

# KILROY CAFÉ

Philosophy for the Modern Age

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Issue #46  
May 6, 2009

# The Fallacy of Justice

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Whenever someone is hurt by the illegal actions of another, they are usually moved to seek “justice” for the crime. Unfortunately, justice usually does nothing to repair the damage of what happened. Justice is an illusion mostly, not a real solution to anything.

Justice is a theoretical accounting system in which all bad acts are paid for with corresponding punishments. If a member of your family is murdered, you are probably going to tell the press, “I won’t rest until this killer is brought to justice!”

But no justice can bring back the lost loved one. It can’t turn back a moment in time that has already past. It can impose pain on the guilty, but it rarely makes them accept responsibility for what they have done. Justice alone can’t make you whole. By focusing on the person who caused your loss, you may be neglecting more productive actions to cope with it yourself.

If your family member had died of an incurable disease, their death may have been no less painful or tragic, but you wouldn’t be seeking redress. You would move quickly into the healing process, learning how to adapt to your new life circumstances. If, however, the death could be attributed to some outside party, like a drunk driver or a doctor who did something wrong, you are more likely to go into revenge mode first. This can extend the “anger” phase of grieving for years and delay the “resolution” phase.

The Chinese proverb says: “He who seeks vengeance must dig two graves: one for his enemy and one for himself.” Revenge may disable the culprit but it also cripples the avenger for as long as his crusade continues.

Justice is good for only one thing: It can *sometimes* prevent similar tragedies from happening to others. Obviously, if someone has killed once, there is a fair chance he’ll do it again. To the extent that a past action predicts a future one, justice can take a destructive person off the streets or otherwise dissuade him from repeating his behavior.

Deterrence works best for low-level crimes where the response is swift and the penalty is painful but recoverable. It is certainly true that most drivers will stop speeding once they have received a ticket or two. Justice works here!

However, it is not necessarily true that justice deters serial killers. They know they’ll get the maximum penalty for just one killing, so why not kill 20? Justice also does not deter impulsive risk-taking or lapses of judgment, like teenage drag racing or drunken brawls. Even a competent, rational justice system can’t do much to deter major crime, because almost everyone who commits one doesn’t read the law and has no plans to get caught.

Unenlightened societies (like ours) rely almost entirely on justice to deter antisocial behavior instead of addressing the underlying factors that breed the behavior. It may make you feel good—and look heroic in the press—to hunt down criminals and lock them up, but if your social system is cranking them out even faster, you’re just assuring an ever-growing, ever more vicious prison population. If someone is released after spending many unproductive years in the slammer, has he really been reformed or just hardened? Justice hasn’t thought that part through.

If your life has been touched by crime, you can’t afford to wait for justice. Yes, you may have a responsibility to society, even to the perpetrator,

to see the transaction through—say, by testifying in court. For society to function, there must be an illusion of justice, where crimes reliably result in punishment. We all have a stake in maintaining this illusion, but justice probably isn’t going to help your situation personally.

The fact is, there isn’t any justice. The world is and always has been an unjust place where virtuous people are routinely crushed and the immoral get most of the earthly rewards—legally! You can spend your whole life waiting for justice, waiting for some authority to recognize how you’ve been wronged and compensate you for it, but for the most part it ain’t gonna to happen. Instead, you have to take matters into your own hands and seek your own resolution.

Your main task is not vengeance but to deal with the tragedy as it is now, on Day Two, regardless of how it happened. You must approach it as an act of God no one can be blamed for.

What is more important than justice? Actual results! As a moral entity, your goal is to secure the best possible future for yourself, the people you care about and your society. Justice in the court system or at the end of a gun barrel has little to do with your future. Sometimes, the best future is achieved by letting justice pass. It all depends on the situation, not on a rigid formula of crime and punishment.

Remember the stages of grief: denial, anger, negotiation, depression and acceptance. Your primary job is to get to acceptance as quickly as possible. Obsessing over justice probably won’t help you get there, only delay your arrival.

—G.C.

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