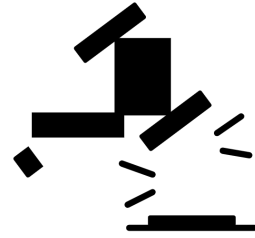# legal all ways

a tech-enabled natural justice

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"Towards *implementing* a Natural Justice"

An aspirational but practical conceptual roadmap towards a justice system which delivers more justice, not more crime

Background

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Criminal Justice traditionally places the focus on crime.

Natural Justice – when allowed to exist – places the focus on justice.

In Western democracies – and their antecedents – we have been trying to eliminate crime by focussing on crime itself.

We still haven't achieved its elimination – and in Anglo-Saxon countries like the UK and the USA, law enforcement and policing are lately hitting the headlines for all the worst of reasons.

Main concepts I want us to draw on to deliver a Natural Justice

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1. The UN corpus of overarching inalienable human rights.

2. International law and process in respect of crimes against humanity.

3. The Swedish and wider Scandinavian contribution to and experience in society-building, its expansion and its long-term maintenance.

Main concepts I want us to draw on to deliver a Natural Justice

The UN corpus of overarching inalienable human rights:

- Take the UN body of experience in drafting human rights, and enabling their application globally, as one of the core dynamics of a new set of legislative templates and tech tools to facilitate the progressive introduction of Natural Justice.

Main concepts I want us to draw on to deliver a Natural Justice

International law and process in respect of crimes against humanity:

- The processes surrounding the outcomes of World War II – when it became accepted that an order didn't obviate the responsibility the person receiving the order had to evaluate its legality – was a big sea-change.
- Natural Justice, as I am beginning to conceptualise it, would also include the core principle of an overarching moral obligation located in the individual, outwith a systemic set of contrary assumptions. Secular, but nevertheless universal.

Main concepts I want us to draw on to deliver a Natural Justice

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The Swedish and wider Scandinavian contribution to and experience in society-building, its expansion and its long-term maintenance:

- I have only been in Sweden for a few weeks. The way society seems to be conducted appears to diverge radically from my own homeland of the UK.
- Reflection in governance, the abiding of process, and an attachment to verifiable citizen identities in the vast majority of transactions and interactions, leads to – and perhaps drinks from – an existent culture of openness.
- I would like my concept of Natural Justice to learn profoundly from such societies: to both learn from – and then perhaps give back to, in the future.

Why begin to replace Criminal Justice with a Natural Justice

1. The focus on – almost the fetishisation of – crime has led to the flourishing of zemiology (legal or alegal societal harm) and multiple global loopholes.
2. If we stop focussing on crime as the structuring building-blocks of our system, and instead replace this focus with a minimum – but nevertheless appreciable – number of outcomes, we begin to deliver on what we want, not on what we don't want.
3. And we don't facilitate loopholes and zemiology to escape the net so easily, as a result of always having to play catch-up in the continual codification of activities we want to make criminal – either in the sense of new kinds of societal harm or, alternatively, societal harm we newly consider harm.

How to begin to achieve all this ...

We could have a yardstick of outcomes:

- against which we score a behaviour, event, action or traditional crime;
- and where the score was above a minimum, this would then be ... no, no longer illegal ... something else ...
- because with a Natural Justice system in place instead of a Criminal Justice system, the focus on illegal becomes a focus on benefit (or harm, if politically speaking, the term works better).

The benefit (or harm) index, if you like.

We could run both systems in parallel, too.

Introduce Natural Justice for zemiology and loopholes (that is, the still legal and/or alegal), with the obvious option of slowly introducing the principles, operational tools, and focus into the wider – still enormously helpful and existing – global Criminal Justice systems.
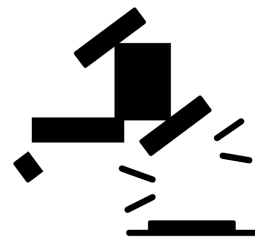
A two-pronged strategy ...

At the moment, I feel the best way of introducing concepts and processes of Natural Justice into existing Criminal Justice approaches would be to start from the very top and from the very bottom, at least in respect of our current understanding of the levels of harm being committed:

1. At the very top, zemiology/loopholes/alleged fraud, etc – the really big kinds of societal harm which currently escape most traditional Criminal Justice approaches, and which are destroying many societies through a perversion of what could otherwise be a wholly beneficial globalisation and glocalisation.

2. At what is considered the bottom, but involves most citizens' day–to-day, the community-located criminality – what we often call petty crime: the sorts of supposedly minor activities which allow organised crime in many communities to use all sorts of allegedly minimal tools – symbolic language, for example – to harm and control those communities, without it being practical to audit and therefore criminalise or prevent such behaviours and actions.

Proposing a *Natural* Justice which is justice, not criminal …

My aspiration in proposing the delivery of a PhD-level research project over five years is to:

1. Identify the real meaning of what I am beginning to argue we need to call Natural Justice as opposed to Criminal Justice.
2. Once usefully scoped and deepened as a concept – and in a firmly practice-based way – give broad and global access to the centrally developed "software, firmware and hardware toolkits", alongside what could become "template legislative codes", in order that nation-state interpretations of this Natural Justice as an inalienable overarching set of human rights may be locally and regionally applied, on each community's own particular terms.
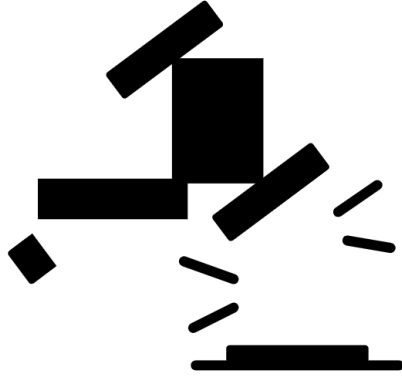
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