

4. Justice
August 3, 2005

From: Observer 3A10Z
Re: 3rd Planet, Star B6W739E2, Cluster D51M6F, Arm 4, Galaxy C2NGI05L825G
Date: Sixty-six billion local stellar axial rotations
To: Planetary Lifeforms Archivist, Mothership 6M3K2X

Subject: Justice

Almost all Earthly tribes and social groups espouse a concept they term justice, which variously consists of:

- absolute moral righteousness;
- upholding what is 'fair', or circularly, 'just'; and/or
- due reward in accord with honor, standards or law.

To be 'just' is said to be honest or impartial, consistent with standards of what is moral or proper, legitimate, suitable, fitting or well-founded.

In other words, the concept is sufficiently vague, all manner of person can lay claim to being anointed with the term, or to providing, 'justice'.

In practice, in the hands of local governments, 'justice' appears principally to be attempts at vengeance, retaliation or deterrence: punishment for past wrongs; prevention of future wrongs; but neglect of the present wretchedness of the victims of malfeasance. It is commonly said that those deemed or found guilty owe a 'debt to society' that is paid via their punishment. However, the data suggest such 'justice' is markedly ineffective, neither deterring future crime nor reforming criminal tendencies. And what of the debt society owes to the victims of malfeasance?

'Justice' as delivered by states or nations, depends variously on whom the state or nation seeks to favor or retaliate against. In general well-to-do malefactors suffer far less than the less-well-off; 'justice' is far more lenient toward the rich than to the poor. Retribution is far more vicious for the poor miscreant than for the rich: The best 'justice' money can buy.

The administration of 'justice' also differs from nation to nation. Some states rely on peers to provide it; some, on experts called the judiciary. In the former the judicial process more nearly resembles a performance than anything remotely akin to a conscientious search for the truth. Competing actors, termed lawyers, appeal to a carefully selected audience that votes on the quality of their performance, the persuasiveness of their argumentation. Since the outcome depends on their performance, the best paid actors and best paying clients commonly prevail, quite apart from, and independent of, what really happened.

A judge presides over the contest, assuring the rules are followed to ensure a 'fair' competition between the actors; no one seems remotely concerned with determining the truth, which is often so incidental, even immaterial, to the outcome, that its evidence is not uncommonly ruled

inadmissible. The venue of the proceedings is termed, 'court', a transparent artifact of the precursor feudal system where the aristocracy were the determinants of 'justice'.

Restitution, making things right for victims, is far less important, of far lesser concern, than exacting revenge. Historically most of this planet's societies' values include both retaliation and community support for victims of adversity, but with increasing population density any sense of community has atrophied. When a purported criminal is put away or executed, 'justice' is deemed served, the criminal's 'debt to society', redeemed. But does society as a whole not owe a debt to the victim of criminal behavior? The society that bred, harbored and nurtured the criminal behavior is largely oblivious to, and held unaccountable for, the plight of the victims, who are expected to redeem their own losses. Those who can afford commercial insurance support those who suffer loss; but those who cannot, suffer both the initial loss and the long term inability to recover. In the absence of a sense of community, society as a whole, which bred the anti-social behavior in the first place, is largely irresponsible and unresponsive.

The disparity between 'justice' for the rich and the poor is clearly seen in the vigor with which it is pursued in crimes of violence. Although violent crime among and against the well-to-do is relatively uncommon, enormous energy and resources are expended in pursuit of the perpetrators of violence against the wealthy cohort. The far more common crimes against the poor are met with far less, even desultory response at best. Their distress and loss is seemingly not worthy of the effort expended on behalf of the wealthy.

Relative to violent crimes, economic crimes are even more disparately treated depending on the status of the perpetrator and victim. The treatment accorded a pickpocket, thief or robber who victimizes an individual economically depends on the relative economic status of the two, generally favoring the better-off entity vis-à-vis the less-well-off. If an individual steals from a corporation, the penalties are far more onerous than for a corporation that steals from individuals. If an individual or corporation steals from a government, the penalties depend on the economic status of the individual or corporation: the better-off the malefactor, the less stringent the penalty. Major corporations appear to be able to steal with impunity from individuals and government alike. This modality has recently seen its climax in the dominant nation-state where its supreme 'court' has found it appropriate to steal, termed 'expropriate', individuals' property and give it to private corporations to enhance their profitability.

What compensation, if any, provided the victims of such theft is utterly incommensurate with the damage done to their lives and prospects. This seems to be a prevalent failing in the 'justice' systems on this planet. Restitution, compensation for loss or injustice, if provided at all, is utterly incommensurate with the damage done.

A final example will illustrate this. Newly developed technology, DNA finger-printing, has resulted in the over-turning of what were demonstrably unjust convictions, imprisonments, even executions. In a

decent, mature culture, compensation for the injustice perpetrated by its 'justice' system for pain and suffering, for wrongs done by the system against individuals, would be forthcoming in abundance. In the case of executions, punitive damages assessed against the government in favor of the family of the deceased would be sufficient to inhibit and deter further systemic injustices. Here, these are rarely if ever offered or awarded.

A popular slogan on this planet is "If you want peace, seek justice!" Whatever it is that 'justice' means here, it is clearly a far cry from what is just or even fair. It seems likely there is indeed a connection between the chronic unrest on this planet and the widespread failings of justice for many if not most of its inhabitants.

Knowledgeably aware,
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