



A New Foundation for Justice, Safety, and Equity: Key Principles

Danielle Allen, David J. Knight, Lily Jacobs, and Benjamin A. Barsky, Edmond J. Safra Center for Ethics at Harvard University

July 15, 2021

I. INTRODUCTION

Our overarching societal goals of delivering safety and well-being for all require securing the foundations of mental and physical health, freedom from violence, freedom of movement, housing security, food security, access to opportunity, and undistorted recognition of one's full personhood.

Society's broad efforts to deliver safety should be measured in relation to goals such as these. Success in the above policy areas would support achievement of transformed judicial systems of civil and criminal law with smaller footprints and working in support of an inclusive vision of safety and accountability. As they currently function, so-called institutions of "public safety" often fail to deliver safety to many, including the survivors of interpersonal harm. A full treatment of a strategy to deliver safety and well-being would cover all the above topics. Here, we focus on only one component of a strategy of safety: a redefinition of "public safety" as collective safety and accountability to support transformation of policing and civil and criminal justice processes.

II. HUMAN GOODS AND PUBLIC SAFETY

Any development of a public conception of well-being and safety requires an understanding that harm and violence come in many forms, including at the hands of the state. Equally important, well-being and safety are not purely individual conditions but also collective aspirations for which communities have long struggled. Racism has long undermined safety for many, a dynamic that must be overcome and that requires transformation. Finally, the meanings of well-being and safety should be collectively defined by communities who have experienced public and private violence firsthand. People with such lived experience should engage and be engaged in the development of policies relevant to them.

Whether harms are committed by private or public actors, processes of accountability are equally necessary to well-being and justice. A just system of accountability will focus not on retribution, but on repair and healing of those who have been harmed, of the person who has done harm, and of the community. The repair and healing should secure well-being and safety of all parties. A just system of collective

safety and accountability starts from a recognition of basic human worth, achieves a movement from a desire for retribution to a commitment to repair and healing, and develops human-centered concepts of accountability capable of delivering well-being and safety for all. This undertaking depends on pursuing the following seven human goods:

- **The principle of healthy social connection**
- **Freedom from domination**
- **Self-determination**
- **Participation**
- **Economic dignity and security**
- **Recognition and redress of past state harm**
- **Data transparency**

III. PRINCIPLES FOR JUST APPROACHES TO COLLECTIVE SAFETY AND ACCOUNTABILITY

The principle of healthy social connection—

The aspiration to prevent and redress harms requires ensuring that those who experience and commit harm have the opportunity to heal and become integrated into life-affirming patterns of social connection, both interpersonal and structural. Communities often work to build networks of social support that are the assets that should be tapped on behalf of healthy social connections.

To thrive, human beings need social connection. Those connections need to consist of healthy interpersonal relationships, and the needed relationships are not only one-to-one connections but also integration into communities that themselves ideally also consist of a network of healthy interpersonal relationships. Psychologists describe "relational health" as stemming from interpersonal interactions that foster growth, empathy, and mutual empowerment. At the level of the community, the principle of healthy social connection is supported when community members form strong relationships of mutualism and respect that lead to identifying and building on the assets in their communities, and when public actors see the value of those community-created assets and reinforce them.

When an offense or harm occurs in a community, it often represents a breakdown in a pattern of social relations and therefore diminished relational health. Adverse interactions and relationships, which undermine relational health, may themselves have been among the causes of harm or offense. Social institutions and agencies play a critical role in either supporting or undercutting relational health. Harmful forms of relationality can reflect larger structural relationships as well as immediate interpersonal relationships. Problematic interpersonal relationships often emerge in response to, or in the context of, distorted state or institutional treatment. Just responses to violence will prioritize integrating all parties into healthy social relationships with the goal of securing their relational health. Just responses also see the work communities are already doing to secure relational health, and build on their assets.

The goal of pursuing relational health has important consequences.

Incarceration by definition damages relational health by cutting people off from potentially healthy social connection to family and community. This principle therefore requires decarceration and alternative systems of accountability that emphasize association with others in communities of care at the core of revised approaches to collective safety and well-being.

Excessive police use of force also damages relational health and community health. This principle requires interrupting patterns of police violence and the developments of approaches to collective safety that support healthy social connections and healthy communities.

Importantly, the goal of pursuing healthy social connections (relational health and community health) in response to offenses or harms entails a movement away from an often-racialized spirit of retributivist punishment and toward healing and accountability. Healthy relationality entails anti-racism and rooting out systems and practices of white supremacy. A focus on healing should help redirect that retributivist energies often inspired by victim's rights groups. Yet a focus on healing can also successfully support practices of accountability.

Freedom from domination—

The institutional and social norms that we bring to organizational relationships should respect basic human worth and protect participants from experiences of domination.

Human beings cooperate in a variety of kinds of groups and organizations. Experience of participating in political and organizational decision-making bodies, in public and private sector organizations, and in the labor market should be structured to protect people from arbitrary, racialized, and membership-based control by private or public actors, including representatives of the legal system. Professional practices in the domain of public systems of

accountability and safety need to be anchored by a standard of performance that aligns with the principle of non-domination.

Self-determination—

A transformed system of collective safety and accountability reinforces individual and community capacity for self-determination rather than undermining it.

Human beings thrive when they have the self-determination to shape their own lives and the decision-making power to shape the future of their community. Self-determination rests on emancipation, or access to the full range of human rights and social and economic opportunities that ensure a healthy quality of life and enable one to realize their potential and control over one's own life, relationships, and communities and the diverse values that make these conditions meaningful to a person. A crucial foundation for self-determination is participatory engagement in policy development.

Participation—

Social policy efforts should be developed and implemented in collaboration and consultation with groups and communities that they affect. Systems should be put in place to evaluate policies and hold policy institutions accountable to those impacted groups.

Economic dignity and security—

Achieving a just system of collective safety and accountability also requires forms of political economy that integrate all members of society into the formal economy, with a living wage; protections for the rights of workers; and access to affordable housing, transportation, and opportunities for skill development. A just system of collective safety and accountability depends on forms of political economy that broadly respect economic dignity and provide economic security.

Recognition and redress of past harm—

When state actors have done historic wrongs, “redress of grievances,” to quote the Declaration of Independence, requires acknowledgement of grievances through formal documentation and data transparency.

In the case of the harms of the U.S. justice system, this requires processes of testimony, redress, and reparations (as in the Chicago police torture cases) that would enable healing and ensure against the reproduction of those harms in the future.

Data transparency—

Evaluating the justness of our systems of accountability requires data transparency, clarity about what we are measuring, and national consistency. Acting on all the previous principles requires comprehensive improvements in achieving data transparency.

The goal is a system of justice that delivers well-being and safety for all. With regard to transforming our legal systems of accountability, areas of application for these seven principles could include, but are not limited to, the following: *violence interruption, policing, prosecution and trial, sentencing, juvenile justice, systems of adult sanctions, parole and probation, reentry and reintegration, school discipline, schools more generally, housing, and undoing the criminalization of poverty.*

CONTRIBUTORS

Danielle Allen

Harvard University

David J. Knight

University of Chicago

Lily Jacobs

Harvard University

Benjamin A. Barsky

Harvard University

Hedwig Lee

Washington University in St. Louis

Rajiv Sethi

Barnard College, Columbia University

Alex Duran

Galaxy Gives

Marina Foscarinis

National Homelessness Law Center, Columbia Law School

Reuben Miller

University of Chicago

Monica Bell

Yale University

Vivian D. Nixon

The Square One Project, Columbia University

Vesla M. Weaver

Johns Hopkins University

Max Henderson

Covid Act Now/The Act Now Coalition

Tracey Meares

Yale Law School

Phillip Atiba Goff

Yale University

Kaia Stern

Harvard University

Eric Reinhart

Northwestern University and Harvard University

SIGNATORIES

Emily Wang

Yale School of Medicine

Bruce Western

The Square One Project, Columbia University

Danielle Sered

Common Justice

Megan Comfort

University of California, San Francisco

David Harris

Harvard University

Adam Hosein

Northeastern University

Elizabeth Hinton

Yale University

Nien-hê Hsieh

Harvard University

Lauren Brinkley-Rubinstein

University of North Carolina, Chapel Hill

Leo Beletsky

Boston University

Griffin Jones

Harvard University