without justice there is no peace’
 - Reciprocal social relations and cooperation are essential to human life (and evolution)

And criminal justice?

- Offending violates reciprocities (and thus constitutes unjust distribution)
- Sanctions exist to secure or to restore a 'just order' of things
 - in this sense they are a productive good
- They are also a communicative good
 - They affirm and express values (and say something *about* us in the process)
- But... they can involve negative and/or positive exercises of power

Sanctions as penal power

Negative power/ Slicing off

- Imposing harms
- Taking away life
- Taking away (negative) liberty
- Taking away time or demanding effort
- Taking away worth/money

Costs?

Positive power/ Grafting in

- Requiring goods
- Life enhancing
- Developing (positive) liberty
- Constructive time and work
- Enhancing worth/Compensating loss

Risks?

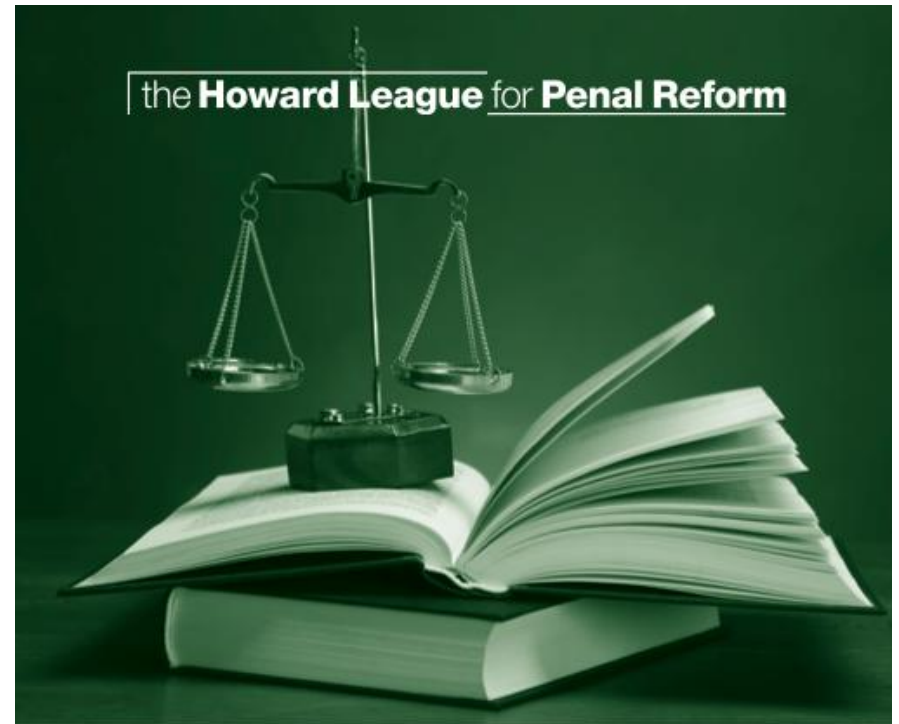
The Road From Crime

The Road from Crime is a timely and compelling documentary film funded by the UK Economic and Social Research Council and by the Center for Advancing Correctional Excellence at George Mason University. It has been co-produced by academics, ex-offenders, justice practitioners and professional film-makers in order to stimulate debate about how and why people stop offending, and about how the justice system can better support them in that process.

The film is available with English, Finnish, French, German and Spanish subtitles and can be downloaded free of charge or ordered on DVD via:

- <http://www.iriss.org.uk/resources/the-road-from-crime>

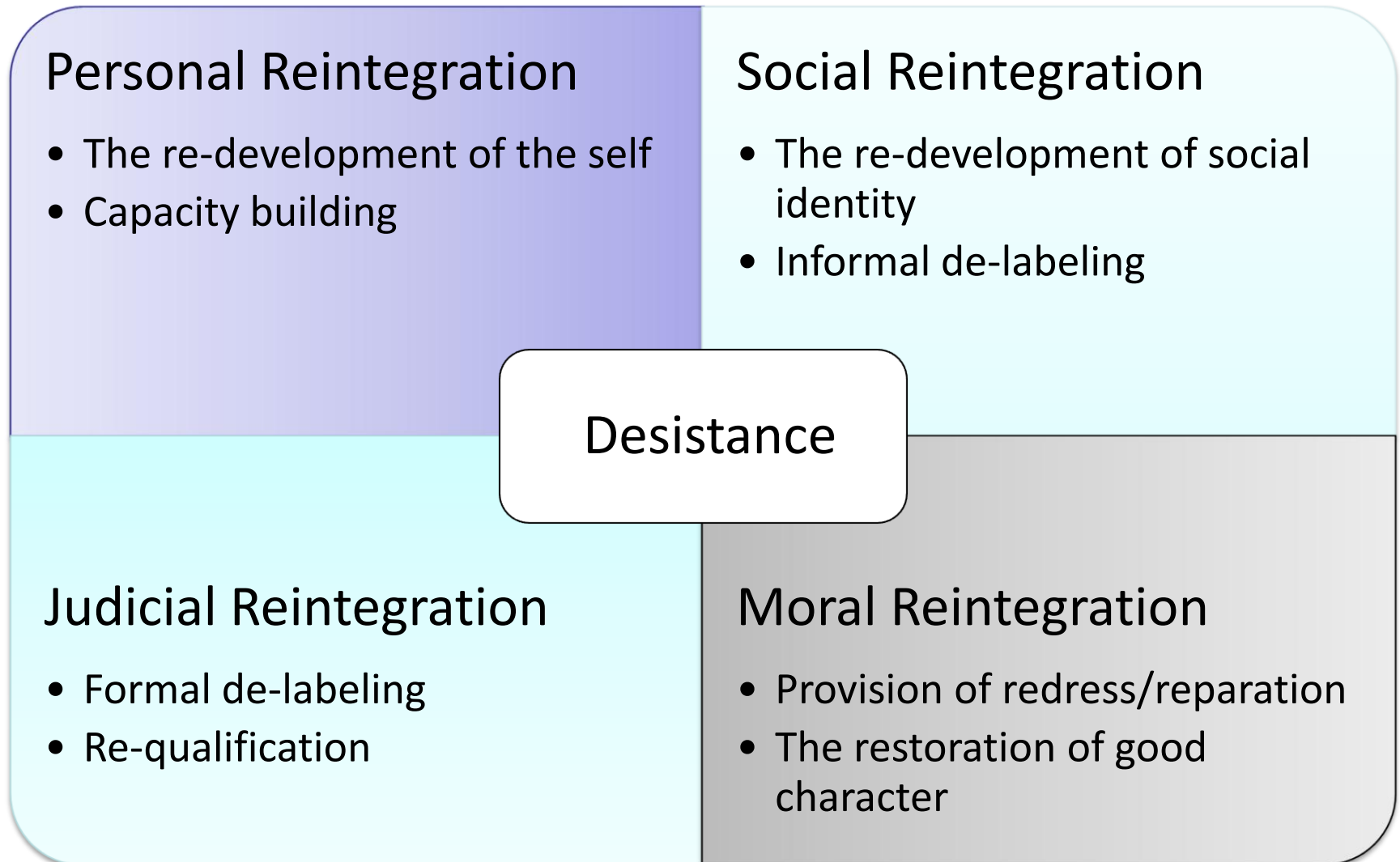
The conversation about changing justice continues at the 'Discovering Desistance' blog:
<http://blogs.iriss.org.uk/discoveringdesistance/>



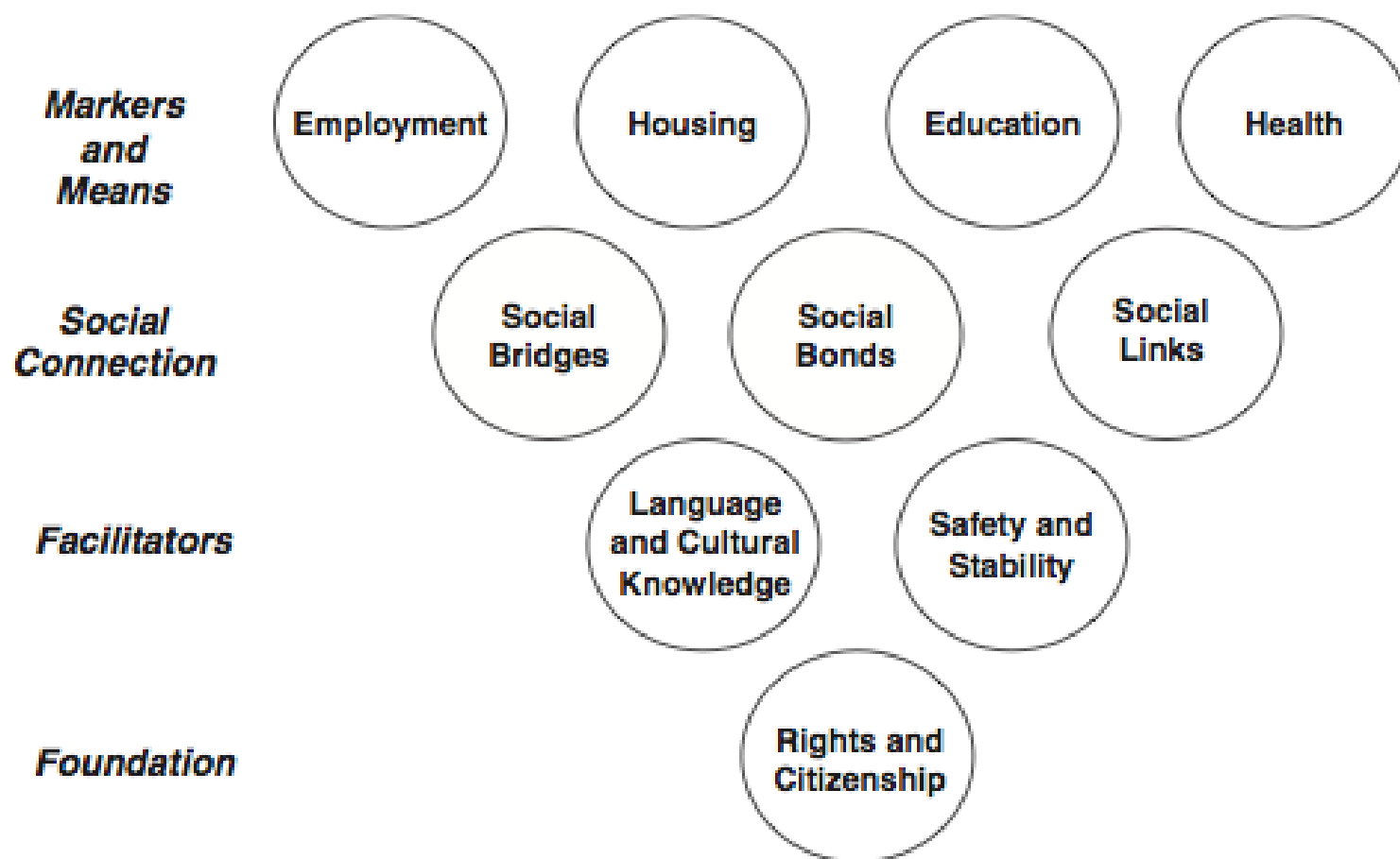
Intelligent Justice

Balancing the effects of community sentences and custody

One criminological framework for thinking about reintegration?



A Conceptual Framework Defining Core Domains of Integration



Some problems for this framework

- Varying notions of nationhood and citizenship
 - I want a cosmopolitan republican version
- Looking beyond or behind social capital
 - The nature of reciprocity, trust and social connection
- Seeing integration as a two-way process
 - One that policy can disrupt as well as support
- The dynamics of integration
 - ‘Resource acquisition (or loss) spirals’

Judging criminal sanctions

- **Constitutive:** Imposing just sanctions in good conscience requires a prior just order and should seek to restore it
- **Communicative:** What do sanctions say about us, for us and to us?
- **Productive:** What sorts of social goods do sanctions produce... *or destroy*?
 - Not merely the reduction of reoffending
 - Not market goods; moral goods