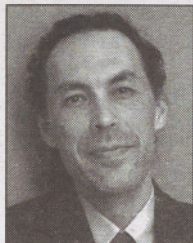


A whole-system perspective on why justice matters



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BY ANDY KO
CONTRIBUTING COLUMNIST

Long before coming to Oregon, I watched with fascination the evolution of what eventually became Partnership for Safety and Justice. I remember thinking, "What a brilliant name! Finally, a policy reform organization labeled to reflect both what it stands for and what it does." – or something like that.

Ten years later, writing this now as PSJ's executive director, I still think it's a really good name. Sure, it's kind of long. A minimalist might suggest plucking out one of its three core concepts (partnership, safety or justice) to make it less of a mouthful and easier to remember. But eliminating "Partnership" from our name might be taken as a denial of the role of collective decision-making in responding to crime in a democracy. Take out "Safety" and we'd be ignoring a significant (arguably the most significant) purpose of the criminal justice system. That leaves "Justice."

Justice is tricky. Everyone seems to have their own idea about what justice is and how it ought to be applied – especially to other people. In theory, justice is objective, taking into account relevant factors, such as the harm caused by a particular criminal act, while ignoring irrelevant distinctions, like race, ethnicity or socio-economic class. We know that this isn't the reality of justice in America. It never has been. The biased application of authority against particular communities, throughout U.S. history, has resulted in some of the most damaging extremes of "tough on crime" politics and policymaking. So, it's tempting to dump "Justice." What does it really matter in a society where justice is anything but "blind"?

Tempting, but it's probably not going to happen. Establishing justice as more than a way to decide who wins and who loses is essential to PSJ's work. And we are (just) beginning to discuss justice as functional: as a process for generating successful and sustainable outcomes in responding to



crime that eliminates racial and ethnic disparities, increases safety, uses resources beneficially and establishes the right forms of accountability.

PSJ's entry point for this rethinking of justice is our "whole-system" point of view. Justice isn't only about what particular people want, need or deserve – or their power to get what they want. For us, justice is about how people interact and how their actions relate to and affect one another. It is about accountability within and across a society. This, by the way, is one reason that we long ago incorporated the rights and needs of crime victims into our reform ethos. From within PSJ's whole-system point of view, accountability applies to everyone engaged in forming a response to crime, from legislators to prosecutors, defense attorneys to people accused of crime, judges to voters.

I'll give you an example. Imagine eight people in a courtroom. A crime has been committed, and they are involved in deciding what to do about it. There is (1) the person accused of the crime, (2) the victim, (3) a prosecutor, (4) a defense attorney (5) a parent of the victim, (6) a child of the accused person, (7) a judge, and (8) a member of the public, who is both a juror and taxpayer. What would justice mean for each person in this group?

The accused person probably doesn't want to go to prison, but she might also wish for an opportunity to make amends for her crime. The crime victim likely wants the accused person to be held accountable, but he also might need services or compensation to recover from the crime. The member of the public might worry

about having someone who committed a crime on the street, but she probably doesn't want her tax dollars spent imprisoning people who aren't truly dangerous. What about the parent of the victim? The child of the accused person? You're getting the picture. With a whole-system perspective, justice has to be more than "lock 'em up and throw away the key."

Now, imagine that you are one of those eight people. How would you define justice? Depends on which one of them you are, right? But, what if you do not know? What if you could turn out to be any one of them, and you have to define justice before knowing whether you're the accused, the victim, their child, their parent ... the prosecutor? This is what philosopher John Rawls called "the veil of ignorance." His idea was that, from this "original position," we are able to achieve justice by seeking the solution that would be most fair, most beneficial and least harmful to all eight affected individuals and to society.

Perceived this way, from a whole-system perspective, justice is much more than simply an outcome in which someone gets what they want. Justice is functional. It is a process with a purpose: to hold our society together, when so much threatens to tear us apart. It allows individuals to heal, families to become strong, and communities to remain healthy. It can lead to disappointment of personal ambitions and desires, but it is the starting point for true and meaningful equality, an end to oppression, and a hope for peace.

This idea of "functional justice" is how, with one breath, PSJ can sincerely demand that crime survivors get the accountability they are due and the services they need, while in the next breath, as sincerely, condemn extreme sentences, racial disparities, and extreme forms of punishment in Oregon's and the nation's public safety and criminal justice systems. It is what we mean by a "whole-system" perspective and why, for PSJ, justice matters.

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