

What is Justice? An Ontological Discussion Through the Lens of Sarkar and Gastonny's *Caliber: First Canon of Justice*

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Introduction

In titling this article, we struggled between starting with either the phrase *what is justice* or the phrase *defining justice*. Obviously, we went with the former. We did so because the phrase *defining justice* carried with it epistemological undertones that we wanted to avoid. Although epistemology is vital to any scholarly discussion of the word *justice* (and, indeed, informs a significant portion of our article), we wanted to eschew confining ourselves to a conceptual discussion. Rather, in writing this article, we are more interested in *what* justice looks like and *how* it is perceived. In short: we are interested in an ontology of justice.

"What is justice?" is a timeless question. As criminal justice teachers, we find that students often use the term justice without fully understanding what it means. In fact, individuals use the term *justice* in very different ways. While for some it may mean retribution and just desserts, for others it may mean distributive equality and social well-being.

Yet the term *justice* remains a keystone of U.S. thought. The phrase "and justice for all" is spoken daily by elementary students reciting the pledge of allegiance all over the country. The term is also often part of political debates and discourse, having first become prominent in the 1970 presidential race (Saunders, 1970). The pursuit of justice fills popular culture. Countless books and films wrestle with justice-based issues, from the cinematic classic *Twelve Angry Men* to the bestselling novels of John Grisham.

Most significantly in the present context, the entire genre of superhero comic books is based on the simple premise that justice is so elusive that men and women must dress up in spectacular costumes to seek it out on their own. This is vigilante justice, meted outside the confines of law enforcement. The pursuit of this type of justice is so popular that one of the longest running comic book series is *Justice League* starring the most famous superheroes in the world, Superman, Batman, and Wonder Woman. All of these superhero stories

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further increase the complexity of trying to define what justice means.

Fortunately, because the search for justice does seem to capture the popular imagination, this makes the use of popular culture an excellent vehicle for helping students to grapple with the many nuances of the concept of justice. The purpose of this article, then, is to bring to light some of the ways we use the term *justice* and some of the ways we see *justice* in action. To explore these concepts, we will use Sam Sarkar and Garrie Gastonny's graphic novel *Caliber: First Canon of Justice*. First, we provide an overview of the social science literature that describes how people in general define or feel about the question *what is justice*. Then, we compare and contrast these popular statements with how a sample of influential social thinkers and philosophers have answered the same question. Finally, we provide a résumé of our discussion and offer insights regarding the importance of this article's key points vis-à-vis pedagogy and society. Throughout this article, we will draw on examples from *Caliber* to illustrate the themes conveyed by both popular survey responses and by those who have given deliberate thought to the ontology of "justice."

Caliber: A Story of Justice Retold

Caliber is a graphic novel which reimagines the legend of Arthur, King of the Britons. The retelling takes place in the 1800s in a fictional Pacific Northwest American frontier town called Telacoma. As a reimagining, the graphic novel plays on a number of themes and names present in the original British tales. For example, while Arthur retains his given name, his surname is changed from Pendragon to Pendergon (and his father's name is changed from Uther to Ulysses), Bedivere becomes Bedvar, Lancelot is shortened to Lance, and Guinevere is likewise shortened to Gwen. Each character ultimately retains their archetypical characteristics from the composite legends of Arthur: Arthur remains a leader, Gwen his lover, Lance is brave, and Morgan is a sorceress.

A primary way that *Caliber* creatively departs from the original legends is with the artifact Excalibur. In the original legends, Excalibur is a sword gifted to Arthur by the Lady of the Lake. In this retelling, Excalibur is portrayed as a divine side-arm: a pistol of magnificent power that, while lacking a title that explicitly points to Excalibur, can nevertheless be wielded only by Arthur, is gifted to Arthur by a mystic (a half-French, half Native-American named Jean Michel Whitefeather), and that is often referred to as "The Law" throughout the graphic novel. Throughout this article, we simply refer to this artifact as *the Gun*.

The entire graphic novel is replete with overt references to "the law" and "justice", a plot element that renders *Caliber* well poised for a discussion centered around understanding the ontology of the word "justice". In *Caliber*, Telacoma is controlled by the maleficent Talbot Leary who kidnaps citizens and forces them to work in a mine and complete a railroad. Ultimately, the mission of Arthur and the "crazy lunatic" knights of the round table that he gathers around him

as the story progresses is to free these victims and to bring Leary and his men to justice. Already, we can see two ontological themes in the reading of *Caliber*: one dealing with social justice (freeing those unjustly rendered prisoners) and one that we can at this time call retributive justice (bringing the law to bear on Leary and his associates).

Throughout the graphic novel, Arthur and his knights are pitted against the Crimson Circle: An organization that believes itself to be above and outside of the law. As Leary and the evil sheriff say on numerous occasions, they *are* the law. Arthur and his mentor, Jean Michel, the reincarnate Merlin, disagree. In the final scene, a showdown between the forces of wickedness and righteousness, the following dialog takes place between Leary and Arthur:

Leary: No! You can't stop me!
 Arthur: The Law can stop you.
 Leary: I own this town. I own the law. I am un-
 touchable!
 Arthur: No man owns the law. Not me, not you.
 We all answer to it.

We develop these themes in greater detail below, but for now it is enough to point out that this dichotomy of those who believe they are the law and those who believe that they serve the law permeates the pages of *Caliber*. There is a strong sense in the graphic novel that justice, or the Law, is a natural entity existing outside the realm of humankind, and that it is the duty of individuals to serve the law, rather than twist the law to serve the needs of men and women.

In the end, those on the side of justice win. But, this victory does not come without sacrifice. Along with covert themes of justice is the idea that justice requires both heroes and witnesses. Both Arthur's father and Bedvar's father die in the name of justice, and Jean Michel at one point sacrifices himself willingly, choosing to face the Crimson Circle by himself and sending Arthur away. Throughout the graphic novel, justice is seen as an ideal above the ken of human beings; as a source of equality; as applied equally to all persons; as a means of just desserts, and of setting things right; and as requiring protection from those who wish to thwart its proper uses. These themes, among others, are explored in fuller detail below.

"If the laws are not obeyed, our children are on the path to conflict. We understand this. Do you?"

Examinations of justice have occurred for centuries; however, the result has often raised more questions than clarity (Kelsen, 1957). Even more contemporary research is plagued by ambiguous specification. Nevertheless, we review this literature in order to better compare lay definitions with those proffered by the academy.

An early, preliminary approach to public perceptions of justice was conducted by Jacob (1971). Justice was examined by comparing individual expectations of key officials to the perceptions of their actual behavior. Scores for the "ideal official" were high, indicating that "justice" representatives should be honest, fair, hardworking,

and smart. Results, however, indicated considerable gaps were present with regard to expectations and perceptions. As a result, feelings of injustice were common in areas where officials did not meet the ideal scores. These results suggested that justice, in the eyes of the public, encapsulates an honest, fair, and unbiased system.

Jacob (with Eisenstein, 1977) later suggested that definitions of justice vary among individuals. Specifically, for some, justice refers to catching a criminal and punishing them while for others it entails adherence to principles of due process and equal treatment by the system. Jacob and Eisenstein found, therefore, that what is justice to one person may not be what another person thinks of when presented with the word "justice." In an effort to more fully theorize this, Tyler (1990) provided a normative perspective of how the public defines justice, encapsulating fairness and equity. This concept suggested that individuals go beyond focusing on favorableness of their case, instead preferring a fair process leading to unbiased outcomes. Initial research on citizen perspectives supported this outlook as early research indicated that notions of fairness were frequently incorporated into individual definitions (Tyler, 1990; Tyler & Folger, 1980). Furthermore, fairness within the process of the system of law as well as the outcome were common themes for individuals. Essentially, differentiating between a just and unjust decision relied heavily on the level of *fairness* provided to the person as well as to the law itself.

Engel (2005) has suggested three underlying themes when encapsulating the idea of justice: punishment, legitimacy, and fairness. Punishment, at least in the United States, is typically associated with retribution. Indeed, perhaps the most persistent theme in America is that of retribution, evidenced by the "tough" approaches to crime advanced since the 1980s. An individual may feel justice has occurred if a criminal is arrested and dealt with punitively. It is not surprising, then, that justice and punishment are terms frequently used interchangeably (Scheingold, 1991). The second theme, legitimacy, involves multiple dimensions including acceptance and obedience of law and the right of criminal justice officials to enforce the law. Biased laws or discriminatory officials within the system can result in feelings of injustice, as demonstrated by Jacobs (1971; see also Tyler, 2006). Finally, fairness refers to the process and outcomes of the system of law. This includes the treatment of individuals via due process as well as fair sentences. These three themes capture the essence of how the public defines justice, and demonstrate that, for many, *justice* is an idea wrapped up in the administration of laws.

Scholars have also discussed lay perceptions of justice in terms of three general categories: distributive, procedural, and interpersonal justice (Tyler, 1990). Prior research, for example, suggests that these categories provide an understanding of public perception of the court system in terms of justice (Higgins, Wolfe, & Walters, 2009). Those that feel courts are unbiased in the distribution of services and outcomes are more likely to have favorable feelings of this system (Tyler & Huo, 2002).

First, distributive justice deals with the fairness of outcomes. In other words, the *results* of the behavior of the criminal justice system

appear to influence feelings of justice. Procedural justice, the second category, is concerned with the process the system takes to get to a certain outcome. Fairness of the procedure has been shown to be vital in the perception of justice: those who view the methods of the court to be fair are more likely to have favorable evaluations (that is, feelings of justice) of the outcomes. Demographic differences are present as well. Sun and Wu (2006) found that procedural justice was important for males and females; however, females had lower evaluations of fairness. Higgins and colleagues (2009) suggest that procedural justice is a stronger predictor of perception than distributive justice. Finally, interpersonal justice refers to courts treating citizens with respect. Tyler (2001) found that having a personal experience in the court system can alter one's perception of justice. Interestingly, Tyler's (2001) research found that it was not the favorableness of the outcome that most influenced perception but rather the *quality* of the treatment received that impacted perceptions the most - similar to later research conducted by Engel (2005).

It is clear, then, that justice is associated with themes of righteous punishment, legitimacy of criminal justice officials, and fairness in the way the law is enforced. Furthermore, how one perceives justice is influenced by various factors such as experiences, attitudes, and individual and neighborhood demographics (Higgins et al.; 2009, Lilly et al., 2010; Engel, 2005). Justice then, in the public's eye, has something to do with a political system that fairly enforces the law. Given that all of these studies took place in developed countries in the West that share a common political history — and that this political history has established representative governance — such an outcome should come as no surprise. With this preamble, we now consider what legal thinkers have answered when posed the question, “What is justice?” In many respects, they reflect this politico-centrism; in other respects, however, they broaden the ontological basis of “justice.”

“What is the most enduring legacy of the Magna Carta?”

In any ontological discussion such as this, it is often common to invoke a dictionary. We are hesitant to follow this trend, insofar as dictionaries, while useful, lack the scientific or even philosophical precision necessary for a conversation such as the current one. Nevertheless, it may be illustrative to consult a dictionary because its definition most likely aligns closely to the colloquial uses we saw described in the literature reviewed above. Highlighting this colloquial/public definition of justice will help set a context for thinking further about how justice is examined in the graphic novel *Caliber*.

Therefore: *The Merriam-Webster Dictionary*, as of early 2013, defines the word justice in the following manner:

- 1a: the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments
- b: judge
- c: the administration of law; especially : the establishment or determination of rights according to the rules of law or equity

- 2a: the quality of being just, impartial, or fair
 b(1): the principle or ideal of just dealing or right action (2): conformity to this principle or ideal : righteousness
 c: the quality of conforming to law
 3: conformity to truth, fact, or reason : correctness

From these definitions, there are clearly distinct uses of the term “justice.” This is reflected in *Merriam-Webster’s* seven context examples:

1. They received justice in court.
2. the U.S. Department of Justice
3. criminals attempting to escape justice
4. The role of the courts is to dispense justice fairly to everyone.
5. She is a justice of the state supreme court.
6. I saw no justice in the court’s decision.
7. We should strive to achieve justice for all people.

Although distinct, we believe there to be a common thread throughout each definition—a thread that popular surveys tend to support. Specifically: a principle of rightness. In a sense, the ontology of “justice” begins and ends with *that which is right*. What is more, this statement must be understood in a very specific context. Walsh and Hemmens (2008), for example, note in their introductory textbook, *Law, Justice, and Society*, “[Justice] is above all a *moral* ideal that persons and social institutions owe one another” (p. 28, emphasis in the original). The idea of justice can, therefore, only be understood in terms of the relationship between people, institutions, organizations, and states, to name but a few.

“Justice” as *rightness between others* is vividly described early in *Caliber*, as the young Arthur witnesses the cruel and capricious (that is, the unjust) behavior of the sheriff. The sheriff abducts an otherwise defenseless man with the sole purpose of acquiring labor for the mine. In response, Arthur runs to his father, a captain in the United States military. As he runs away from the sheriff, Arthur yells out, “That’s not right. I’ll tell my dad. He can get him back.” In other words, Arthur believes his father can make things *right* again. There is more to justice than this, however. After hearing his son’s plea, Captain Pendergon states stoically, “The sheriff has jurisdiction here. If he has a reason he can arrest that man.” With this, Pendergon introduces the concept that justice is the business of a state sanctioned authority. Arthur, as already indicated by his initial disagreement with the sheriff’s behavior, adamantly and simply disagrees: “But it’s not a good reason!” His father, just as simply, states “Son, you’ll make a helluva judge one day.”

This exchange illustrates that, like the definition of “justice” offered to us by Merriam-Webster, understanding what justice is, is no easy task. On the one hand, Arthur’s father believes justice emanates from the state. His assertion that Arthur will one day be a “helluva judge” indicates that, for Pendergon, justice and the state are one and the same. This setup is, for Arthur, not as clear cut. For Arthur, it does not matter that the sheriff is, as the sheriff himself yelled out to Arthur,

“the law”; what matters is that the sheriff’s behavior is unjust, and as such, no amount of state sanction can redeem his actions. This supports Walsh and Hemmens’s assertion that justice is a *moral ideal*: “By *ideal*, we do not mean to imply that we think of it as a Platonic ‘idea,’ but rather something we must strive to understand and practice as the ultimate goal of the legal endeavour” (p. 28, emphasis in the original). “Justice”, then, is the crossroads of *the law* and *moral-ity*.

With this statement, Walsh and Hemmens invoke Plato, the 5th century BCE Hellenistic philosopher. Plato, along with his mentor Socrates, and his pupil, Aristotle, are a good place to start in our efforts to come to grips with a fuller ontological understanding of “justice”.

Socrates, Plato, and Aristotle

We know Socrates primarily through the writings of his protégé, Plato. Regarding “justice,” our primary source of Socratic justice is Plato’s *Apology*, where we read the latter’s take on Socrates’s defense before the Athenian government. In the *Apology*, Socrates rails against his accusers as being *unjust*. For Socrates, therefore, “justice” is, to some extent, wrapped up in concerns of the state. As he stated in *Apology* 32b:

I served as a member of our Council, and our tribe Antiochis was presiding at the time when you wanted to try as a body the ten generals who had failed to pick up the survivors of the naval battle. This was illegal, as you all recognized later. I was the only member of the presiding committee to oppose your doing something contrary to the laws, and I voted against it. The orators were ready to prosecute me and take me away, and your shouts were egging them on, but I thought I should run any risk on the side of law and justice rather than join you, for fear of prison or death, when you were engaged in an unjust course.

For Socrates, that which is illegal is also unjust, and the laws apply to both the governed and the governing. In *Caliber* Jean Michel states this idea a bit more eloquently, if with less apparent erudition, when he told his cousin Red Hawk, “The law does not belong to one people or another.” As we have already discussed, the idea that the law, that is, justice, is something to which all individuals are accountable is a consistent theme throughout *Caliber* and, indeed, throughout the historical conversation of *what is justice*.

The reason we can talk about justice being applied to all men is best understood in terms of Plato’s concepts of the *ideal* or *forms*. For Plato, life was but a shadow of reality. Reality consisted of *ideals* mirrored crudely in the physical and temporal world. *Justice* was one such ideal. Plato had a complex and sometimes moving definition of justice. We say *moving* because he considered justice at the individual level as distinct from justice at the state level. For the individual, justice dealt with being governed by reason, rather than by

passion. For society, justice had to do with providing for a harmonious and good life. For both the individual and society, justice for Plato was an outcome-based concept: what resulted in balance was just.

The job of the state was, as Plato described it in his *Republic*, through a process of legislation, to bring its laws into compliance with these ideals, as much as feasible. There are echoes of this idea throughout the graphic novel. For example, when Jean Michel is in a trance, consulting with “the spirits” as to how he should proceed with the Gun, he asks, “What do I do with the gun?” and the spirits respond, “It belongs to the lawbringer. Only the lawbringer can use it. Seek him. Teach him to use it. Teach him not to use it. Teach him that the law is greater.” Here, we see an example of the Platonic philosopher king: An individual uniquely equipped to govern with unquestioned authority, for the good of all people. Plato’s vision was of a dictatorship; yet, because it resulted in harmony and the well-being of the citizenry, it was *just*.

Aristotle, in his *Ethics*, departed from Plato (and, therefore, Socrates) in at least one important respect: Whereas Plato argued that the ideal forms could never be known in their entirety, Aristotle believed in a sensory existence where truths could be fully realized through observation and reasoning. This meant that *justice* could be fully understood, acquired, and practiced. For Aristotle, *justice* had everything to do with equality. As he famously stated, “Justice consists in treating equals equally and unequals unequally according to relevant differences”. With such a definition, the job of the state was to restore equality wherever it was upbraided. This introduces two concepts of *justice*: retributive and distributive. Retributive justice is the sort that most people think of when they think of what justice is: paying our debt to society for committing a crime, restoring to a victim stolen property, or, more abstractly but no less physically, receiving our just desserts for wrongdoing.

Distributive justice, however, refers to how the resources in society are distributed among the population. Under Aristotle, it is understood that you receive what you merit. Before leaving this definition, however, we must consider the second part of Aristotle’s definition: *relevant differences*. In the United States, although there is some movement hoping to see this changed, *race* has been considered a relevant difference since colonial times. First, African American slaves were not provided their “just desserts” (that is, equitable compensation) for the labors that they performed; and second, programs of affirmative action have explicitly considered race as a relevant difference for hiring, retention, and pecuniary considerations. In the graphic novel, this is illustrated by an exchange between Lin Zexu, an imprisoned emigre from China, and Hector, Arthur’s uncle:

Lin Zexu: My countrymen came here to build your new world. I came when I heard of the injustices they were suffering. Now I am here. Suffering injustice first hand.

Hector: Indeed. Too many things. Too many people have been traded for progress. I’m ashamed

to say...I'm part of the system that has profited from it.

Lin Zexu: All people have the right to live free.

From these conversations, we can begin to see that *justice* is a very old concept, that it applies to both individuals and to aggregates, including nation-states, and that it has something to do with equality, balance, and rightness.

Augustine

After Christianity spread under the Byzantine Emperor Constantine, Hellenistic thinking was at once replaced and adapted by Christian theology. A number of Patristic church doctors, both pre- and post-Nicene, made this happen. One of the most important—and one of the most important figures to Occidental thinking—was Augustine of Hippo. Augustine, a North African born under Roman rule in the fourth century, was Bishop of Hippo at a time of rapid change - doctrinally and ecclesiastically—in the western church.

Augustine was influenced by Hellenistic thinking, specifically Plato, and this is reflected in how he understood justice (Bernard, 1983). Similar to Plato, Augustine argued that this world represented something far from an *ideal*—and like Plato, Augustine considered those ideals to be natural and ultimate, existing independent of man. Augustine departed from Plato, however. Where Plato believed that, through society and legislation, humankind would *approximate* those ideals, Augustine argued that this was an impossibility. Augustine's thinking was centered on the developing Catholic dogma of original sin: The belief that through the behavior of Adam and Eve, the world and the nature of human beings were "fallen" - that is, imperfect. Because of this inherent imperfection, ideals such as justice could never be fully acquired or even emulated. This, for Augustine, was reserved for what he deemed *de civitate Dei* - the City of God, which he contraposed to the Earthly City. Because of this dichotomy, *no temporal city could be just*. These themes were developed most fully in Augustine's volume titled *The City of God Against the Pagans*.

Certainly Augustine offered commentary on justice in the social aggregate sense that we have already explored (for a thorough consideration of this facet of Augustine's corpus, we refer you to Deane, 1963). Given the futility of the Earthly City in emulating the City of God, however, Augustine's focus in regards to "what is justice" is on the individual as a moral agent. Indeed, for Augustine, a society is just only insofar as its citizens are themselves just. If the government is to play any role, it is to keep the *body politic* from harming itself by expressing its selfish ego. Rather, being "just" has more to do with being a *morally good being*, which, for Augustine, was wrapped up in the Golden Rule: As he states in his commentary on the Gospel of St. John, "What thou art unwilling to suffer, be unwilling to do."¹

The key to understanding Augustine is not so much his reliance on Plato (although this is essential), but his belief in the incarnate God of Christianity. Augustine believes beyond proof in a heaven that rewards the righteous and in a hell that punishes the unrighteous (recalling that *righteous* and *just* are etymologically related; for an

extended discussion with specific notes vis-à-vis Augustine, see Barrow, 1950, pp. 24-25). Similarly, in *Caliber*, Jean Michel has what can be called a sort of faith in the law and in justice. For Jean Michel, like Augustine, justice is not just something beyond the ken of humankind: it is our ultimate destination. As Jean Michel explains to Arthur: "Something in you believes in the law, Arthur. That is why destiny has chosen you to carry it [referring to the Gun]." A complete answer to justice, therefore, must (for some at least) include an appeal to an ultimate source—whatever or whoever that may be (for a non-theistic explanation for what is essentially natural law, see Gruter, 1991). It is not its utility that renders justice legitimate, but its association with *Justice*—the divine, ultimate source of all things good and right. This reflects how Reichel (2005) sums up the Rule of Law: "laws change but the *Law* must remain" (p. 175).

The Enlightenment Thinkers

The idea of combining justice with inalienable rights was put forth most concretely by the European Enlightenment thinkers, who would eventually influence the founding documents of the United States of America and the formation of the American criminal justice system. As with the writers we have already covered, for these Enlightenment thinkers, "justice" is wrapped up in social relationships, in responsibility, in equality, and in terms of the role government plays in the administration of justice. For this article, we briefly cover two such thinkers: John Locke and Cesare Beccaria.

John Locke was an Enlightenment luminary who would influence the likes of Rousseau as well as the American revolutionists. Locke's political thinking began and ended with the social contract, as laid out in his *Second Treatise on Government*. The social contract, in its most general sense, is the idea that citizens give up certain rights; in return, the government promises to protect their remaining rights. Locke argued that law was natural, and that it was the government's job to ensure that its laws corresponded to the laws of nature. Most importantly, whereas other Enlightenment thinkers (e.g., Thomas Hobbes) argued that laws proceed from the government (that is, positivist law), Locke argued that laws preceded the government. For Locke, the government could only be considered just *if* its laws were reflections of the natural law. Law, for Locke, needed to be as non-capricious and as standard as possible, pertaining to *all* men.

It is understood that the hallmark of Lockean thought is *consent*. As he notes in his *Second Treatise* (Locke, 1952):

Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*. The only way whereby any one divests himself of his Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing with other Men to join and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any number of Men may do,

because it injures not the Freedom of the rest; they are left as they were in the Liberty of the State of Nature. (p. 54)

This is a common theme throughout *Caliber*. For example, upon learning that his destiny is to wield the Gun, Arthur complains to Jean Michel: “So I have no choice.” In response, Jean Michael instructs: “We always have choices. That is part of the law.” And in one of the most important exchanges of the graphic novel:

Jean Michel: What is the most enduring legacy of the Magna Carta?
 Arthur: Writ of Habeas Corpus?
 Jean Michel: Which affects the accused in what way?
 Arthur: It forces...I mean compels the court to produce evidence of a crime...One of the main protections against unjust or unlawful imprisonment by the state.

Locke, like his pre-Hobbesian predecessors, reinvigorates both the morality of justice and the role of the state. Unlike Hobbes, Locke believed that the government, too, must *behave* justly—that is, that justice is more than a consequence—it is something relational that refers to our actions, not only the outcomes of our actions. And just as the governed must, under the social contract, behave fairly, so, too, must the government.

The fruit of Locke’s political thought would be born out in the Italian philosopher and criminal justice reformer, Cesare Beccaria, who wrote and worked in the 18th century. Beccaria’s (1764) influential book, *Of Crimes and Punishments*, reflected both the ethos and pathos of the Enlightenment. On the one hand, it argued for logical and rational punishment for offenders. Beccaria’s famous plea can be described as making sure that the punishment fits the crime. Prior to (and, arguably, well after) Beccaria’s writings, the punishments for most crimes were grossly disproportionate to the offense. Additionally, justice was administered arbitrarily and, in many cases, secretly, allowing for little or no defense. Rationally, Beccaria argued, this made no sense.

Additionally, the impetus for Beccaria’s pleas was not only cold, aloof logic, but emotionally tempered humanity: it was, simply, *prima facie* wrong to treat offenders inhumanely and with excessive punishments. Relying on the logic of the Enlightenment political philosophers as well as on the Hellenist thinking of classic Greece, Beccaria called for a host of reforms that included: abolishing the death penalty, abolishing arrests without public warrants, and meting out punishments appropriate for the crime at hand. Under Beccaria’s philosophy, justice is at once retributive (we need to punish offenders), but also a moral concept (but we must do so within reason and humanity); it was additionally procedural—*how* we go about administering justice is as important as what sort of justice we are administering.

This, for Beccaria, is possible because he removes *revenge* from the picture of justice. Justice is therefore *not* synonymous with re-

venge: whereas the former remains focused on setting things “right,” and giving to all men their “due,” the latter is focused purely on exacting punishment for the sake of making the offended suffer. For Beccaria, as for *all* of the thinkers we have considered in our discussion in this article, *justice* rises above the individual and is focused on the relationship between people and between the state and the individual. Indeed, one of the jobs of the state is to *prevent* revenge; revenge is seen as a sort of *injustice*.

One of the most climactic scenes in *Caliber* best illustrates this. Just as Arthur, his “knights”, and the men that have recently been freed from Leary’s mine are about to ride into Telacoma to confront Leary head on, Arthur gives a stirring cinematic speech:

A lot of you have suffered grave injuries at the hands of Talbot Leary and his men. He would have left you all for dead here, and so I’m sure those of you who are able would be willing to grab a gun and follow us back into town with vengeance in your heart. But if vengeance is in your heart, you won’t be coming on this ride. Like a lot of you, my cousin and I have lost family to these men. His father, my father. But we’re not going back for revenge. We’re going to Telecoma to bring back justice. This gun stands for the law, and we stand for nothing less.

This is a critical scene in the graphic novel: Arthur, holding the gun high and surrounded by dedicated knights, is committed to the law. Behind Arthur, in a starburst, the sun is shining through storm clouds in bright motes that recall to the reader’s mind religious imagery. Like Beccaria, *Caliber* supposes pre-existent rights that the law must be used to support, not to deny.

“The law is coming”

Throughout this article, we have only touched on a few themes: distributive, procedural, retributive or substantive justice and social justice, as understood through the lens of a graphic novel, *Caliber*. Even in this cursory overview of seminal “justice” thinkers, though, it is clear that justice can be a complex topic with ambiguous nuances. In addition, the application of justice quickly extends beyond the criminal justice system, to include the behavior of the government more generally, as well as the governed, institutions, and individual actors. Still, we have provided enough for a good start to understanding the ontology of “justice” as a moral concept of fairness and rightness, wrapped up in the administration of law, and focused on the relationships between individuals and between aggregates.

Using a graphic novel like *Caliber* can make such complex ideas accessible for students. As we have tried to show in this article, a variety of interpretations of the meaning of “justice” are described in the story of *Caliber*. Use of a popular work of fiction like this can help illustrate these ideas for students in an engaging way. And the graphic novel also adds to the complexity when the visuals, such as those in the climactic speech by Arthur, also shape how a reader is meant to value one vision of justice. Discussing a graphic novel in

a criminal justice course can help students to understand how abstract academic concepts work themselves out in broad social situations.

As criminology teachers, we know such connections need to be made for students if we hope to develop an informed citizenry that understands the justice system and how it operates. We believe that “justice” needs to be more fully and more often considered by students studying both the criminal justice system and criminology, and those studying all social responses to deviance. Using graphic novels like *Caliber* is an excellent way to help students into these conversations. Such work can help students move into discussions of the ultimate purpose of the justice system and not just how it operates. Indeed, Criminology has a history of using media to help teach students complex topics – from the *Dirty Harry* series of movies (cf. Klockars, 1980) to HBO’s *The Wire* (Collins & Brody, 2013). Graphic novels are rich, speculative, and thoughtful: ripe soil for the sort of creativity that criminology and criminal justice pedagogy needs if it wants to escape the unrealistic positivism that blinds our research and bores our students.

A final quote from Jean Michel’s closing commentary in *Caliber* helps argue for this need to prepare students through any means we can: “[Arthur] had stood with the very core of his being for an ideal. He had cast vengeance aside. From the code of Hammurabi to the laws of the Nez Perce and to the Laws of these United States, he understood it all. Justice ran through his veins. There would be many more tests in the days to come....” A graphic novel like *Caliber* can be used to help students develop a full, rich, and nuanced understanding of what is justice, which will prepare them for the tests they, and the U.S. justice system, will face in the years ahead.

Notes

¹ It is important to note that Augustine uses the negative form of the Golden Rule. He does so throughout his work (Deane, 1964). This writing style reflects what is known as the apophatic tradition of Christianity, that is, of negation. The apophatic tradition begins with the axiom that one cannot truly know god; as such, we risk misunderstanding deity by defining it. Therefore, to know god is to define god in terms of what god is not. By invoking an apophatic definition of justice, Augustine reminds us that *justice* is an ideal possible only in the real and eternal Republic - not the Republic of Plato.

References

- Barrow, R. H. (1950). *Introduction to St. Augustine*. London: Faber and Faber Limited.
- Beccaria, C. [1764] (1963). *Of Crimes and Punishments*. Translated by Henry Paolucci. Indianapolis: Bobbs-Merrill.

- Bernard, T. J. (1983). *The consensus-conflict debate*. New York: Columbia University Press.
- Collins, P. A. & Brody, D. C. (2013). *Crime & justice in the city as seen through The Wire*. Durham, NC: Caroline Academic Press.
- Deane, H. E. (1963). *The political and social ideas of St. Augustine*. New York: Columbia University Press.
- Eisenstein, J. H., & Jacob, H. (1977). *Felony justice: An organizational analysis of criminal courts*. Boston, MA: Little, Brown & Co.
- Engel, R. S. (2005). Citizens' perceptions of distributive and procedural injustice during traffic stops with police. *Journal of Research in Crime and Delinquency*, 42(4), 445-481.
- Gruter, M. (1991). *Law and the mind: Biological origins of human behavior*. Newbury Park, CA: Sage.
- Higgins, G. E., Wolfe, S. E., & Walters, N. (2009). Sex and experience: Modelling the public's perceptions of justice, satisfaction, and attitude toward the courts. *American Journal of Criminal Justice*, 34(1), 116-130.
- Jacob, H. (1971). Black and white perceptions of justice in the city. *Law & Society Review*, (6), 69-89.
- Kelsen, H. (1957). *What is justice? justice, law, and politics in the mirror of science*. Los Angeles, CA: University of California Press.
- Klockars, C. B. (1980). The Dirty Harry problem. *The Annals of the Academy of Political and Social Sciences*, 452, 33-47.
- Lilly, J. D., Virick, M., & Hadani, M. (2010). The dynamic nature of justice: Influential effects of time and work outcomes on long-term perceptions of justice. *Social Justice Research*, 23(1), 37-59.
- Locke, J. (1952). *The Second Treatise of Government*. Indianapolis: Bobbs-Merrill.
- Reichel, P. (2005). *Comparative criminal justice systems: A topical approach*. 4th ed. Upper Saddle River, NJ: Prentice Hall.
- Sarker, S. & Grastronny, G. (2008). *Caliber: First canon of justice*. Carpinteria, CA: Radical Publishing.
- Saunders, Charles B. (1970). *Upgrading the American Police: Education and Training for Better Law Enforcement*. Washington, D.C.: Brookings Institution.
- Scheingold, S. (1991). *The politics of street crime, criminal process and cultural obsession*. Philadelphia, PA: Temple University Press.
- Sun, I.Y., & Wu, Y. (2006). Citizens perceptions of the courts: The impact of race, gender, and recent experience. *Journal of Criminal Justice*, 34, 457-467.
- Tyler, T. R., & Folger, R. (1980). Distributional and procedural aspects of satisfaction with citizen-police encounters. *Basic and Applied Social Psychology*, 1(4), 281-292.
- Tyler, T.R. (1990). *Why people obey the law*. New Haven: Yale.
- Tyler, T.R. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions? *Behavioral Sciences and the Law*, 19, 215-235.
- Tyler, T.R., Huo, Y.J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York, NY: Russell Sage Foundation.

- Tyler, T. (2006). *Why people obey the law*. Princeton, NJ: Princeton University Press.
- Walsh, A. & Hemmen, C. (2008). *Law, justice, and society: A sociological introduction*. New York: Oxford University Press.

