

THE SQUARE ONE PROJECT  
ROUNDTABLE ON THE FUTURE OF JUSTICE POLICY  
EXAMINING JUSTICE REFORM AND THE SOCIAL CONTRACT  
IN THE UNITED STATES:  
IMPLICATIONS FOR  
JUSTICE POLICY AND PRACTICE

Zoom meeting

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*(512) 450-0342*

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P R O C E E D I N G S

1  
2 MS. HUFFMAN: Good afternoon, everyone. My  
3 name is Katharine Huffman, and I am the Executive Director  
4 of the Square One project at the Columbia University  
5 Justice Lab. It is my great pleasure to welcome all of  
6 you to the final gathering of Square One's fourth  
7 roundtable on the future of justice policy.

8 The goal of the Square One project is to  
9 contribute to a real transformation of the meaning and  
10 experience of justice in America. We are working together  
11 to reconceive how we respond to violence, poverty, and the  
12 many other social problems that emerge from our unique  
13 American brand of deep racial inequality. Problems that  
14 we typically respond to with the tools of punishment and  
15 enforcement. Problems that are not just decades, but  
16 centuries old.

17 At Square One, we have the privilege of working  
18 with a huge and growing network of what is now hundreds of  
19 activists, academics, policymakers, practitioners in many  
20 fields, advocates, artists, faith leaders and more. To  
21 start with a clean slate, at a new Square One, and imagine  
22 a policy framework that relies less on the tools of  
23 traditional punishment and enforcement, and more on  
24 equitable access to, and engagement with, healing, healthy  
25 and safe civic life, and a thriving democracy.

1           The incredible group of people who are joining  
2           us today are part of the fourth of five Square One  
3           roundtable meetings that have been taking place since  
4           2018. Each one digging in on a different aspect of these  
5           large questions.

6           Our gatherings began two years ago in Durham,  
7           North Carolina, with an examination of our country's  
8           history of racial and economic inequities, and its  
9           relevance to foundational justice reform. Then, we moved  
10          on to Oakland, California, to discuss overcriminalization  
11          and punitive excess, in which the United States is a  
12          global outlier, locking up more people, and for longer  
13          periods of time, than anywhere else in the world.

14          At our third roundtable, convening in Detroit,  
15          we dug into the problem of violence in the United States,  
16          examining violence, ranging from interpersonal violence to  
17          state violence, to structural violence, and how all of  
18          them relate to the justice reform endeavor. And all of  
19          that has brought us to today.

20          Today's roundtable on aspirations for the new  
21          social contract is building upon these past conversations,  
22          and the conversations that this group of people who are  
23          with us today have had over the course of recent weeks.  
24          If you missed those events, we encourage you to visit  
25          SquareOnejustice.org, to access videos, transcripts, and

1 papers from all of them. And next year, in early 2021, we  
2 hope you will join us as we finish this roundtable series  
3 with a conversation about the values that should guide the  
4 future of justice.

5 We are so glad to have all of you here with us  
6 for this final public session. Now is the time to be  
7 having this discussion. The problems are urgent, but the  
8 potential for change is great.

9 A huge thank you goes to Danielle Allen and  
10 Bruce Western, who will open our discussion. To the Ford  
11 Foundation, and the Charles and Lynn Schusterman Family  
12 Foundation, whose support has made this fourth roundtable  
13 convening possible. And most of all, to our incredible  
14 group of participants, who have spent so much of their  
15 August and September thinking, reading, and talking  
16 together about these crucial issues, sharing their wisdom  
17 with us, and with each other.

18 Before I hand things over to Bruce, we would  
19 like to share with you a brief video that highlights this  
20 group's journey so far and prepares us for today's  
21 conversation.

22 (Whereupon, a short video was played.)

23 MR. WESTERN: Good afternoon, everyone. My  
24 name is Bruce Western. I am a member of the Square One  
25 project. We are going to begin today's Square One

1 roundtable by talking with Danielle Allen. Danielle is  
2 the James Bryant Conant university professor at Harvard.  
3 And she directs the Edmond J. Safra Center for Ethics at  
4 Harvard.

5 So as a country we are facing a health crisis,  
6 an economic crisis, a political crisis. We have a sense  
7 that all of these things are related right now. And I  
8 think Danielle has done as much as anyone over the last  
9 six months to connect the dots and propose real solutions.

10 We will be talking about her roundtable paper  
11 in just a minute. But to get the ball rolling, I want to  
12 turn to current events. And as we all know, a social  
13 movement is rising up to protest police brutality and  
14 stake a claim for racial justice right now.

15 In Portland, Oregon, we have seen cases of  
16 extreme violence around the protests. One  
17 counterprotester was shot dead, and the suspect in that  
18 case was himself shot dead by police.

19 Speaking about the shooter who was killed by  
20 police, President Trump says, This guy was a violent  
21 criminal, and the U.S. Marshals killed him. And I will  
22 tell you something; that is the way it has to be. There  
23 has to be retribution when you have a crime like this.

24 Attorney General Bill Barr appeared to agree.  
25 The Attorney General said, the tracking down of the

1 dangerous fugitive, admitted Antifa member, and suspected  
2 murderer, is a significant accomplishment in the ongoing  
3 effort to restore law and order to Portland and to other  
4 cities.

5 So when we talk about justice, I think we often  
6 assume a commitment to the rule of law. We are governed  
7 by rules, not men. We stand as equal citizens before the  
8 law.

9 And the progressive side of politics has a kind  
10 of a love/hate relationship with the rule of law. It is  
11 an ideal that it is often disappointed in practice. But  
12 it seems to me that we really need the rule of law right  
13 now. Not as an ideal, but as a reality in order to make  
14 change.

15 Danielle, welcome to the Square One roundtable.

16 And I want to jump right into the deep end here. And I  
17 want to ask you, what is the status of the rule of law  
18 today come roaring out of democratic institutions,  
19 principles of equal citizenship. Are they up to the task  
20 of creating a more just society right now?

21 MS. ALLEN: Well, thanks very much, Bruce, for  
22 the powerful introduction, both in the film and in the  
23 table setting, and in the question. I think, to talk  
24 about the rule of law, it is useful to put the concepts of  
25 war and peace on the table also.

1           So with regard to the police killing of the  
2           suspect in Portland, I have to say, I think that that has  
3           become the norm in our culture. I have, myself, over the  
4           last 20 years, really since September 11, registered the  
5           way in which in cases of mass shooting, for example, cases  
6           of suspected terrorism, we have come to be sort of numb to  
7           the use of lethal force by the police in the taking of  
8           suspects.

9           And I think this really reflects the fact that  
10          September 11th really put this country on a war footing,  
11          put us in the middle of military engagements. And  
12          ultimately, we brought that home into our policing.

13          So tactics of militarization have traveled from  
14          the military practice in the engagements in the Middle  
15          East into our domestic behavior. Rules of engagement  
16          often look more like military rules of engagement than  
17          they look like what the rule of law requires in context of  
18          peace.

19          And it matters, of course, that the military  
20          has been an important recruiting source and pipeline into  
21          American policing. I think as we consider the question of  
22          the health of our social contract, the health of the rule  
23          of law, we have to directly pay attention to the ways in  
24          which we have militarized our culture and our processes.

25          And I think that is what we saw in Portland.

1 We have seen that in a number of dimensions. At the end  
2 of the day, if you have militarization in your domestic  
3 practices and activities, you don't have peace. You don't  
4 have the rule of law.

5 The job is, indeed, to restore a healthy rule  
6 of law that is delivering peace and public safety. But  
7 yes, as you said, sort of on the terms of the rule of law,  
8 leaving decisions in the hands of our procedures, our  
9 practices. Not handing over the discretion to individuals  
10 carrying guns with the authority of the state.

11 MR. WESTERN: Yes. I mean, such an interesting  
12 analysis. I often think that the project of justice  
13 reform right now needs a domestic peace movement. And an  
14 internal peace movement, which -- you know, the value of  
15 nonviolence is elevated, not as a political tactic, but as  
16 something that we should aspire to in the quality of our  
17 civic life.

18 MS. ALLEN: Well, I agree. And I mean, I think  
19 that is true across the board. So in other words, I think  
20 the call for nonviolence in protest is, there is also a  
21 need for de-escalation in the use of force in policing.

22 So in other words, the call for peaceful  
23 tactics applies both to the process of protest, also to  
24 the process of pursuing public safety. I think,  
25 accidental that the African American Mayors Association is

1 tackling police reform, themselves articulating it, as  
2 they call it a peace pact. I think they have put their  
3 finger on the concept that should be at the heart of our  
4 efforts for transformation.

5 MR. WESTERN: Yes. Yes. Let's pivot to your  
6 wonderful paper, your contribution to the roundtable  
7 program.

8 So let's begin. Could you tell us something  
9 about the paper?

10 MS. ALLEN: Sure. I mean, in fact, I think  
11 this conversation has set it up perfectly. The paper is  
12 ultimately about peace. And it is about the problem of  
13 lodging principles of war in the heart of your society.

14 So the paper starts from acknowledging that the  
15 right and fair administration of justice is the backbone  
16 for legitimacy in every healthy society. And we are  
17 overdue for building a right and fair approach as to the  
18 administration of justice in this country.

19 And I don't need to tell you the many ways in  
20 which we have failed: from the magnitude of incarceration  
21 to the racial disparities and the impacts of policing and  
22 arrest. And the intersection of all of these questions  
23 with matters of health in communities of color, in  
24 particular. So the problems are legion.

25 People have been raising the questions for

1 years. And there are numerous reforms cascading through  
2 the landscape. Yet, somehow, we don't seem to coalesce  
3 all the specific reforms into a consolidated effort that  
4 achieves a paradigm change.

5 So the question is, well, what then do we need  
6 to achieve that consolidation. And my suggestion is that  
7 we need an overarching principle that can give us shared  
8 purpose in pursuing reform, so that we can amplify each  
9 others' efforts.

10 And the shared principle I propose is something  
11 called the principle of association. But to make sense of  
12 that principle, I have to be clear about what it is  
13 replacing. It is replacing what I identify as a principle  
14 of alienation. This is also -- you could call it the war  
15 principle, that we were just talking about.

16 When we look at the problems in our criminal  
17 justice system, we do often start by analyzing the problem  
18 of systemic racism. And that is a fundamental feature of  
19 what we are all experiencing.

20 And in the paper, I want to argue that systemic  
21 racism is actually parasitic on an older, deeper principle  
22 of punishment that continues to operate in our society,  
23 though it is no longer reasonable or in any way health-  
24 bringing. And that old ancient principle is what I call  
25 the principle of alienation.

1           So after I explain the history of that  
2 principle a little bit, what it basically is, is the  
3 notion that core constants of punishment in Ancient Greece  
4 and Ancient Rome turned around the concept of outlawry.  
5 That is, somebody broke the law. They broke their social  
6 compact. They are out of society.

7           And you would cast them out. They would become  
8 an outcast. And this sounds horrible. It sounds full of  
9 the terror of criminality. And indeed, to an extent, it  
10 is.

11           Yet, in antiquity, the principle of exile, of  
12 alienation, was also a second-chance principle. So the  
13 principle delivered healing to the community at home,  
14 because the person at the heart of a relational problem  
15 was gone. So victims were healed.

16           Society was healed. But that wrongdoer had  
17 also the chance to go someplace else and establish a new  
18 life. So although they were alienated from the community  
19 from which they came, they did have a chance to establish  
20 themselves on a new footing.

21           So that principle of alienation defined  
22 penalty all of the way up until the middle of the 19th  
23 century. So if you think about the United Kingdom's use  
24 of Australia for a penal colony, for example, that was the  
25 principle of alienation operating literally until about

1 1865.

2           And at the point when the world could no longer  
3 use exile, for the globe had been divided up into national  
4 territories, and so forth, that is exactly the point that  
5 incarceration came in as a punishment to replace exile.  
6 And that principle of alienation was at the end of the  
7 day, a principle of sort of war. That is, we will send  
8 you out of our community. We will get along with you, as  
9 long as you are not actually here in our community.

10           And that principle was taken and activated  
11 through incarceration. So we began to alienate people  
12 inside society, taking that principle of war, and putting  
13 people outside, embedding it inside society. As if you  
14 are saying, we are going to take that broken social  
15 contract relationship, and make it sort of the heart of  
16 what we are doing with penalty in our society.

17           And I think the magnitude of incarceration  
18 really reflects the ongoing grip that this principle of  
19 alienation -- again, sort of a wartime principle -- has on  
20 our society, and our culture. And then, of course,  
21 systems of racism and racial domination are also practices  
22 and patterns that set people out, that other them, that  
23 put them aside. And so, the two converged in a really  
24 powerful system of alienation.

25           So this, I believe, is what we have to replace.

1       And my argument is that we replace it with the principle  
2 of association. I can't claim credit for inventing this  
3 principle. It is the principle that is used in the  
4 Netherlands. It is used in Germany, to think overall  
5 about the project of public safety and about responding to  
6 wrongdoing.

7               And the core idea of the concept is, I mean, in  
8 some sense, it recovers the ancient idea. The goal is to  
9 heal society, all right. We can't heal society by sending  
10 people out of society any longer. So we have to rethink  
11 our approach to healing society, in the wake of  
12 wrongdoing.

13               The victim needs healing. The offender needs  
14 healing. Society needs healing. So you bring a health  
15 lens, to considering the entire suite of activity in a  
16 wrong. So from violence prevention, you bring a health  
17 lens to that, through the process of trial and prosecution  
18 through sentencing, and so forth.

19               The point about the principle of association is  
20 that it recognizes that human health depends on healthy  
21 human connections and relationships. So from the concept  
22 of health, and the need to restore health, and have a  
23 restorative justice approach, one moves to really focusing  
24 on, again, the health of social relations.

25               And so this is what then distinguishes systems

1 of sanction and public safety, that takes the principle of  
2 association at their heart. If you look at the German  
3 system, for example, there are many alternatives to  
4 incarceration in play.

5           So whereas, in the U.S., we use incarceration  
6 for 70 percent of our penalties, in Germany, that figure  
7 is 6 percent. In the Netherlands, that figure is 8  
8 percent. Instead, they use work release, and  
9 apprenticeship programs, and training programs, and  
10 service restitution programs, and home leave, so that  
11 people can maintain connections to family and community  
12 when they do use incarceration.

13           And they structure the experience of halfway  
14 houses, or incarceration when they use it, in such a way  
15 that those who are experiencing that sanction have the  
16 chance to cook their own meals, to form social  
17 communities. To dress in street clothes, not need to wear  
18 a stigmatizing uniform at all times.

19           And then, those who are responsible for  
20 administering sanctions are trained as social workers in  
21 healthy relationship development. So it is a complete  
22 transformation of the whole structure of justice, once you  
23 have put the principle of association at the heart.

24           So then the last thing I do in the paper is  
25 really try to go through existing reform efforts and

1 categorize them, according to whether or not what they do  
2 is mitigate the hard edges of a system based on a  
3 principle of alienation. Or actually try to rebuild that  
4 system, based on the principle of association.

5 And so, just to give you one example of a  
6 contrast. If we take policing, I think the ending of stop  
7 and frisk is mitigating a principle of alienation. Stop  
8 and frisk is an excellent example of the use of the  
9 principle of alienation.

10 And arrest diversion programs where police  
11 divert people prior to arrest, to health services may look  
12 as if they are moving in the right direction. But they  
13 actually expand the purview of policing authority.

14 They put police in the place of responsibility  
15 for health. And in that regard, I think that is also  
16 expanding the principle of alienation, not just mitigating  
17 it, rather. Not designing away from it.

18 Whereas, if you were designing for the  
19 principle of association, you would really focus on  
20 demilitarizing policing. You would be making de-  
21 escalation a standard element of police protocol.

22 You would be doing as the ACLU has recommended  
23 in Houston, building up a new first responder corps that  
24 is not a policing corps, but is a health and human  
25 services corps. A different emergency call number. Don't

1 call 9-1-1. You call the Health and Human Services first  
2 responder number when it is a case of mental health, it is  
3 a case of homelessness. It is a case of an issue that  
4 requires support at a relational level for health and  
5 wellbeing, not criminalization.

6 So I hope that gives a sense of the paper as a  
7 whole. I really look forward to the discussion of the  
8 principle of association, whether it helps to categorize  
9 potential reforms in this way. And whether people think  
10 that we can achieve a sort of overarching shared vision of  
11 the direction we are trying to go, as a way of trying to  
12 coalesce our reform efforts. And in fact, you know,  
13 finally achieve that tipping point that permits a paradigm  
14 change in how we approach the administration of justice.

15 MR. WESTERN: That is great. That is great. I  
16 mean, I love the paper. And I love just the intellectual  
17 design of it, in part, in which, you know, you reach back  
18 to antiquity, and analytically, you know, try and  
19 understand our foundational democratic institutions, and  
20 draw the lessons for what we are dealing with at the  
21 moment.

22 The principle of association, I feel, over the  
23 previous roundtable meetings, we've -- in different ways  
24 we have talked about similar ideas. And the principle of  
25 association was very resonant for me.

1 I feel like we have talked about shared  
2 humanity and social solidarity, and the importance of  
3 healing and restoration as core functions of justice. And  
4 the idea of the social contract itself as an aspirational  
5 idea, as a normative value, I think, captures a similar  
6 sentiment to the principle of association.

7 But then in these, building a conversation, I  
8 feel like we are also talking a lot about the real  
9 conditions on the ground, in which the criminal justice  
10 system is operating. And you know, a centuries long  
11 history of virulent racism. Very deep, and very harsh  
12 poverty in the United States.

13 And in my mind, they present challenges, really  
14 fundamental challenges to promoting the principle of  
15 association. What do you think? Are there preconditions  
16 of this social -- preconditions -- this project, this  
17 disassociational project to develop? How should we think  
18 about that?

19 MS. ALLEN: So I guess there are two things I  
20 would want to say about that. So it is not that I think  
21 that, say, the economic realm or the realm of education is  
22 sort of a precondition to our achieving this in the realm  
23 of justice. It is rather that I think the principle of  
24 association should be operative across all of these  
25 domains of policy.

1           And I think a full reform agenda would really  
2 be clear about how, in each of these other domains, one  
3 would be transforming things, if one put the quality of  
4 relationships that people are able to develop at the core  
5 of the work that was being done. So then, for me, the  
6 real question about preconditions is, what are the  
7 preconditions for achieving policy reform of this degree  
8 of magnitude.

9           And there, I do think the question is  
10 political, partly. And then also, conceptual, or a matter  
11 of our kind of shared moral imagination.

12           So it is political in the sense that there  
13 needs to be actual pressure for change. And elected  
14 officials need to understand themselves accountable, and  
15 need to have motivation to be responsive. I do think the  
16 protest movements we are seeing are producing that  
17 condition for change and transformation.

18           We need institutional mechanisms that  
19 themselves support responsiveness. And I could say more  
20 about that. But for that reason, I do actually think the  
21 democracy reform agenda is central to a justice agenda,  
22 that they can't be separated from each other.

23           But then, there is the issue of our conceptual  
24 and moral imagination. And I do -- this is, I think, the  
25 thing I wrestle with the most. The thing I am most

1 puzzled by or confounded by in the justice reform space.

2 I mean, we have visionaries in this space. You  
3 know, we have Angela Davis, who has been articulating a  
4 visionary picture for decades, for example. Yet, somehow,  
5 my own sort of finger to the wind feeling, and I am very  
6 curious to know what other people's feeling is, is that  
7 what we have managed to do is coalesce a shared picture, a  
8 critical picture, a shared critical account of what we  
9 have, and of what we want to get rid of.

10 But that we have not managed to coalesce a  
11 shared positive picture of what we are trying to build.  
12 That is my hypothesis. And so, that is why I wrote the  
13 paper in the way that I did, to sort of say, well, let's  
14 try for a hypothesis this principle of association.

15 And what if we imagine trying to build around  
16 it? Would we coalesce a sort of shared positive vision of  
17 what we are trying to build? And so, I may be wrong about  
18 that.

19 I am really curious for the conversation. You  
20 know, whether this distinction between our critical vision  
21 and our constructive vision holds, or whether the  
22 constructive vision exists, and I have not myself seen it  
23 in that kind of coalesced form. I see it in pieces and  
24 parts everywhere. I see it beautifully all over the  
25 place, but not somehow coalesced.

1 MR. WESTERN: Yes. Yes. I have a bunch of  
2 questions that sort of follow from that. But I know our  
3 time is limited. And before we turn over to the full  
4 group, I need to really -- I just, I won't ask the  
5 question, but I will just sort of plant the seed for the  
6 group.

7 And I loved what you said about, you know, we  
8 would want to see this principle of association multiplied  
9 across all of these different policy domains. I think it  
10 is a very challenging question whether the domain, the set  
11 of institutions that deal with wrongdoing, right, is  
12 necessarily the most fertile ground for promoting a sense  
13 of social connectedness among all the members of society.

14 I think that is one of the more challenging domains, in  
15 fact, where such a project can be launched.

16 I want to -- my final question might be about  
17 that. But it will be about a slightly different issue.  
18 Because I thought it was just a gem of an observation.  
19 And you sort of make it in passing in the paper and move  
20 on.

21 And it is the relationship between democracy  
22 and human flourishing. And I just thought it was a  
23 beautiful observation. And I wonder if you could just say  
24 what you meant there. Elaborate on it. Tell us a bit  
25 about that idea.

1 MS. ALLEN: Sure. I am happy to. So I mean, I  
2 skipped over a portion of the paper, which is about  
3 sketching the broad objectives of a constitutional  
4 democracy -- of society, generally, and then a  
5 constitutional democracy.

6 And so, the goal there is to sort of move from  
7 a concept of legitimacy to a question of what our larger  
8 aspirations for our society should be. And the point is  
9 that, you know, there is a kind of first distinction  
10 between decent and indecent political systems. And that  
11 is borrowed from political philosophy. That is not my  
12 distinction.

13 And that distinction turns only around the  
14 question of whether or not the regime is delivering  
15 material security to the population. And so, my point is  
16 that that is a sort of first pass at the picture of human  
17 flourishing. But it doesn't suffice.

18 And the argument of democracy is that full  
19 human flourishing for people requires empowerment,  
20 personal empowerment, in relationship to their own lives,  
21 and the lives of their communities. And so, the question  
22 is, for my sort of -- as a political philosopher, my work,  
23 sort of theory of justice work is about fleshing out the  
24 way in which empowerment is what you need to deliver full  
25 flourishing.

1           And the reason is not just because one needs to  
2 chart one's own life course, and have the space to do that  
3 as well, as having the material foundations to do that.  
4 But also, because, you know, structure is imposed on us by  
5 definition.

6           And in order to have the autonomy that permits  
7 the sort of growth of spirit and well-being, one needs  
8 [audio skip] words, a co-creator of those structures, in  
9 order to ensure that those structures themselves are  
10 health-bringing and not producers of domination. So one  
11 needs that control at the level of sort of structural  
12 decision making as a part of achieving a full human  
13 flourishing.

14           MR. WESTERN: Yes. Beautiful. Beautiful. I  
15 feel there is a lot of eagerness around the roundtable,  
16 our virtual roundtable, to jump into this conversation.  
17 This is just a great way to kick off our final event,  
18 Danielle.

19           I will now hand it over to my good friend and  
20 colleague, Jeremy Travis, to open up the conversation to  
21 the whole group.

22           MR. TRAVIS: Great. Thank you so much for  
23 this. And a big thanks to you, Danielle, for this paper,  
24 which is so perfect at the end of our time together on  
25 this roundtable on reimagining the social contract. You

1 have elevated our discussion already. I can feel it.

2 And you have tied -- helped us tie together  
3 some loose ends. And it is also this wonderful challenge  
4 to us, to take on your hypothesis about whether there was  
5 a new vision emerging beyond critique.

6 And so, we are going to open up the floor for  
7 discussion within this group. You all know, since we have  
8 done this before, what to do, which is to, on the Zoom  
9 function, raise your hands.

10 And Jorge has already got in first in the  
11 queue, which says that he is eager to ask a question. And  
12 you know that if you have to talk, because you just have  
13 to, you will find your way to exercise the insistent wave  
14 exception to the queue.

15 As we do always, we will ask first for people  
16 who have what we will call clarifying questions for  
17 Danielle. If there is something you didn't quite get, in  
18 order for the discussion to be well grounded, you want her  
19 to clarify that. So that is hopefully a short question  
20 and a short answer.

21 But then, we will open it up to a general  
22 discussion. We will ask Danielle to sort of sit back.  
23 She can come in at the end of this time together to help  
24 us understand how she heard this reaction to her paper.  
25 Some of the best responses, or most constructive

1 responses, will be those that weave in some of the themes  
2 from our other discussions about housing and health care  
3 and education and the like, so that we are really making  
4 this the final roundtable in the reimagination of the  
5 social contract.

6 I will also say to those people who are  
7 observing in the cyberspace, that you have a way to get  
8 into this discussion, which is to pose a question through  
9 our YouTube channel. We will leave ten or 15 minutes or  
10 so at the end of our time together, before we wrap up,  
11 where the Square One team will consolidate some of those  
12 questions to put them to the group.

13 And then, of course, I will ask Danielle for  
14 some of her final observations. So that is the plan. And  
15 as I said, we have done this before. And I look forward  
16 to the discussion.

17 So Jorge, you were first in, by your early  
18 insistence that you had something you wanted to ask  
19 Danielle. So these are clarifying questions, please. And  
20 if it is not a clarifying question, Jorge, you will hold  
21 off. Thank you for that.

22 MR. RENAUD: Yes.

23 MR. TRAVIS: So who has a clarifying question?  
24 That is the first category here. Heather, yes? Okay.  
25 Heather is the first in with a clarifying question. And

1 then, we will see if there are others.

2 MS. RICE-MINUS: Thank you, Danielle. I really  
3 enjoyed your paper. Just a clarifying question, in terms  
4 of how you feel the principle of association relates or  
5 doesn't relate to, like, principles of restorative  
6 justice.

7 MS. ALLEN: Thanks. No, that's --

8 MR. TRAVIS: Good question.

9 MS. ALLEN: Am I supposed to wait?

10 MR. TRAVIS: No. You do. Yes.

11 MS. ALLEN: Okay.

12 MR. TRAVIS: Yes.

13 MS. ALLEN: No. It is -- it is a version of  
14 restorative justice, without any question. So I  
15 absolutely am building on that tradition. And I think the  
16 reason I wanted to call out the principle of association  
17 as a way of really capturing what is at the core of that,  
18 is because I think it really -- it makes the link between  
19 health and sociality which, I think, you don't get to with  
20 restorative justice.

21 With restorative justice, one focuses really on  
22 the, you know, specific place where the offense happened,  
23 and the need for restoration there. Whereas, I think the  
24 principle of association is saying something very deep  
25 about the relationship between social ties and social

1 relations and health. And that is what I wanted to call  
2 out.

3 MR. TRAVIS: Yes. Great. Final call for any  
4 clarifying questions before we open it up?

5 (No response.)

6 MR. TRAVIS: Okay. Seeing none, now, Jorge.  
7 You have a way to get the conversation started.

8 MR. RENAUD: Yes.

9 MR. TRAVIS: Triggered in part by Danielle's  
10 paper, but -- wherever you want to take it. Go ahead.

11 MR. RENAUD: No. It would be totally on her  
12 paper. Thank you so much, Dr. Allen, for your paper. It  
13 so much clarified and shed light on a lot of the things  
14 that I have actually thought about.

15 To be more specific, I have given a lot of  
16 thought to the rites of passage theory, right. How it  
17 relates to individuals who have been incarcerated, right.

18 And of course, the tripartite foundation, the separation,  
19 liminality, and incorporation.

20 And I have always thought that -- of course, I  
21 met Shadd Maruna. And in the context of studying his  
22 book, reentry as a rite of passage.

23 And he talks a lot about the status degradation  
24 ceremonies. Of course, right, where we all stand before  
25 the Judge. And the Judge says, you are hereby remanded to

1 the custody of the Texas Department of Criminal Justice,  
2 in my case.

3 You are -- you stand before the panoply of the  
4 power of the state. And then you go in, of course, and  
5 you assume the identity, the sort of stasis. Right. And  
6 you know you will get out someday. You might be human.

7 And there is nothing at all, no ceremony  
8 whatsoever to welcome you back to society. And that is a  
9 lifelong process, pretty well, right. You hear people  
10 sometimes say, oh well, any sentence is a life sentence.  
11 And in a way it is, because of the way that we are  
12 ostracized.

13 One of the things that he recommends, of  
14 course, is some sort of ceremonies of return. So I do  
15 want to comment on your thing about shared positives.  
16 That process has been so perverted that in many states,  
17 many people coming out of prison, or many people with just  
18 a criminal conviction are prevented from associating with  
19 other individuals who are on supervision, under the  
20 penalty of incarceration.

21 This is real. Two years ago, there were 64,000  
22 people incarcerated for technical violations. Many of  
23 those just hanging out with someone else with a criminal  
24 history.

25 I would like to know if you have thought of, or

1 anyone else here has thought of -- all of the studies that  
2 I see on what works, or whatever, focus on the needs, on  
3 the negatives associated with being [audio skip] -- what  
4 this person did not have. I have yet to see a study look  
5 at the positives, of the 70 percent of individuals who get  
6 out and stay out. And they have been able to create those  
7 ceremonies for themselves.

8 Have they been able to somehow find a way to  
9 find that positive within themselves? Because this is  
10 difficult work. I have been out twelve years, and I still  
11 struggle. I struggle quite a bit with substance abuse. I  
12 struggle quite a bit with PTSD.

13 And this is real. The idea that I am somewhat  
14 other. That no matter the position I achieve in this  
15 society, I am always going to be that person that has been  
16 assigned to a cage for 27 years.

17 So I would like to know if you all have  
18 actually thought of that. Thank you.

19 MR. TRAVIS: So let's get a couple of other  
20 questions into the mix. And then ask Danielle to respond  
21 to them. And she asked to be called Danielle, in the chat  
22 box. I will just say that. I appreciate the modesty.

23 Others who want to join in here. Jorge, any  
24 conversation that starts by citing Shadd Maruna is a good  
25 one, from my point of view. Chas, go ahead.

1 MR. MOORE: Yes. You know, I think this is  
2 always very interesting to me, when we talk about healing  
3 for people that cause harm. Right. And I think that is  
4 something that you highlighted, that I think is very  
5 important.

6 Yes, we want to make sure that the victims of  
7 "crime and harm" are taken care of. But we also have to  
8 understand that the people that cause the harm also  
9 deserve the right to be healed, as well.

10 And I think -- and maybe I have a question for  
11 you all, for the group. Is -- like, how do we get this  
12 mass mobilization around the idea that like, literally,  
13 like one crime is not greater than the other, right.

14 Like, when we talk about criminal justice  
15 reform now, at least in Texas -- I don't know what people  
16 are doing around the country. But I know in Texas you  
17 know, we may decrim marijuana, you know, by a certain  
18 amount. We may, like, you know, loosen the reins on  
19 certain non-violent offenses, right.

20 But when it comes to violent offenses, when it  
21 comes to sexual assault offenses, those still seem to be  
22 areas for society that we haven't quite been able to --  
23 just to let that tension go, if that makes sense, right.

24 I will give you a prime example. And by no  
25 means am I, like, advocating for this group of people.

1 But people that commit heinous crimes against kids, you  
2 know, they have a very very difficult situation when it  
3 comes to finding housing, right. Because they can't live  
4 so far in certain proximity with them.

5 So it's just like -- like how do we make sure  
6 or is it even possible to make sure we can include  
7 everybody in that process, right. Or, in your opinion, is  
8 there some crimes that these people are not -- right, like  
9 they are not afforded the right to return. Right?

10 It is like exile forever. Right. Like, go to  
11 space. You cannot go to the next county over, or the next  
12 state, and be redeemed.

13 Because, and maybe this is my own -- which is  
14 uncommon for a Capricorn, right. We are not typically  
15 optimistic people. But I still believe that we can get to  
16 a point to where we see the humanity in all. And that  
17 includes the people that cause the most harm, right.

18 VOICE: Yes.

19 MR. MOORE: And by all means, for the people  
20 watching, I am not advocating that, you know --

21 MR. TRAVIS: But you are articulating a stress  
22 test for the principle of association.

23 MR. MOORE: I think that is right. Yes.

24 MR. TRAVIS: And you know, Bruce had different  
25 stress tests, due to poverty and race. But you know,

1 these principles have to undergo stress tests. And that  
2 is what you are doing so perfectly. So the queue now is  
3 Kimá, then David Garland, Aisha, and Aswad.

4 MS. TAYLOR: Thank you. Danielle, I want to  
5 thank you for the paper. And I really love the frame that  
6 human health depends on human healthy connection and  
7 relationship. Because I have talked about my issues with  
8 the health care system. And it allows us to rip that  
9 apart and bring it together as a broader holding system.

10 So but I guess my question is, really, how to  
11 get people on board with that. So you know, talking about  
12 current events, we have heard about these mass  
13 sterilizations in Georgia, which break my heart. Like  
14 there are -- we -- a healing connection -- outside of  
15 alienation, we are in a space where people will take  
16 people out.

17 It is not even having you go away for your  
18 second chance. Like, eugenics. Like kill you, right.  
19 And think you are so less than, and not worthy, that they  
20 can't even see you as worthy of a human connection.

21 And how do we get those disparate folks to the  
22 table to even talk about this broader principle of  
23 association. Which is a question, and I apologize, but --

24 MR. TRAVIS: No apology. Great question. How  
25 does this become operationalized? David Garland is next,

1 and then Aisha.

2 You are on mute, David.

3 (No response.)

4 MR. TRAVIS: David, you are still on mute.

5 MR. GARLAND: How is that?

6 MR. TRAVIS: There you go.

7 MR. GARLAND: Okay. Perfect. So I really  
8 enjoyed this. And I was thinking about how one could use  
9 these broad ideas, alienation, and association to think  
10 about America in a comparative context. And to ask, what  
11 is it that makes the USA distinctive, compared with other  
12 places.

13 And so, it occurs to me that all penal systems  
14 of all societies operate with some combination of what you  
15 would call alienation and association. So they employ  
16 mechanisms of exclusion: ways of killing people, expelling  
17 them, incapacitating them. But they also employ  
18 mechanisms in inclusion, so ways of reintegrating,  
19 resettling and rehabilitating.

20 And countries vary in terms of the mix. And  
21 they probably explain to themselves that mix partly in  
22 terms of justice, which is the value you put front and  
23 center. But also in terms of other considerations.  
24 Considerations like dangerousness and enmity, or a fellow  
25 feeling in solidarity, or shared citizenship as opposed to

1 a dangerous class.

2 And I was thinking about an example that really  
3 struck me at the time, which was about Norway. Which of  
4 course, is at the other end of spectrum from the USA in  
5 terms of being much more solidaristic, having an  
6 incarceration rate less a tenth of the American one.

7 And back in 2011, Norway's kind of self-  
8 conception as a free society, a humane one, was really  
9 challenged by the crime of Anders Breivik who murdered 77  
10 people, many of them young people, teenagers, government  
11 officials as well. And there was a huge debate broke out  
12 in Norwegian society.

13 And to everyone's astonishment, looking from  
14 the USA, or looking from Britain, people were  
15 demonstrating in the streets. Not to have Breivik put to  
16 death or locked up for life without parole, but to ensure  
17 that he wouldn't undermine Norway's principles of leniency  
18 and compassion and fellow feeling and solidarity.

19 And in fact, what happened, of course, was that  
20 he was sentenced, not to death, or life imprisonment  
21 without parole, but sentenced to 21 years in prison, in a  
22 prison which is very humane. Conditions which are very  
23 good. You know, far in excess of anything that America  
24 ever provides.

25 And at the time, Nils Christie, a radical

1 progressive criminologist in Oslo, wrote that Breivik  
2 should be considered not some monster, not some evil  
3 monstrous character -- although of course, his acts were  
4 evil. But rather, as one of us. That was the phrase he  
5 uses.

6 A Norwegian, a fellow human. A person for whom  
7 you should have hope and compassion as well as blame and  
8 anger. And it occurred to me, you know, that that  
9 conversation by the politicians, by the Norwegian people,  
10 by criminologists would just be unimaginable in the USA.

11 Because of course, the USA is entirely the  
12 other extreme. It is all about, or nearly all about  
13 exclusion and offramps. And very little in the way of  
14 capacity for reentering or resettling or re-inclusion  
15 after we exclude so many people.

16 And it occurs to me, and I wonder what you  
17 think about this, Danielle, that what we are really  
18 talking about here is less to do with principles of  
19 justice and more to do with relations of solidarity, and  
20 the lack thereof. And that basically, what characterizes  
21 criminal justice in this country is the same as what  
22 characterizes, you know, our social policy, more  
23 generally, our welfare state, such as it is, more  
24 generally.

25 Which is to say, our real lack of fellow

1 feeling that stretches across racial or ethnic or  
2 religious or regional divides. And it seems to me that  
3 until such time as we think about these issues, which of  
4 course, in Norway are produced and reproduced through the  
5 welfare state and so with democracy and so on, our notions  
6 of justice will actually be constantly undermined by the  
7 sense of who are the people we are dealing with, and how  
8 do we relate to them.

9 MR. TRAVIS: Thanks, David. A good comparative  
10 framing of this discussion. And I appreciate that  
11 Danielle also brought in the European points of reference  
12 to this.

13 I am going to call on Aisha next. And then, I  
14 think, let me tell you who is in the queue. Aswad,  
15 Elizabeth, Marcia, Kristian, and Dona.

16 And I want to just give you, Danielle, an  
17 opportunity for just a quick -- so many things are coming  
18 at you. It is sort of unfair to ask you to respond to all  
19 of them at the end.

20 So we will take a little break from the queue  
21 just to ask you to give -- so that you can order your  
22 thoughts in any way you would like to. Then, we will hear  
23 from some more people. And then, come back to you again.

24 Aisha, you are up next.

25 MS. MCWEAY: Thanks, Jeremy. I will not come

1 at you, Danielle. These are just questions that I --

2 MR. TRAVIS: We are not coming at you. We are  
3 with you.

4 MS. MCWEAY: I am joking. I am joking. But so  
5 I -- in reading this paper, I sort of had three maybe  
6 really different thoughts that kind of came together. And  
7 I will try to get through them really quickly.

8 First, I think the concept that you laid out  
9 around a principle of alienation versus the principle of  
10 association in the frame of a Square One, right. How do  
11 we get to Square One requires that folks understand and  
12 acknowledge that that exists, right. And I think there is  
13 such a hesitancy to acknowledge this principle of  
14 alienation at all, in certain spaces.

15 What I appreciated about the paper was that you  
16 talked about it in the context of education and health  
17 care, and then, this sort of amorphous, ambiguous term,  
18 which is justice, right. My perspective is that justice  
19 in this country is really defined by retribution and  
20 alienation.

21 And so, when you used the principle of  
22 alienation, I was like, boom. She hit it. That is -- I  
23 am in love. I am with this, right.

24 And so, I think that tied back to the point  
25 that Chas was making when he was speaking. All of that

1 presumes a fundamental -- or asks a fundamental question  
2 about how we see the world. And I think, as a country, we  
3 have accepted that there are good people and there are bad  
4 people.

5 In a lot of ways, it is an oversimplified  
6 approach. And so, when Chas asks the question about are  
7 there different crimes that we sort of just alienate, I  
8 think that ties back to who we determine is redeemable.

9 Who do we determine is good, inherently good,  
10 and inherently bad? So worth the work, or worthy of  
11 justice. And I think until we wrestle with that as a  
12 fundamental piece of how we structure this country for all  
13 the reasons why that alienation exists for folks, we can't  
14 really have a square one.

15 And then, the last piece that I thought about,  
16 when I was trying to sort through all of these concepts  
17 was really this idea that the alienation isn't just in  
18 time back. It is not just in locking someone in a cage,  
19 which absolutely is an example.

20 And what Jorge exemplified, there are so many  
21 consequences to that. They are so -- every social  
22 structure in our country, there is an element of this  
23 principle of alienation and this principle of association.

24 And so, when we talk about sort of the  
25 recurring theme, we talk about going to square one, you

1 cannot -- I don't think you can do those separately,  
2 right. And you have to embrace and identify that this is  
3 a real concept in all of those areas, before you even  
4 begin to come up with a plan to address it.

5 I don't have the solutions, but I just wanted  
6 to say, I really, like, had a lot of thoughts. And my  
7 brain is spinning.

8 MR. TRAVIS: Great. Well, we are all having  
9 that experience, Aisha. Thank you for naming it.

10 So, Danielle, just any reactions you would like  
11 to offer to what you have heard so far from other members  
12 of the roundtable. And then, we will go back to the queue  
13 which starts next with Aswad.

14 MS. ALLEN: Well, the first thing I want to say  
15 is, over the course of these roundtable sessions, I have  
16 been so impressed by every single speaker. The clarity of  
17 their arguments, and their responses to questions.

18 But I am even more impressed now, because now I  
19 understand how hard it is to have so many things coming  
20 in, and to try to order one's thoughts. So thank you for  
21 all of those remarkable contributions.

22 I do think there is a really important  
23 throughline all the way through the questions, which is  
24 about solidarity. And going back to Jorge's question, I  
25 mean, there is the issue of reentry rituals that give

1 people back solidarity. But I would also say, there is  
2 the question of throughout the entire system of penalty,  
3 what would it look like for the rituals of a trial to, in  
4 fact, express solidarity, right?

5 I mean, what would -- how would we redesign  
6 that organizational practice to in, fact, embody  
7 solidarity. And I mean, I think the hard question you are  
8 all asking is something like this.

9 Okay, Danielle. It is all well and good to go  
10 institution-by-institution and sketch out what a  
11 solidaristic organizational redesign would look like. And  
12 it is great that we have some examples in Norway and  
13 Germany that we can draw on to help us sketch those.

14 But at the end of the day, in order to actually  
15 bring those into place, people have to want those  
16 solidaristic organizational designs. And it looks like we  
17 have all around us a culture that has kind of cathected on  
18 alienation.

19 So how do you address a societal cathexis in  
20 order to open up the possibility of people connecting and  
21 embracing the principle of association. And so, there, it  
22 is -- I think there are sort of two poles of argument.

23 And I guess I would love to have this  
24 conversation, because I am not altogether sure what I  
25 think of these poles of argument, or how to put them

1 together. There is one pole of argument which is about  
2 our moral imagination. And then, there is also -- there  
3 is another pole of argument which is about political  
4 pressure and power, and institutional design.

5 And I suspect these two things need to go  
6 together. And I think the struggle is to figure out how  
7 to put them together.

8 So if you take Black Lives Matter as an  
9 example, it is both a kind of renovation of our moral  
10 imagination. And I think it is -- the slogan, the  
11 movement has done really good work to turn attention to  
12 the question of how we matter to one another, right.

13 But it hasn't been taken through the path, or  
14 the idea of, well, I am going to convince you that we all  
15 matter to each other, right. We don't have to argue our  
16 way into feeling that we matter to one another.

17 And so, you know, as a sort of pressure  
18 politics, Black Lives Matter has asked for the real  
19 organizational designs that would count as showing a  
20 mattering regardless of how people feel about it. Right.

21 And so, there is sort of that regard. Slightly, grabbing  
22 the feeling -- the real feeling where it comes to exist,  
23 where they can, but also a way to hopscotch over it  
24 through pressure politics.

25 And I am not sure there is anything wrong with

1 that. That is, I am not sure we do actually need  
2 everybody to feel the full range of fellow feeling, if we  
3 can start to begin to get people to actually use  
4 organizational designs, which themselves will drive some  
5 cultural changes.

6 And just to give you one, like, last example of  
7 that. I do think [audio skip] pay attention to how  
8 incentive systems structure culture, too. So it is not --  
9 it is not just always culture to organization. Incentive  
10 structures affect culture.

11 So I am a big advocate of rank choice voting.  
12 You know, so people vote first choice, second choice,  
13 third choice. It is kind of like instant runoff in the  
14 voting procedure.

15 Your first-choice person doesn't get enough  
16 votes, your vote rolls down to your second-choice person.

17 And there are many interesting effects of this. I mean,  
18 it does open up more opportunity for minorities and women,  
19 for example, to succeed in winning office.

20 But it also changes campaigning. So if you are  
21 in a ranked choice election, you know, you don't want to  
22 demonize your opponent, because you actually want to be  
23 the second choice for your opponent's voters. And so  
24 actually, campaigning becomes a more positive proactive  
25 space of seeking solutions and not demonizing people.

1 Right.

2 Like, nobody, you know, goes out and says,  
3 let's have ranked choice voting so we can change our  
4 culture. But actually, that little mechanism incentive  
5 structure change does have a cultural impact. So that is  
6 where I have some hope, that if you could actually get  
7 some organizational redesigns in, and do some culture  
8 work, you sort of start to get a new dynamic going.

9 But I mean, I want to concede that it is a  
10 massive lift. And we are talking about a pretty wholesale  
11 cultural transformation.

12 MR. TRAVIS: Yes. Great. Something you said  
13 earlier on was -- is that the democracy reform agenda is  
14 central to the justice reform agenda.

15 Which is, you know, the interplay between those  
16 two, and the sequencing of those two. And how do you  
17 change culture, one of the biggest questions that we can  
18 face.

19 MS. ALLEN: Can I say one more thing, actually?

20 MR. TRAVIS: Please. Yes.

21 MS. ALLEN: So there was another important  
22 theme in the comments that I haven't addressed, and I  
23 don't want to leave unaddressed --

24 MR. TRAVIS: Yes. Please.

25 MS. ALLEN: -- which is the question of violent

1 offenses, and violent offenders. And what it means to  
2 have fellow feeling also for violent offenders. And I do  
3 think that that is a really huge issue. And I do think  
4 that that too -- I mean, so I think the Norway example  
5 from David is perfect, and a great example for how we  
6 could frame up a conversation.

7 But I think it is also important to say out  
8 loud, I mean just sort of, you know, in my book about my  
9 cousin's incarceration, when I argue for restorative  
10 justice for him, I thought he should have had a  
11 restorative justice. I often would get like from  
12 audiences the question about, well, what about the victim.

13 What about the victim. Like, doesn't the  
14 victim want retribution? And it is like they would have  
15 missed the fact that the other sort of big part of the  
16 story in the book is that my cousin was killed, right. So  
17 like, I am a victim, you know. And I was like, and I  
18 don't need retribution.

19 And so I do feel as if it is really important  
20 to find, you know, people, you know, who have been on both  
21 sides of the relationship, and can stand up and say, you  
22 know, I get -- I do get the pain. But I don't need  
23 retribution. And I want to see the person who did this  
24 wrong heal. You know. That is what I want to see.

25 MR. TRAVIS: Okay. So we are moving right

1 along here. The queue now is Aswad and then Elizabeth,  
2 then Marcia.

3 And this is the time to let me know if you want  
4 to be in before we close it out. Because my guess is that  
5 we will close it out fairly soon. So if you have  
6 something that you want to add, go ahead. Aswad, you are  
7 up.

8 MR. THOMAS: Awesome. Thanks. It is a good  
9 segue to just kind of talk about some of my observations  
10 from the article.

11 First, I think that we, you know, actually as  
12 we are looking at criminal justice, what we often forget  
13 is, you know, what happened to an individual before they  
14 came in contact with the justice system. And in this  
15 country, we know for -- you know, for decades, that there  
16 hasn't been an infrastructure into the needs of crime  
17 victims in communities.

18 And so, in the article, I think, it is a great  
19 article. I want to just highlight an area where I think  
20 there is a gap, also an area of improvement as well, as  
21 part of the case life cycle. So violence prevention and,  
22 you know, what is missing from the article is victim  
23 services.

24 And so, victim services is a key part of the  
25 criminal justice system. We know that, you know, even in

1 2018, there have been over 12 million crime victims in the  
2 country.

3           And we know from a survey that was released  
4 last week that only one in three victims report ever  
5 receive any assistance from victim service. And the  
6 majority of those victims that receive support, they came  
7 from friends and family, or they came from their local  
8 church, or it came from community-based organizations, not  
9 law enforcement.

10           And you know, as a way to kind of redesign and  
11 also lift up, you know, reform efforts of really investing  
12 in the infrastructure for victim services. You know, the  
13 need for more counseling, the need for more therapy.

14           We know that, you know, even in the past seven  
15 years, there have been about \$13 billion that have come  
16 from the federal government into states across the country  
17 for organizations that serve and work with crime victims.

18           We know that, you know, especially from the work that I  
19 have been doing across the country, that majority of  
20 community-based organizations haven't even heard of those  
21 funding opportunities.

22           And also, this is a federal grant. So you  
23 think of those organizations, you know, that are on the  
24 front lines, the violence intervention groups. You know,  
25 they will have a grant writer to go after federal grants.

1           And so, you know, being able to really invest  
2 in victim services that really address the mental health  
3 treatment that survivors need. Also, to think about  
4 housing and relocation. So I would love to see the  
5 importance of that in the article -- you know, really  
6 bucketing out victim services.

7           MR. TRAVIS: Thank you. Thanks, Aswad. Liz.

8           MS. HINTON: Hi everyone. Danielle, thank you  
9 so much for this paper. It has been such a treat for me  
10 to be able to sit here with you at this roundtable for  
11 these past few months. So thank you for your  
12 contributions and for your work.

13           In some ways, picking up on what Aswad was just  
14 saying about federal grants, this probably won't come as a  
15 surprise to my fellow roundtable participants who read my  
16 work on this, and anybody out there who is familiar with  
17 my work. I was really interested in your comments at the  
18 end about federalism. And I want, you know, all of us to  
19 think about, in returning to square one, you know, what  
20 should the role of the federal government be.

21           Danielle, I agree with you that in privileging  
22 the principle of association, which we should, that it  
23 needs to be a ground-up effort. And that perhaps, as we  
24 are reimagining criminal justice, and as, you know, if  
25 starting from square one, the square one should not be at

1 the top, but should be at the bottom.

2 At the same time, I guess, you know, like what  
3 then -- where does that leave us with the federal  
4 government, perhaps beyond giving resources to groups and  
5 to states and local governments? In thinking about the  
6 federal government's role historically, you know, we can't  
7 just throw it out, in part, because it has been so central  
8 to dismantling various forms of racial oppression.

9 And that, it has a track record of abolition.  
10 So of course, it took federal action to end slavery.  
11 Federal interventions to help secure the successes of  
12 Reconstruction from Black education, independent  
13 institutions, businesses. Desegregation, affirmative  
14 action.

15 But then, it is also true that every time,  
16 following each of these interventions, when citizenship  
17 rights are extended, we get usually new forms of  
18 oppression. New criminal laws, new forms of confinement.

19 New segregationist and exclusionary regimes.

20 So you know, on the one hand it is -- it is  
21 clear the federal government might be really important in  
22 bringing about a kind of structural intervention. And you  
23 know, it did on the other side, right, with the rise of  
24 the carceral state, the security surveillance state  
25 beginning in the 1960s.

1           And the federal government has also, in the  
2 realm of crime control, demonstrated that it can implement  
3 some of these local programs nationally in really  
4 successful ways, depending on your measure of success,  
5 right. So it takes zero tolerance, broken windows, these  
6 kinds of policing programs from New York and Chicago, and  
7 then implement them nationally in the 1974 crime bill.

8           Many of you know all this. I guess, this is  
9 just to encourage us all to think about -- yes, you know,  
10 these are -- I think the vision that many of us have been  
11 talking about over these past few weeks, but your paper  
12 points to, Danielle, is that, you know, true meaningful  
13 change is going to come from the ground up.

14           But then, what is the role of the national  
15 state? And what is the role of state and local  
16 governments.

17           Right now, you know, so much of the most  
18 promising and progressive programs and visions for a  
19 different kind of approach to justice and public safety,  
20 you know, are not coming from state programs. They are  
21 coming from grassroots organizations. So moving forward,  
22 what is the role of the state in that?

23           MR. TRAVIS: Great. So we have a queue that  
24 has seven people on it. Do the math. We want to be done  
25 with this section in maybe 15, 18 minutes. And we want to

1 give Danielle time to respond briefly.

2           So just -- you hear what I am saying? Just as  
3 succinct as you can be with the points you want to make,  
4 so we can get -- there is a ninth person -- we get one  
5 more in, get one more session in before we come back to  
6 Danielle.

7           So next we have Marcia, then Kristian, then  
8 Dona, then Courtney. And then there are others after  
9 that.

10           But let's hear from Marcia.

11           MS. RINCON-GALLARDO: Good afternoon, everyone.

12           Danielle, thank you so much for, you know, your  
13 presentation and, you know, the opportunity to read your  
14 paper, which was brilliant.

15           As I was reading it, and listening to you  
16 today, you really make me think a lot about settler  
17 colonialism, and the way in we're -- the terminology we  
18 are using really made me think a lot about, you know, who  
19 was this justice, "justice system" developed for? Whose  
20 benefit was it for, at its most early, early onset in this  
21 hemisphere.

22           And I don't stay just with the United States.  
23 Because to stay with just the United States, we remove a  
24 whole group of people that have moved into the United  
25 States, whose history starts before 1600. And so, I start

1 with the whole -- you know, this whole continent. And I  
2 think a lot about sort of this individualism versus  
3 collectivism.

4           Because when you think about the early onset of  
5 this justice system, it had very strong Puritan values  
6 that were contrary to the original peoples, the First  
7 Nations' values around community and collectivism, as  
8 opposed to individualism. So if someone committed some  
9 level of offense, it wasn't considered as an individual  
10 offense.

11           It was, what is happening in our collective  
12 that is allowing for this to happen. And the way in which  
13 it was responded to was in a collective response, as  
14 opposed to an -- we are going to get you, and we are  
15 going to put you here.

16           So you know, there wasn't prison. There wasn't  
17 cages for our peoples. And exile was the absolute last  
18 resort. There were a lot of other things that were done  
19 prior to exile.

20           And so, it made me really consider all of those  
21 things. Especially as we think about this notion of, you  
22 know, innovation, and what is the imagination, you know,  
23 for our new way of doing things. And there is just really  
24 beautiful ways in which our tribal nations are responding.

25           They have really -- you know, a lot of nations

1 developed the western approach, unfortunately. But  
2 others, especially, with the Elders, have come back to  
3 restoring their traditional approaches, which are  
4 absolutely beautiful.

5 MS. HUFFMAN: Great.

6 MS. RINCON-GALLARDO: And so, there is a way in  
7 which we need to remember that there are ways in which we  
8 need and want to respond, especially communities that are  
9 leaning more towards tradition. And that we need to look  
10 at those approaches, as well as maybe outside approaches.

11 But collectively, there are ways in which there  
12 is rich ways of responding to, how do we want to imagine  
13 our justice systems. And last but not least --

14 MR. TRAVIS: Great.

15 MS. RINCON-GALLARDO: It is this locus of  
16 responsibility is, in this country, left with the  
17 individual for an offense. As opposed to, what is the  
18 collective community response to individuals committing  
19 offenses.

20 And it makes me think about how OJJDP federal  
21 government goes to nations and consults with them before  
22 even designing how to respond. They are the only ones  
23 that they go to, to consult with, before even coming up  
24 with designs of how [audio skip] and such.

25 And I am thinking to myself, wow. That is

1 really beautiful. How come that doesn't happen all over  
2 this country? You know, that they actually consult with  
3 community before they even design these large  
4 appropriations.

5 MR. TRAVIS: Great.

6 MS. RINCON-GALLARDO: Anyway, those were a few  
7 thoughts.

8 MR. TRAVIS: Thank you. Thank you. Moving to  
9 Kristian, then Dona.

10 MS. CABALLERO: Yes. Thank you. I really  
11 appreciate this paper and everybody's comments so far. It  
12 definitely inspired me to speak up.

13 One thing that I definitely appreciate about  
14 the paper is showing the emphasis of how our culture is  
15 heavily influenced by the principle of alienation and how  
16 heavily ingrained that is. And how we use that as  
17 justification to continue to exploit and abuse, you know,  
18 people, and also push them into a category of second-class  
19 citizens.

20 But I think one of the things that I have been  
21 thinking about the past few weeks, after all of our  
22 discussions is, if we are trying to reimagine, you know,  
23 these systems, whether it is the criminal justice system,  
24 the housing, health care, so forth. I think one of the  
25 things that is problematic in relation to alienation is

1 our hierarchical structures.

2 You know, our economic and social status, and  
3 using that as justification to continue exclusionary  
4 practices, and discriminatory practices, and so forth. I  
5 think that whatever new social contract we envision, we  
6 need to completely eliminate that social and economic  
7 structure as it currently exists.

8 And stop using that as justification of  
9 treating people less than, and reducing them, and  
10 dehumanizing them, because that is a huge part of the  
11 problem. And we are not really going to see a paradigm or  
12 a cultural shift until we start addressing that head on.

13 So I think I will just leave it there briefly,  
14 and short.

15 MR. TRAVIS: Thank you.

16 MS. CABALLERO: I know there is a lot of other  
17 speakers, but I just wanted to emphasize that.

18 MR. TRAVIS: That's very, very helpful. Thank  
19 you, Kristian. Dona.

20 MS. MURPHEY: Yes. So Danielle, I really  
21 really love the framework of association. I think it is  
22 super powerful. It is consistent with the concerns of a  
23 lot of other scholars articulating the atrophy of our  
24 civic institutions.

25 And the connection -- this connection between

1 the power of association and justice and democratic reform  
2 is what personally motivated me to devote decades to civic  
3 engagement, to community organizing, ultimately to run for  
4 my local school board.

5 So, the next statement I am going to make is, I  
6 guess, a provocative statement. And that is, what I  
7 personally realized over these many years, which also  
8 happened to collide with my -- with childbearing for me.  
9 I have two kids. And my identity as a neuroscientist who  
10 studies consciousness -- is that the focus of the shift in  
11 collective consciousness, I think, has to fundamentally be  
12 through parenting.

13 And the question is, I mean, I think for all of  
14 us, whether we are willing to admit that, at some level  
15 that is really actually crucial. And then, how do we  
16 operationalize that?

17 MR. TRAVIS: Thank you. Great, that gives us  
18 something to think about. Courtney is next, and then,  
19 Deanna.

20 MS. HOLDSWORTH: Thank you, Danielle, for the  
21 paper. As everybody said, it is fantastic. Lots to think  
22 about. I am going to try not to repeat what other people  
23 were saying.

24 One of the things that really sort of struck  
25 me, or really -- that I was thinking about is that our

1 values as a country, this sort of moral imagination and  
2 how that wavers and wanes and looks really differently all  
3 of the time.

4 And so, when I thought about Square One, I  
5 started to think about, in what ways have we continued to  
6 lean on our Constitution without revising, going back to  
7 it, and really treating it like a democratic, or a part of  
8 our democracy, versus this sort of piece of paper that  
9 holds us bound in a particular place. So how might we use  
10 the Constitution and look at the 13th Amendment and how it  
11 is worded? And the way in which it continues to place  
12 people in servitude and place people in enslavement.

13 Like, how do we go back to reconsider life,  
14 liberty, and the pursuit of happy -- like, how do we  
15 really start to reimagine who we are as Americans?

16 MR. TRAVIS: Another great provocation, just to  
17 think about. Deanna next, and then, Ananya.

18 MS. VAN BUREN: Thanks, Jeremy. Thank you,  
19 Danielle, for this paper. It is really powerful for me,  
20 actually. The principle of association, I think, is  
21 actually more of what we are doing in my organization, if  
22 I rethink it.

23 I go back to your question you asked us. Does  
24 a constructed vision exist in a coalesced way? I couldn't  
25 stop -- because I don't know of one.

1           But I wanted to -- thought, maybe a smaller  
2 example is what is happening in LA County with the Justice  
3 LA Coalition. Like, a broad-based coalition of community  
4 organizers that stopped the \$3.5 billion bond measure, and  
5 then worked with the government to create alternatives to  
6 incarceration. A working plan with a roadmap.

7           And they had a kind of constructed vision. We  
8 are helping them with the implementation, but I am so  
9 inspired by that. And I think it is an example of what  
10 you are talking about. Maybe I am wrong, but please let  
11 me know.

12           But that is -- I am a solutionary. Right. So  
13 I want to talk about solutions. And this feels like a  
14 really good one.

15           MR. TRAVIS: Ananya.

16           MS. ROY: Hi everyone. Danielle, thank you so  
17 much for this paper. So I have one comment and one  
18 question.

19           The comment takes me back to the start of your  
20 presentation today, and the conversation with Bruce, where  
21 you centered U.S. empire. And the comment is that it is  
22 absolutely crucial, I think, for us to do that, if we are  
23 to think about a different world of justice and freedom.

24           And that in addition to the afterlives of  
25 slavery and ongoing settler logics, what we have in the

1 United States is this scene of endless war making, both  
2 abroad and at home, always entangled. And the forced  
3 sterilizations that Kimá mentioned are a part of the ways  
4 in which empire turns humanity disposable, without  
5 consequences.

6 So I think that piece of it is really crucial.

7 The question is this: I am curious to know as a  
8 political philosopher which genealogies of association  
9 inspire you. And this, of course, connects to thinking  
10 about what might lie ahead.

11 So there is, of course, a genealogy of  
12 association that runs through liberal thought, where  
13 association, political society, is really about the  
14 protection of property, and the protection of a particular  
15 notion of freedom of propertied men.

16 But there are also genealogies of association  
17 that run through abolitionist thought. What Du Bois would  
18 call abolition democracy through Black fugitivity, through  
19 Indigenous sovereignty and self-determination.

20 So those are very capacious and very different  
21 from the principles of association, say, that run through  
22 liberalism. So I would love to hear a bit more on the  
23 genealogies you have on your mind.

24 MR. TRAVIS: We'll put a pin in that one. That  
25 sounds pretty fundamental. We will come back to you in a

1 second, Danielle.

2 Here is what we are going to do, before we see  
3 what questions we have from the outside world. We are  
4 going to hear from Emily, and Vivian, and Lynda. And then  
5 ask Danielle to, in whatever order you want to, say  
6 whatever you would like to say in response to these  
7 observations.

8 And then, we are just going to leave you alone  
9 for the next year to write another paper. Because we have  
10 gotten so much raw material to work on in continuing this  
11 line of inquiry.

12 Emily.

13 MS. WANG: Danielle, I think this is a  
14 beautiful paper. And for me, it really sparked a lot of  
15 ideas.

16 And part of what I am thinking about is that we  
17 are living kind of in a pandemic, in COVID, where we  
18 actually are seeing kind of the numbers of people in jails  
19 go down. You know, a difference in kind of prison and  
20 jail populations, and also the inability for kind of our  
21 healthcare, housing infrastructures to really support  
22 those that are coming home and remaining home.

23 And so, you know, for me, when I think about  
24 the conversations that we have been having, and going to a  
25 square one, in the table, which I thought was really

1 helpful, you know, really pragmatic -- shows kind of what  
2 you mean by the principle of alienation, and the principle  
3 of association.

4 I would almost love to see a different column  
5 there, of like, where do these other healthcare  
6 structures, social system structures, educational  
7 structures -- they are part of this Square One kind of  
8 notion, according to the principle of association. And  
9 that to me, seems like a critical piece that could be  
10 expanded upon.

11 MR. TRAVIS: Yes. I also love that table. It  
12 just made it very real. And it would be a great  
13 whiteboard exercise to sort of expand it and look at other  
14 -- the other sectors that we have talked about in the  
15 roundtable.

16 We will hear next from Vivian, and then Lynda.

17 And then, unless there is an urgent wave, we will come  
18 back to Danielle. And then we will see what questions we  
19 have from our observers in the outside world.

20 Vivian.

21 MS. NIXON: Thank you, Jeremy. Danielle, I  
22 really love this paper. I loved all the papers, and I  
23 loved them all for the same reason: because they really  
24 challenge me to be a little bit more optimistic.

25 And [audio skip] thoughtful, very organized,

1 and structured. And yes, it makes sense that if we switch  
2 to this principle of association and put some of these  
3 practices in place that embrace that idea, we can  
4 definitely reinvent what we now see as our justice system.

5 And here is where I continue to get stuck,  
6 after every good idea. Because every good idea leaves me  
7 hopeful.

8 And Ananya kind of hinted at this, is that in  
9 the midst of that hopefulness, I am remembering that  
10 despite the connections to a world in which prisons were  
11 not the response to crime, when alienation and the ability  
12 to go somewhere else and restart a life, or exile to  
13 another place -- all of these things existed before  
14 prisons. I understand all that.

15 And I understand that the way society has  
16 occupied all of the territory have made another model  
17 necessary. But also things that made the very specific  
18 American model necessary. And the U.S. model is also  
19 rooted in very specific traditions, like chattel slavery  
20 and capitalism.

21 And the reasons we hold onto it so dearly and  
22 are so unwilling to release it are all tied to those  
23 things. And the more we see a -- and Elizabeth hinted at  
24 this. Every time we see a move to try to move away from  
25 it, we [audio skip] against that ingrained, you know,

1 ideology of white supremacy that just doesn't want to  
2 yield.

3           It fights back every time. And it fights back  
4 with such vitriol that it is literally frightening. I am  
5 paying attention to what is going on in the world, right.  
6       And that is where I get stuck.

7           So how do we have these really thoughtful ideas  
8 and conversations and never forget that. And try to  
9 incorporate how do you convince people who don't want to  
10 give up this thing that has very little to do with wanting  
11 to release this destructive thought pattern that keeps us  
12 stuck where we are, without having serious conversations  
13 about -- they probably won't give it up voluntarily.

14           This is about power, and somebody has going to  
15 have to force a group of people to do stuff they don't  
16 want to do. And that is just where I am landing. And so,  
17 that is where I get stuck on a lot of these papers.

18           But everything that you said makes sense. I  
19 was -- I learned a lot. I want to continue to learn more.

20       But I want us to never forget what we are up against in  
21 terms of the particular reasons we have the system we have  
22 in America. And who it impacts, and why.

23           MR. TRAVIS: So I am going to exercise the  
24 facilitator's prerogative to mix things up a little bit.  
25 And Lynda, I hope you will understand.

1           But I want to throw into the mix a question  
2 from one of our colleagues in the outside world. And some  
3 of you may know Sebastian Johnson who works with me and  
4 Arnold Ventures. And he has written up essays on each of  
5 the roundtable experiences in the past and will write  
6 something about this one.

7           So he sends in this question: The paradigm of  
8 alienation from society, social death, is deeply aligned  
9 with the identity of Blackness and anti-Blackness as an  
10 organizing principle. Is it possible to embed a different  
11 relational paradigm within our social contract, other than  
12 that between a social life and social death?

13           I.e., I am going to get back there, citizen  
14 versus slave, Blackness versus anti-Blackness. And one of  
15 the, you know, for me, most provocative, and I have looked  
16 at three of those observations in your paper, Danielle,  
17 that you highlighted in your opening statement was both  
18 exploring the relationship between and the difference  
19 between alienation and the legacy of slavery and white  
20 supremacy.

21           And the Square One project has focused a lot on  
22 that as being so foundational. I don't think you disagree  
23 with that. But you put a different framing around it. So  
24 could you just give us a deeper thought about that -- your  
25 observation and Vivian's question, and Sebastian's

1 question.

2 MS. ALLEN: All right. So it is over to me,  
3 now?

4 MR. TRAVIS: Yes. Just for this one. And then  
5 I'm going to come back to you, because I want to get Lynda  
6 in the mix, in a second.

7 MS. ALLEN: Right.

8 MR. TRAVIS: But it is just on the question of  
9 race and association, and race and alienation.

10 MS. ALLEN: If it is possible for me to go  
11 ahead and just take the whole pasture of questions, that  
12 would be great. Because I do think they are all connected  
13 to this.

14 MR. TRAVIS: Okay. Then, in that case, Lynda.  
15 What would you like Danielle to -- what are your  
16 observations on Danielle's paper. Then, we will turn it  
17 over to Danielle.

18 MS. ZELLER: So thank you, Danielle. I think  
19 that this paper provides a really helpful framework for  
20 illuminating some of the fractures in all the aspects of  
21 our social contract we have been talking about for weeks.

22 In particular, if you look at association or  
23 disassociation from education. We have heard about that  
24 from health care, from communities.

25 This allows us a really great way to have those

1 tough conversations Vivian was talking about, related to  
2 the realities of inequity, and inequitable treatment that  
3 have resulted in mass incarceration, whether you are  
4 talking about the over-representation of the mentally ill,  
5 people with addiction, races. I think it is a really  
6 helpful framework to talk about the degree of inclusion or  
7 association in those systems of various people, or  
8 alienation from them.

9 So it could be a helpful, unifying framework  
10 for discussion related to the aspects of the social  
11 contract that impact justice, not just justice itself.  
12 Thank you.

13 MS. ALLEN: All right.

14 MR. TRAVIS: So Danielle, the floor is yours.  
15 And then, we'll -- I have one more question from the  
16 outside world. But let's give you the chance to react to  
17 everything you have heard.

18 MS. ALLEN: Okay. No. This is really  
19 extraordinary. And I am just so grateful to have you all  
20 as readers, and to have your charitable and incredibly  
21 imaginative and powerful engagement with my arguments  
22 here.

23 So I think to frame this response, I want to  
24 start by saying something about division of labor. Roles,  
25 the different kinds of roles that are relevant to the work

1 we are doing together.

2 So to some extent as I have been speaking, I  
3 have been using three different roles. There is the role  
4 of political philosopher. There is the role of policy  
5 developer. And then, there is the role of, say, political  
6 strategist. I have used that role somewhat less than the  
7 other roles.

8 And so, I am going to kind of ring the changes  
9 on those three roles. Because to some extent, what we are  
10 talking about is how the different kinds of work fit  
11 together.

12 So the role of the political philosopher, for  
13 example, is about getting back to our foundational  
14 concepts, giving us stuff to work with, to rebuild. And  
15 then the role of the policy implementators, making it  
16 concrete or real. And the political strategist is about,  
17 how do you actually drive change in this mix?

18 The reason I go in this way is because, you  
19 know, Ananya's question about genealogy is really a  
20 question about the work of the political philosopher. But  
21 the questions of race start there, because our  
22 philosophical traditions themselves are racially  
23 structured.

24 And you know, sometimes it is like a crazy  
25 thing to think that the kind of, you know, driving change

1 in the world that we actually experience with racism as a  
2 real phenomenon has anything to do with the world of  
3 political philosophy. But actually, I think they are  
4 deeply related.

5 So because our entirely fluctuating inheritance  
6 has structures of racial domination built into it. So at  
7 the end of the day, we actually need a new theory of  
8 justice.

9 And I am not alone in working on this. I also  
10 commend of Melvin Rogers to you, Charles Mills, others.  
11 But I have, you know, a co-edited book that is out this  
12 month, called *Difference Without Domination* that I would  
13 commend to you. And I am about to send to press a book  
14 called *Justice by Means of Democracy*, which is a theory of  
15 justice that Ananya's question really is the vision coming  
16 out of the -- what I tend to call the minoritarian  
17 perspective.

18 So you sort of have the two genealogies. And  
19 yes, much of the vocabulary is the same as the vocabulary  
20 of liberalism. So there is a vocabulary of freedom, a  
21 vocabulary of [audio skip], a vocabulary of rights, a  
22 vocabulary of equality which falls out of liberalism in  
23 many ways, especially sort of, you know, liberal variance,  
24 a vocabulary of non-domination, which African American  
25 theorists, Indigenous theorists have kept alive all the

1 way through the 19th and 20th centuries, but which fell  
2 out of Anglo-American liberalism.

3 So we are in a moment where it is possible to  
4 reconstitute a theory of justice around a non-domination  
5 concept. And that is what I and others are working on.  
6 And in some sense, the principle of association is  
7 articulating that.

8 And so, in these books, I mean -- so I agree  
9 with everybody about the intersecting nature of these  
10 policy domains. And so, you know, there is a worked-out  
11 version around political economy and what it means to  
12 restructure political economy, and what it means to  
13 restructure membership and immigration and migration and  
14 things like that, to think about the global context.

15 So now, but that is like a whole lot of stuff  
16 to put inside a conversation about justice reform, right.

17 And that is sort of, like, too much. I think we have  
18 enough on everybody's plates.

19 And so the luxury of being a political  
20 philosopher is that you can kind of travel at lightning  
21 speed across all these domains, and really imagine a kind  
22 of pretty thorough reworking of all of them. So that is  
23 where, from my point of view, to be a political  
24 philosopher, to do that honestly, you also have to be in  
25 the space of policy implementation, and the space of

1 political strategy, in order to figure out, like, you  
2 know, what is the point in the sphere that actually makes  
3 any of these things real, that starts to move these things  
4 in this direction.

5 And so, to Deanna's point, yes. That roadmap  
6 from LA sounds fantastic. I really, really want to see  
7 it. And I would like to figure out, like, you know, how  
8 to build on from that, or, you know, what I could learn  
9 from that as a potential example.

10 And then, sort of in the space of policy, you  
11 know, it is important to say that there are two, you  
12 know -- there are kind of fundamental renovations that we  
13 all collectively need. So we have let the concept of  
14 federalism be coopted, given the meaning of let states do  
15 their own thing.

16 I mean, that is not actually what the original  
17 intention was, whether one cares about original intentions  
18 or not. So their relevant concept should be about  
19 harmonization.

20 So the real question is, like, what do we need  
21 the federal government to do. To Elizabeth's point, there  
22 have been places where the federal government has been  
23 critical for the egalitarian project. And the job is to,  
24 like, harmonize its role with what states are doing, what  
25 you need at the kind of county and local level.

1           And so, there is a group of us who are trying  
2 to imagine a different picture of federalism. And I think  
3 there is like, a really basic thing, that we, like, all  
4 know we need. But we don't actually kind of really  
5 coalesce on working on it, which is putting like  
6 consistent data across the whole country.

7           Like, we all know, like we can't get homicide  
8 clearance rates across the country. We can't actually  
9 figure out exactly who is being held where, under what  
10 kinds of terms. We can't get consistent sort of data on  
11 policing across the entire country.

12           Like, that data problem is like the numero uno  
13 thing we need the federal government to solve. And from  
14 my point of view, we should be putting all our energy to  
15 driving that very specific policy change. Because it  
16 would enable a lot of work at the state and local level,  
17 if we could do that.

18           So then there is the political strategist  
19 piece. And to Vivian's question, the sort of how do you  
20 force a group of people to do stuff that they don't want  
21 to do?

22           So for starters, you want to like try to shrink  
23 that group to the smallest possible scale, right. So that  
24 is where, like, the work of moral imagination and building  
25 movements and building solidarity and forming alliances is

1 critical. Like, the more the merrier.

2 Like, you have got to get as many people on  
3 your side as absolutely possible, so that the folks who  
4 are going to have to be moved by new legal structures are  
5 the smallest number possible. And that is just politics.

6 Like, it is just doing the work.

7 And so it is running for office. I loved the  
8 example from Dona, I think. Is that right? You said you  
9 ran for office. You said the answer is parenting. I say,  
10 the answer is running for office, people. Everybody in  
11 this conversation should be running for office.

12 So that is how I would sort of put the pieces  
13 together. And so, you know, to the question about race.  
14 There is a vision, in fact.

15 And that is what I was trying to describe:  
16 sort of a group of political philosophers who are working  
17 on a picture of how we build a constitution that is around  
18 the principles of non-domination. How we build all these  
19 areas of social policy around the principle of non-  
20 domination. It comes out of the genealogies Ananya was  
21 pointing to. And we can deliver that.

22 But in delivering it, it is a political  
23 project, frankly, at the end of the day. And it is not a  
24 silver bullet. And it is working across multiple  
25 dimensions simultaneously. So end of sermon.

1 MR. TRAVIS: Yes. Excellent. So we have one  
2 more question that I will sort of throw out to the group.

3 It came in from one of our observers. Which is, how do  
4 we think -- we just talked about running for office.

5 We are in a political moment, where there are  
6 things happening in our country that is very hard to,  
7 obviously, predict the outcome of the election. But a  
8 heightened attention to political participation.

9 So how do we -- and you can help us here,  
10 Danielle, sort of think about the exercise of the  
11 franchise as being a form of association. And  
12 particularly, the decision by our state, to take a point  
13 that Aisha made -- I think it was Aisha -- to diminish the  
14 status of certain of us, in terms of their ability to  
15 exercise political power.

16 And I am very mindful of the 11th Circuit  
17 decision to disenfranchise many in Florida who have not  
18 paid their fines or fees. I was on the phone today with  
19 our executive session member Daryl Atkinson about his  
20 victory in North Carolina we hope will stick to reverse  
21 some of the actions by that state to remove people from  
22 the franchise.

23 But here we are. I would everyone to just --  
24 anybody who wants to jump in, to think about, how does  
25 this principle of association fit with Danielle's

1 observation that democracy and democratic reform is  
2 central to justice reform? And the mobilization that is  
3 envisioned under that.

4 And I just would love to end our time together  
5 thinking about our democracy, and the social contract.  
6 Anyone have a thought on that?

7 Aisha.

8 MS. MCWEAY: Hate to be the person to end it.  
9 But so, I was just in a different session or discussion  
10 yesterday, with someone who does work in sort of, like, a  
11 bipartisan, you know, or allying. And I was thinking to  
12 myself, oh. That seems like a terrible job. And that is  
13 on a personal level.

14 And then, I really, like, spent all night  
15 thinking about how, like, that is like the prerequisite  
16 for this, for this conversation.

17 MR. TRAVIS: Right.

18 MS. MCWEAY: It is, like, what Vivian was just  
19 saying about -- and what Danielle was saying about  
20 shrinking that number. Like, there is no way we can  
21 shrink that number until we actually engage in democratic  
22 work which includes engaging folks who have really, really  
23 disparate beliefs and belief systems, or don't see the  
24 world in the way that we do.

25 And so, I think it is critical to reform,

1 because I think there are narratives even that the most  
2 progressive or liberal folks can tell themselves about why  
3 you don't engage. Myself included. Which ultimately  
4 allows us to not push that reform forward with folks we  
5 think it is not going to work with.

6 So I think it is critical, I think, as a core  
7 component. Hopefully, someone else can chime in.

8 MR. TRAVIS: Anyone else want to -- Hedy, want  
9 to add an observation?

10 MS. LEE: Yes. I mean, I also think the  
11 discussion of health was really compelling to me in the  
12 essay, and I think could be a way that we could have some  
13 buy-in, Aisha, potentially.

14 I mean, at least from a health demographer's  
15 perspective, millionaires in other countries, ones that  
16 David Garland mentioned, are way healthier than  
17 millionaires here. There is something about living here.

18 There is something about the way that we interact and  
19 work together, or do not work together, that is hurting us  
20 all.

21 And I think that is the best way -- that is the  
22 only way to get at some strategizing. But I think once  
23 people recognize that no one is safe. No one is healthy  
24 in the way that things are set up, that we could have some  
25 movement, in some of those conversations. Even if it is

1 for selfish reasons.

2 MR. TRAVIS: So what does the mobilization look  
3 like. Kristian?

4 MS. CABALLERO: I guess, just to kind of touch  
5 on the democratic question and this ideal of how we can,  
6 you know, mobilize and change the political and social  
7 dynamic. Kind of going back to trying to change our  
8 social structure, as far as the hierarchy is concerned.

9 I think, well, number one, you know, we  
10 definitely need to change the campaign financing aspect  
11 and make that more equitable and more inclusive.  
12 Especially for people that don't have the resources and  
13 the means and the connections, the lucrative connections  
14 that could give them a leg up in any sort of political  
15 race.

16 But I think the more that we try to create a  
17 model that is horizontal, you know, where everybody is on  
18 even ground, and no one is taking advantage of their  
19 social and economic status. Because absolutely in the  
20 world of politics, especially the way our representation  
21 looks right now, that is exactly what is happening.

22 And so, I think we need to not be shy about re-  
23 envisioning and remodeling what leadership needs to look  
24 like. And I think the more horizontal it is, the more  
25 that we will see racial equity and racial representation

1 in the picture.

2 MR. TRAVIS: So the Square One ambition is that  
3 the ideas that we generate at the roundtable and through  
4 the Executive Session resonate in the larger public so  
5 that there is a change in thinking, a change of language,  
6 a change of perspective. But ultimately, that things  
7 change.

8 And that power shifts and that the way we  
9 organize ourselves to respond when something goes wrong in  
10 society, in communities and families with individuals,  
11 that there is these -- there is a different way, a better  
12 way, a healthier way. A just way of organizing that  
13 response that will look totally different from what we  
14 have now.

15 So I am about to hand it over to Bruce to give  
16 us some final observations. But I first want to, just on  
17 a personal level, thank Danielle, first and foremost. I  
18 think we are all deeply, deeply indebted to you, Danielle.

19 This paper was the perfect -- I will say it one more  
20 time, perfect -- ending to our time together. You have  
21 helped us.

22 We talked about the tapestry we are weaving.  
23 There it is. We can turn it around. Feel it. There are  
24 some missing pieces, of course.

25 MS. ALLEN: The only problem was I had to write

1 it at the beginning of this. I almost wish I could have  
2 written it after I heard all the other papers.

3 MR. TRAVIS: I have already said, we are giving  
4 you a free time to now expand it into your next book. But  
5 it has really helped us, in so many ways, to integrate  
6 these ideas.

7 The second thing I want to say is just to thank  
8 you to all of the members of the roundtable for being so  
9 generous with your participation, your thoughts, and your  
10 openness. Your willingness to listen to each other and  
11 engage in some very, very difficult, challenging, but  
12 really, really important topics.

13 So on behalf of the larger enterprise, I want  
14 to say thank you. But to close out, I was trying to  
15 think. What would be a perfect close before I turn it  
16 over to Bruce.

17 And you know, the Square One tagline is, the  
18 hashtag rather is, #reimaginejustice. So that is what we  
19 are all about, reimagining. So this is a project of  
20 reimagination. And Danielle has taken us a big step in  
21 that direction.

22 So with your permission, Danielle, I am going  
23 to read, as we close out, the second paragraph of your  
24 paper. Everyone read it. But it is now, perfect.

25 "Nor can one modify justice. We do not seek,"

1 and this is in air quotes, "healthy justice, or fair  
2 justice, or successful justice. Justice itself is simply  
3 all those things, if it is justice at all." Boy, you have  
4 a way with words. Okay.

5 "That is, justice delivers well-being, supports  
6 healthy communities. It embodies and enacts principles of  
7 fairness. It successfully addresses the needs of all  
8 entangled in active wrongdoing; the victim" -- that was  
9 for you, Aswad -- "the victim, the wrongdoer, and the  
10 community.

11 "The word 'justice' itself, without  
12 modification, means all of these goals. Consequently,  
13 articulating the goals of a reform effort," which is what  
14 we are doing, "in this domain of policy is harder" -- we  
15 know that -- "than in other substantive domains."

16 "Nonetheless, such an articulation is critical  
17 to achieving alignment, an effort across the many  
18 constituencies pursuing reform. The right and fair  
19 administration of justice is the backbone of legitimacy  
20 for any state or political order."

21 So can I hear amen? There we are. Thank you,  
22 Danielle.

23 Bruce, it is off to you.

24 (No response.)

25 MS. HUFFMAN: Bruce, you are muted.

1 (Pause.)

2 MR. TRAVIS: You are still muted, Bruce.

3 MR. WESTERN: Okay.

4 MR. TRAVIS: There you go.

5 MR. WESTERN: What I just said was so profound.

6 And it was just to me, here in my office. This has been  
7 yet another extraordinarily rich discussion. And it's  
8 really been quite an amazing process. And I am so  
9 grateful to every single participant who has just given so  
10 much to the conversation we have had over the last month.

11 Do you guys all remember back to our first  
12 meeting, where, really, the question on the table -- I  
13 think Jeremy posed this question as we did our  
14 introductions. And he was asking, you know, are you  
15 feeling optimistic or pessimistic?

16 And Vivian definitely, I think, sort of  
17 channeled that question that was initially posed in her  
18 comments. And in this whole discussion today, I think, we  
19 are sort of grappling with that. Do we, can we feel  
20 optimistic? Or are we pessimistic?

21 And Danielle's paper has given us a framework  
22 for wrestling with that question. And in this whole  
23 discussion, there are three major themes that I want to  
24 pick out.

25 And the first is the social solidarity that we

1 have talked about over the past hour or so, and over the  
2 past month. You know, this is the opposite of alienation,  
3 right, this social connectedness. And I think we have got  
4 to be really thoughtful and intentional about what this  
5 is.

6 We have got to be really specific about what  
7 this social solidarity is. Because we are asking a  
8 political process, and we are asking our institutions to  
9 create it. And so, what is it? And I think people spoke  
10 to this, in a very specific way. What is this social  
11 solidarity?

12 And then David gave us the Norwegian example;  
13 Nils Christie said of Anders Breivik, he is one of us. So  
14 this social solidarity, at some level, is feeling like our  
15 neighbors are one of us.

16 Aisha spoke about redeemability, right. If our  
17 neighbors are redeemable, if they do something harmful,  
18 and yet, we can imagine their redemption, then they are  
19 part of our community. That is a way of thinking about  
20 them being part of our community.

21 The health lens that Danielle introduced as a  
22 way of thinking about human flourishing and connection, I  
23 think, is also a way of thinking about this social  
24 solidarity that joins us together. It is a social  
25 product, this human flourishing.

1           And Heather spoke about this, and Kimá spoke  
2 about this, and Hedy did as well. And I think, when we  
3 talk about health, what I hear is, you know, not just  
4 being in good physical health, though it includes that.

5           But it is also talking about our capacity for  
6 human creativity and our capacity to engage in loving  
7 relationships. These are all of the elements of health  
8 and human flourishing that are part of the connection  
9 among us.

10           But there are threats to solidarity. And that  
11 is what we spent a lot of time talking about, in many  
12 ways. And what are these threats to solidarity, and can  
13 they be overcome.

14           Number one, very deep economic inequalities.  
15 Kristian spoke to this. And of course, violence. Chas  
16 said, is anyone outside of this circle of social  
17 solidarity. What about people who have violently harmed  
18 others? That seems really difficult to surmount in  
19 politics, and in public policy.

20           And Courtney, I hear Courtney to be saying,  
21 well, what about you know, history. You know, a long  
22 history of racial exclusion, and injustice that is  
23 institutionalized, manifest today in our Constitution. So  
24 these are the threats to solidarity that I heard.

25           And they are all forms of alienation, I think,

1 to use Danielle's language. Economic inequality,  
2 violence, and institutionalized history of racial  
3 exclusion.

4 And then, Vivian put the point really  
5 pointedly, and said, well, maybe America is different.  
6 Maybe American exceptionalism is so threatening to the  
7 project of social solidarity. You know, that -- she was  
8 saying, that is the source of my pessimism, right now. So  
9 that is point number one: what does social solidarity  
10 consist of?

11 Point number two: how do you build it? And we  
12 spoke about that. And Danielle provided two answers off  
13 the bat. Organize [audio skip] -- there is a political  
14 process, and there is a cultural project. This shared  
15 moral imagination.

16 So organization, we unpacked that a little bit.  
17 What does that mean? It means protest. It means people  
18 going to the streets. Meaningful change comes from the  
19 ground up, is what Elizabeth said.

20 But we also heard the importance of running for  
21 office. We also heard the importance of voting. And as a  
22 tactical matter, we heard from Vivian and Courtney and  
23 Danielle the importance of shrinking this disagreeable,  
24 irresolute fraction to the smallest, the smallest number  
25 possible. That is part of the political process, too.

1           What about this shared moral imagination, this  
2 cultural project? It consists of many, many things. And  
3 the general thing I am trying to get across here is, that  
4 at some level, we are having a fairly abstract discussion.

5       But we can point to real examples on the ground of  
6 concrete instances of the things that we hope can promote  
7 justice.

8           Sheer moral imagination, it sounds like this  
9 abstract cultural project. But I heard that, you know, it  
10 is as concrete as a federal system in which there is  
11 national data on case clearance rates. It is coordination  
12 between different levels of state, federal, and local  
13 policymaking.

14           And Hedy's point, which I thought was  
15 brilliant, it is collective faith. The fact that the poor  
16 health of millionaires is in somehow -- is in some way  
17 connected to the poor health of some of the most  
18 disadvantaged members in our society. As a country, we  
19 are not well. As a collective, we are not well.

20           So that was the second point: how do you build  
21 solidarity. And Black Lives Matter -- Danielle pointed to  
22 Black Lives Matter as operating many of these -- operating  
23 successfully at many of these levels.

24           The third point: the institutions themselves.  
25       What are these institutions that promote association and

1 overcome alienation? And we heard a bunch of concrete  
2 examples of that.

3 And I was reminded of David Garland's, in our  
4 very first meeting, I think it was, account of the  
5 European welfare [audio skip]. Right. That our criminal  
6 justice system is imbedded in a larger political economy.

7 And the European welfare states struck me as an  
8 institutional representation of this social solidarity  
9 that we are striving towards.

10 But a bunch of concrete examples came up in our  
11 conversation. Solidaristic institutions attend to  
12 healing, right. Aswad said, these solidaristic  
13 institutions attend to the healing of victims. And that  
14 has to be core to the function of this new kind of  
15 institutional landscape that we are imagining right now.

16 Jorge said, they should encompass ceremonies of  
17 reintegration, right. And we don't have that. We have  
18 these degradation rituals in our criminal justice system.

19 But we need ceremonies of reintegration, channeling Shadd  
20 Maruna. [Audio skip] Justice L.A., you know, where the  
21 goal there was to replace the jail with alternatives to  
22 incarceration, to replace the project of alienation with  
23 the project of solidarity.

24 So all of these three things. What does  
25 solidarity consist of? How do you build it? What do the

1 institutions look like? These are all elements of a  
2 virtuous circle, right.

3           There isn't a sequence of events where first,  
4 you organize and then -- or, first you have patterns of  
5 solidarity, and you build on those to organize. And then,  
6 you make these institutions. All of these things are  
7 interconnected.

8           And I think that is something that we created.

9           That is an idea that we created in this conversation and  
10 over the course of the roundtable. This idea of a  
11 virtuous circle that involves solidarity, a political  
12 process of organization, and cultural imagination. And  
13 the creation of institutions that heal and restore and  
14 fully [audio skip], and don't cast them out, don't make  
15 outlaws of them.

16           Optimism, pessimism. But the question is,  
17 should we be optimistic or pessimistic about the prospects  
18 of the creation of such a virtuous circle. Is American  
19 exceptionalism, is the weight of history so heavy in this  
20 country that we can't escape the logic of exclusion and  
21 injustice that we have created for ourselves.

22           I would say this. There are real examples of  
23 associative institutions that came up in our discussion.  
24 There are real examples of organization that is happening  
25 right now, that is seeking to overcome this exclusionary

1 system of police and prisons and courts.

2 And just on organization, this is a quote that  
3 has been in my head, that I love it. From Ta-Nehisi  
4 Coates, and you know, a pundit asked Coates, Oh, it is  
5 fine if people protest, but will they go out and vote.  
6 And Ta-Nehisi says, Well, you know, the question for me  
7 is, like, it is fine if people vote, but will they go out  
8 and protest.

9 And in a way, I think that is the political  
10 question that we are working through right now. But there  
11 is real organization, and there are real examples of  
12 social solidarity. Norway is one. David Garland pointed  
13 to it. But Norway is a long way away, and it is a very  
14 small country.

15 So are we trapped by history? There have been  
16 moments of dramatic change in this country that have been  
17 precipitated by civil war, by depression, by massive  
18 social mobilization. And I feel like we are in a period  
19 that is potentially characterized by dramatic change.

20 And that is an open question. And we all have  
21 a measure of agency in our relationship to that question.

22 And that is where I would like to leave today's  
23 discussion.

24 Oh, boy. I mean, if we were in person, we  
25 would retire to the hotel bar right now, and we would hash

1 this out for the next four hours. I feel just so grateful  
2 and connected to all of you, to be a part of this process  
3 at what I think is a historic time.

4 I am just very, very grateful. Very, very  
5 grateful, indeed. I want to thank the audience that is  
6 watching the live stream. People can be part of the  
7 discussion on there. They can go to the Square One  
8 website, become involved in the next roundtable.

9 I want to thank the whole Square One team.  
10 Sukyi, Sukyi McMahon has just been the genius organizer  
11 and leader of this whole process. So I thank Sukyi.

12 Katharine Huffman, the Executive Director of  
13 Square One has been extraordinary. I think I couldn't  
14 have done any of this, I wouldn't have done any of this,  
15 but for my great friendship and collegial relationship  
16 with Jeremy Travis, who I think is a national living  
17 treasure to the world of justice reform.

18 Anamika Dwivedi has been an extraordinary  
19 member of the team. Madison Dawkins, Evie Lopoo have all  
20 been behind the scenes making this all happen. I am so  
21 thankful to all you guys.

22 This isn't the end of anything. This  
23 conversation among us will certainly continue. Another  
24 Square One roundtable will be held next year. It is on  
25 the theme of values. And I hope you can join us for that

1 conversation. So with that, good night.

2 MS. HUFFMAN: Thank you, Bruce.

3 MR. WESTERN: That was a good one.

4 (Whereupon, at 5:04 p.m., the meeting was  
5 concluded.)

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C E R T I F I C A T E

MEETING OF: The Square One Project

LOCATION: via Zoom

DATE: September 16, 2020

I do hereby certify that the foregoing pages, numbers 1 through 91, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Latrice Porter.

DATE: September 22, 2020

/s/ Carol Bourgeois  
(Transcriber)

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