

Conceptualizing and Measuring Justice: Links between Academic Research and Practical Applications

Center for Justice, Law & Society at George Mason University

Project Narrative

The Center for Justice, Law and Society at George Mason University proposes to host a series of two workshops at the National Science Foundation to advance scholarship and forge connections on the twin issues of conceptualizing and measuring justice. Bringing together 30 scholars over the course of two workshops, these sessions will permit researchers from a variety of perspectives to share and learn from one another and to disseminate the lessons to a variety of disciplines while also helping to cultivate a new generation of scholars.

Intellectual Merit

The term “justice” has broad academic appeal, and the effective promotion of justice is often touted as a goal of policy makers and practitioners in a wide range of fields. Justice, however, is measured and conceptualized differently based on academic discipline and policy orientation. Traditionally the idea of justice is a philosophical and moral concept. But, as the concept of justice has served as part of the foundation of more practice and policy orientated fields, the term has been adapted to each area of inquiry. Criminology scholars focus on justice as an outcome of the criminal justice system. International development and conflict scholars often focus on justice in terms of the rule of law and examine particular conflicts or nations in-depth to decide if justice or injustices occurred. Law & society scholars often focus on justice as equity and look to decision-making processes and procedures to measure justice.

In criminal justice circles, scholars and practitioners conceptualize justice as an outcome oriented idea (Lynch 2009; Pepinsky 1986; Young 1996). This group primarily relies on measuring process outcomes in major areas of criminal justice inquiry such as policing, courts, and corrections. There are unique justice lenses within these areas. For example, the definition of justice is often dependant on what side of the courtroom an actor occupies. Prosecutors may conceptualize justice as protecting public safety and putting criminals behind bars. They may measure it by number of convictions. Whereas public defenders may conceptualize justice as protecting clients and their rights in the system, they may measure justice by number of acquittals. In both cases the idea of justice is focused on outcomes of processes, it is measured with these outcomes as well.

Scholars and practitioners in the international development and conflict resolution realm discuss justice in rule of law terms (Clarke and Goodale 2010). Justice is conceptualized as the rule of law. The goal of this conceptualization is to implement the rule of law effectively in developing countries. Measurement of justice often takes the form of case studies or accounts of individual countries or interventions. In this work justice is often highly context specific. The politics and social context of countries matters - the history of conflicts can influence the conceptualization of justice and provide different lenses to view justice from.

Within the area of law and society scholars and practitioners regularly conceptualize justice in terms of equity and procedural justice (Davis 2007; Eisenstein and Jacob 1977; Greenberg and Cloquitt 2005; Huemann 1978; Sen 2009; Tyler 2004). For example, they look at discretionary decision making – focusing on decision-making processes and outcomes. These scholars use a diverse set of techniques to measure justice, utilizing qualitative and quantitative methodologies to analyze decisions and outcomes in organizations. Just as regional and national political context make a difference to international development and conflict scholars, local and organizational contexts and politics matter to law and society scholars. The local context often frames the definition and utilization of justice – qualitative methods such as ethnography and narrative analysis are often used in these cases. Law and society scholars also assess broad questions of justice and procedural justice; in these cases scholars often utilize large n surveys and quantitative methods.

Some of the earliest canonical philosophers, including Plato and Aristotle, put forward ideas about justice. But, John Rawls' *Theory of Justice* is probably the best-known modern theoretical foundation for the study of justice. Rawls presents a broad theory of justice focused on societal roles, rights and duties with regard to social advantage. Theorists since Rawls have focused on norms and procedures of justice in broad societal exchanges (Stolte 1987). Broad political theory development with regard to justice, however, is not the norm in most disciplines. Cohen (1986) documents the role of justice from different disciplinary perspectives. In his edited volume philosophers, economists, political scientists, sociologists, psychologists, anthropologists and public policy scholars all discuss the role of justice in their respective fields. The concept of justice runs the gamete from normative ideal in philosophy to structural and psychological paradox in economics to inherent contract between governed and government in political science.

A broad reading of literatures focused on justice demonstrates that there are some commonalities with regard to how scholars conceptualize and measure justice. Below we categorize some of the broad concepts that are discussed or implied in the justice literature that we can use as a starting point for the interdisciplinary discussions at our two workshops focused on conceptualizing and measuring justice.

Important Contextual Factors for Conceptualizing Justice: The following concepts play vital roles in the conceptualization of justice regardless of disciplinary background or field. While scholars and practitioners do not always use similar language to discuss these concepts, almost all of the factors appear in each disciplinary conceptualization of justice.

Morality: Regardless of disciplinary background almost all scholars ground justice as a moral concept. Justice at its core deals with right and wrong and norms for dealing with individuals and groups. Morality does have different definitions based on society, political context and individual or group focuses.

Procedural Justice: The actual definition of procedural justice can vary greatly depending on disciplinary background. But, almost all scholars discuss the actual practice of justice and the norms that should be adhered to in individual-to-individual or group-to-individual interactions.

Socialization: Socialization refers to the process of conveying cultural norms of justice to new members of groups. This can mean the socialization of children or outsiders into a culture or the socialization of professionals in a new organization or role.

Transparency: Transparency refers to the openness of organizations or societies with regard to their development and enforcement of justice norms, rules and laws. Transparency can be a prerequisite to a justice society or organization or a by-product of it.

Local Politics and Context: The history or political climate surrounding a particular society or organization can influence the definition and norms of justice. While some scholars openly frame justice as politically and contextually dependent, others only imply it.

Social Identities: Social identities such as race, ethnicity, gender, age, socio-economic status, and immigration status can frame definitions and norms of justice. While all scholars do not directly recognize or discuss social identities, they are a growing area of importance with regard to justice theories and conceptualizations of justice.

Methodological Tools for Measuring Justice: Disciplines, scholars and practitioners continue to develop and use a wide range of tools to measure justice and hold societies, organizations and individuals accountable for justice. Tools of measurement, more than concepts of justice, tend to be divided along disciplinary lines. They also fall into the broad categories of quantitative and qualitative methodologies. The operationalization of justice may vary based on the tool of measurement being employed to study the concept.

Surveys: Surveys in simple and complex forms are used broadly in the areas of criminology and law and society. Survey methods can be seen in almost every discipline, but quantitative findings from surveys are held up as a higher standard in some disciplines.

Experiments: Experiments both natural and created in laboratory settings are used to a limited extent by social scientists studying justice.

Direct Observation: Direct observation is a method of measurement used widely by social scientists studying courtroom workgroups and international conflict resolution. The intensity and duration of observations can vary widely by disciplinary background.

Interviews: Interview based methodologies appear in almost every discipline that studies justice. The focus, technique and duration of the interviews can vary widely based on disciplinary background.

Ethnography: Ethnography comes in many forms (for example, traditional, auto, targeted, etc) and can be practiced differently based on disciplinary background. But, it is becoming more mainstream in many of the disciplines that consider the concept of justice.

Case Study: Case studies are common in international development and conflict resolution, but can be found in most disciplines that consider justice. As with other methods of measurement, case studies can vary in depth based on disciplinary background.

Broader Impact

The idea of justice has broad popular, academic and policy appeal. Philosophies of justice are central to the writing of the earliest recorded scholars. And today debates continue centered on the idea of justice in popular and scholarly mediums. Michael Sandel's Harvard course interrogating the concept of justice has turned into a popular book, *Justice: What's the Right Thing to Do?*, and public television series. Fiction and non-fiction television programs abound that focus on justice, or correcting injustices. And scholars in almost every discipline continue to contribute to our understanding of justice. However, defining and understanding justice is particularly challenging as it is conceptualized differently depending on the academic field and policy arena within which it is discussed.

Building off of a one day symposium hosted by the Center for Justice, Law & Society at George Mason University in May of 2009 the Center is planning to host two follow-up workshops in the spring and fall of 2010 focusing on conceptualizing and measuring justice in academic scholarship and practical application. Participants at the first symposium titled "Processing Justice: From Conceptualization to Measurement" focused on a number of areas of scholarly activity where justice is a prime concern. These included: 1) criminal justice/criminology, 2) international development and conflict resolution, and 3) law and society. The follow up workshops will continue to explore justice in the scholarship and policy of each of these three areas.

While justice is conceptualized and measured differently by scholars working in each of the above areas, all areas are focused on the broader concept of justice, and there is some level of overlap or commonality in the scholarship of each field. In the first of the two planned workshops scholars and practitioners from each scholarly and policy area will present and discuss their conceptualization of justice. The second workshop will focus on techniques used by scholars and practitioners in each field to measure justice. The second workshop will aim to broaden the measurement techniques available to scholars and practitioners working in all fields and in interdisciplinary settings. In order to share interdisciplinary techniques, however, scholars must first have a broad understanding of how interdisciplinary colleagues conceptualize the idea of justice.

The interdisciplinary focus on the broad concept of justice – which is one of the main focus areas of three of the above mentioned areas of study and practice – will deepen our understanding of the concept of justice and broaden our skill set for measuring justice in scholarship and practice.

The workshops will bring together a diverse group of scholars from across the nation and abroad. In addition to discussions of senior scholars and practitioners focused on justice, the workshops will focus on developing graduate students, engaging them in the discussions and network building. The workshops will result in disciplinary, racially, ethnically, geographically, gender and age diverse networks of scholars focused on conceptualizing justice and measuring it in future scholarly work.

After the workshops the organizers plan to submit roundtable or panel proposals to the two major disciplinary conferences the participants attend – the annual meetings of the Law &

Society Association and the American Society of Criminology. Each proposal will include new networks of scholars from the workshops. The organizers also will work to develop a symposium or special issue in at least one peer reviewed academic journal to showcase the work done at the workshops. Should the National Science Foundation so desire, the organizers are willing to draft a white paper summarizing the findings, commonalities, and disagreements at the workshops and the lessons for future scholarship and investigation on the topics covered.

Format of Workshops:

Although there are a number of factors that influence the conceptualization of justice, and a broad array of options for measuring justice that often varies by disciplinary background, there is a substantial area of overlap between disciplines and areas of practice. These workshops aim to interrogate our conceptualization of justice, and broaden our interdisciplinary dialogues about the concept. Once scholars and practitioners identify and discuss areas of overlap with regard to our conceptualizations of justice, we will then discuss methodological options for measuring justice. The goal of the second workshop is to share methods of inquiry so all scholars and practitioners have a broader understanding of disciplinary methods.

The Center for Justice, Law & Society at George Mason University would like to host the workshops at the National Science Foundation Offices in Arlington, Virginia. The National Science Foundation is ideally located to host this pair of workshops. Arlington, Virginia is minutes outside of Washington, D.C. making it readily accessible. There are also multiple hotels within short walking distance to the National Science Foundation offices.

The Center plans to host two separate workshops. The first will meet in late spring 2010 and focus on the conceptualization of justice. The second will build off of the first, gathering the same scholars, policy makers and practitioners in the fall of the same year to discuss the measurement of justice. Please see the draft agendas at the end of this proposal.

Prior to the first conference, participants will be asked to write a short essay discussing their own conceptualization of justice. The graduate research assistant helping to organize the workshops will work with the organizers to analyze the essays and establish major themes. The major themes that emerge from these essays will be used to organize discussions and establish overlap and boundaries between the disciplines. The first workshop will be organized in a series of break-out sessions that will have time built in for discussions between groups with similar themes and groups of mixed themes and ideas. The first workshop will set up the discussion for the second workshop where we will discuss specific techniques for measuring justice.

By the second workshop, relationships and understanding between the scholars and practitioner will have been established. While we can never expect a diverse set of scholars and practitioners to agree on a conceptualization of justice, we can establish core concepts to operationalize and measure in second workshop. In the second workshop we will organize participants based on method and have small groups present to the larger group on a variety of techniques for measuring justice. The goal is not to establish a single technique for measurement, but rather to foster an understanding of the various techniques available for measurement.

Invitees: We anticipate hosting 30 participants at the two conferences, with 20 attending from outside of George Mason University and 10 invited from the Center for Justice, Law and Society. We plan to bring together a diverse group of scholars and researchers for the workshops. The group will include scholars from a number of different disciplinary backgrounds, institutions and academic ranks, both within academia and related applied institutions. We also will invite each participant to bring a graduate student or junior colleague to the workshops. The workshops will be an opportunity for graduate students and other young scholars to expand their networks and interact with scholars from around the nation and abroad.

Draft Agenda for Workshop One: Conceptualizing Justice

Day 1:

Welcome Session (1 hour):

Introduction from conference organizers

Self-introductions from participants and graduate students

Plenary Session (1 hour):

Opening lecture by selected participant seeking to broaden participants' understanding of the concept of justice

Break Out Session 1 (1.5 hours)

Based on short essays provided before the conference participants will be organized in groups with similar interests. Groups will be provided with time to consider the broad questions of the workshop (How do we conceptualize justice? What factors are important to our definitions? Etc).

Lunch (1 hour)

Break Out Session 2 (2 hours)

Groups will be reorganized to provide the most diverse groups possible based on short essays submitted before the conference. The diverse groups will bring together their own essays as well as the discussions from the first breakout sessions. While they will consider the same questions from the original break out session there will now be an interdisciplinary set of actors with differing views.

Report Back (1.5 hours)

The small groups will share their discussions and main take away points with the larger group.

Reception and Dinner (evening)

Day 2:

Discussion Recap (1 hour)

We will spend time sharing the discussions from the first day as well as discussions that may have taken place in the evening.

Break Out Session 3 (2 hours)

Participants will be reorganized to consider the summaries of the previous day's group discussions.

Lunch (1 hour)

Synthesis and Next Steps Discussion (2 hour)

Each group will recap its discussions from the morning's gatherings. Meeting in plenary, participants will address the issues and themes raised and will seek to identify possible paper ideas and likely roundtable or panel proposals for upcoming conferences or journal submissions.

Adjournment and Departure

Draft Agenda for Workshop Two: Tools for Measuring Justice

Day 1:

Welcome and Introductions (1 hour)

Introduction from the organizers

Self-reintroductions from the participants

Methods Presentations (2 hours)

The organizers will work with select participants prior to the workshop to develop presentations on particular types of methods and how they are used to study justice. There will be 4 to 5 presentations from select participants during this time.

Lunch (1 hour)

Break Out Session 1 (3 hours)

Participants will be organized into groups of similar methodological techniques based on pre-conference discussions with organizers. The groups will discuss the latest developments and best practices with regard to their methods of choice and questions of justice.

Reporting Back to Large Group (1.5 hours)

Each group will be asked to share its discussion with the larger group.

Reception and Dinner (evening)

Day 2:

Discussion Recap (1 hour)

We will spend time sharing the discussions from the first day as well as discussions that may have taken place in the evening.

Break Out Session 2 (2 hours)

Participants will be organized into groups with a variety of methodological approaches. The groups will be asked to share their methods of choice, why they choose the method, and advantages and limitations to their methodological choices.

Lunch (1 hour)

Next Steps Discussion (1 hour)

The large group will take an hour to recap discussions in the small group as well as begin the discussion on next steps. Participants will decide if they are ready to discuss possible paper ideas or roundtable or panel ideas for upcoming conference or journal submission.

Working Groups (3 hours)

The larger group will divide into manageable small groups to start work on next steps for conference submissions and paper ideas.

Adjournment and Departure

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