In our research and scholarship, we conceptualize justice as having two distinct, yet mutually informing, components. The first is that justice should include fair treatment for all individuals across social divisions such as race/ethnicity, socioeconomic status, gender, religion, ability, and sexual orientation. The second component of justice is the responsible pursuit of agreed-upon policy goals (e.g., reducing crime, facilitating adolescent development).

Fairness is not always easy to recognize. In his 1963 *Letter from a Birmingham Jail*, Martin Luther King concluded that the justness of a law or policy must be considered in two respects: on its face and in its application. Some policies are designed with fairness in mind and are just on their face, though they may not necessarily be so in their application. This distinction requires us to consider (1) difference among groups based on race, class, gender, sexuality, etc., and (2) how these group differences are constructions of power relations. In this sense, social-structural context becomes an essential consideration in the evaluation of whether policies, and their outcomes, are just. For example, the assumption that arrest records are equivalent to criminal propensity, in that they are valid and reliable measures of rates of participation in criminal activity, ignores the disproportionate risk of arrest among particular groups regardless of behavior.

Moreover, fairness in relation to group differences must look to the intersecting and mutually constitutive nature of constructions such as race, class, gender, and sexuality.¹ For example, the oft-cited statistic that a woman only makes 76 cents to a man’s dollar only holds

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true when assuming that both the man and woman are white. When considering the *intersecting* effects of race and gender the gendered reality of economic inequality becomes both more complex, since constructions such as gender and race simultaneously affect and shape each other. Further, such constructions can neither be reduced to an essential, individual characteristic or attribute, nor may they be considered in isolation from the other. Thus, fairness means recognition that one size may not fit all and that equality does not necessarily mean sameness. Sometimes, we must actively consider group differences, such as when we promote diversity and develop policy and procedural responses that are inclusive and culturally sensitive, as well as when looking to intersectional differences to avoid essentializing groups along a particular line of stratification. This means that institutions such as the criminal justice system (as well as other institutions) must be afforded the potential to consider context, both on the individual and macro-structural level, in order to truly deliver justice. In short, fairness means acknowledging social inequality, working toward a more complete understanding of its operation, and resisting its reproduction through a dynamic centering on intersecting constructions.

Part and parcel to resisting the reproduction of inequality is the second component of our conceptualization of justice: the responsible pursuit of agreed-upon policy goals. In short, this means a focus on praxis and the recognition that evidence, not politics, must guide law and policy. Too often, social institutions operate based on rules and procedures that are created in response to fears that may not reflect the objective reality of a situation. Though such emotionally-charged, politically-based policies may help politicians get re-elected, they are quite often ineffective and can exacerbate the very problem the policies were meant to address. In contrast to this approach, we take the “responsible pursuit” of policy goals to suggest that those in positions of power have a duty to consider the effects of their actions and revise their actions
to better promote widely shared policy goals. Moreover, such actions and revisions of actions must be guided by a more nuanced and accurate understanding of intersectional structures of power relations and how these intersections play out in the lives of the individual. As such, it is not simple empiricism that we suggest guide policy, but a reflexive empiricism that is informed by the issues of fair treatment discussed above. In this sense, justice is better conceptualized as a \textit{process} than an \textit{outcome} as doing so retains and implies the reflexive, nuanced, and contextualized qualities of justice.

As an illustration of how we operationalize this concept of justice, consider the first author’s recently published book on school discipline and security.\textsuperscript{2} In \textit{Homeroom Security}, Kupchik studies how public high schools police and punish students in the wake of dramatic changes to the school landscape, including the introduction of zero-tolerance policies, full-time police officers in schools, surveillance cameras, and persistently high suspension rates. He finds that contemporary school discipline and security practices are counterproductive, they are based on fear and insecurity rather than evidence, and they exacerbate social inequality; thus they are unjust according to both criteria of justice.

Racial/ethnic minority and lower-income students are more likely than their white and middle-class peers to be punished in schools; several studies find this result even while controlling for self-reported rates of misbehavior. Teachers, school administrators and other school disciplinarians often respond to implicit biases by perceiving students of color as more threatening than others. They may respond to cues such as styles of dress, language, and body

manners that they see as markers of disorder, unruliness, or disrespect, such as the use of nonstandard English or wearing baggy jeans, and as a result they are more likely to respond to the misbehaviors of lower-income and minority youth than to the misbehaviors of middle-class white youth. Though this is not a new problem in schools (or unique to schools, for that matter), the problem is more severe now that punishments in schools have become harsher, since discrepancies in the punishments students face for similar behaviors have become more stark. Moreover, some schools follow policies that are clearly racially biased, such as prohibiting “do-rags” (headwear often worn by African American youth) but not baseball caps, which white students wear often. Thus contemporary school discipline and security is unjust on its face.

School discipline and security is also unjust in its application because school disciplinarians often fail to address real reasons for misbehavior. Kupchik discusses how rules and punishments have become an organizing principle for schools at the expense of other objectives, often including even academic learning goals. As a result of this focus, school disciplinarians concentrate narrowly on rule enforcement as an end onto itself, with little regard for reasons why students misbehave. For example, despite the fact that (according to teachers) the most common cause of student misbehavior during class is that the student does not understand the class material. But in response, teachers remove the student from class and an administrator might suspend him/her. The student’s grasp of the material is not addressed as the school doles out punishment with a narrow focus on rules and their enforcement, not the causes of students’ misbehaviors. This contributes to inequality because students with the greatest needs – including academic as well as social and emotional needs – are more likely than others to misbehave and are thus at greatest risk of school punishment. By failing to address the students’ needs or the context that gives rise to their deficits (e.g., poverty, abuse), school
policies are unjust in their application and remain inattentive to the intersectional nature of socio-structural inequalities through the pursuit of justice as a blind outcome.

Contemporary school discipline and security are also unjust because they are based on fear and insecurity rather than evidence. School crime has been decreasing dramatically for nearly two decades, and schools are the safest places for students to be, statistically. Yet popular discourse assumes schools are like war zones with out-of-control students who require increasingly invasive security and harsh punishments. What’s more, there is no evidence that the strategies that have spread across the country are effective, and a growing body of evidence that they actually might make schools less safe. Research consistently documents how schools with inclusive social climates – in which students feel respected, listened to, and part of the school community – have less crime and misbehavior than other schools. Yet as Kupchik illustrates, contemporary security and discipline policies have the opposite effect: they alienate and exclude students, and students are neither respected nor listened to. A majority of high schools in the U.S. now have full-time, uniformed, armed police officers, despite a lack of credible evidence that they help prevent crime on campus. These officers are asked to be mentors and counselors, though they have little training in how to do so and their official police duties often preclude effective counseling (e.g., they are unable to hold a student’s confidence if a crime has been committed). Contemporary school security and discipline policies are based on fears and insecurities about schools and school violence, not on evidence of actual rates of school crime or on what kinds of programs and policies best help youth or prevent their misbehavior.

Certainly justice can take many forms. To that end, we see justice, first and foremost, as a process that, through dynamically centering itself on the intersectional nature of socio-structural inequalities, works toward more just outcomes. We find that conceptualizing justice as
we discuss above helps direct our social inquiry towards questions and answers that promote fairness, equality, and reasonable social policies.