

Concentric Justice: Ecosystem, Culture, and Resiliency
A Rule of Law Conceptual Framework
Discussion Paper¹
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A society without justice cannot be sustained nor survive in peace.

The ends of judicial administration – liberty, social order, equal access, and equality – demand truth and fairness.

“The people have a right to the truth as they have a right to life, liberty and the pursuit of happiness.”
Epictetus (circa 50 – 135 A.D.)

Res judicata pro veritate habetur – anything adjudicated is regarded as the [judicial] truth.

Introduction

In this paper, we outline the contours of *Concentric Justice*, a framework for thinking about a justice system’s ability to foster and sustain the rule of law through its justice institutions and legal culture. The framework focuses on (a) the “practices” of justice system actors, (b) the dynamics between justice institutions, legal culture, and the legal profession, and (c) the justice system’s capacity to foster (or undermine) the rule of law in a society. Neither the ends nor the impact of the rule of law is singular in purpose or understanding but rather holds varying utility and degrees of meaning for societies, constituent groups, and individuals. How *law* is conceptualized, organized, and implemented is not simply an exercise in legal methodology. It involves unique social, economic, political, and cultural understandings within a society that express themselves as social practices or patterns and that, over time, evolve to reinforce or weaken the rule of law. For example, the resolution of a legal dispute by a judicial body often results in a favorable judgment for an individual party or the affirmation of the collective rights of a constituent group. But the degree to which a court anchors its judgment in objective findings of facts (subject to evidentiary standards) and the reasoned (not just reasonable) application of law tells us much about the utility of that judgment not only in resolving a particular dispute but also as a source of common truth that supports (or undermines) certain societal values. One need only consider the practices of tribunals that adjudicate war crimes cases to illustrate the point. A judicial decision, resting on facts and the reasoned application of the law can be a source of societal understanding of the harm perpetrated by those responsible and a catalyst that further entrenches the rule of law. In other words, it forms a critical element, a practice, in discerning the truth of events through evidence and law that is instrumental in protecting fundamental rights, creating a factual public record, and promoting broad social values. This is because in most societies a judicial decision is not just an exercise in case adjudication. It carries with it implications for the coherency and stability of the rule of law and the public’s trust and confidence in the fair administration of justice. Concentric Justice is concerned with discerning this dynamic within a society; with how it “thinks” about, practices, and expresses the interplay of law and justice institutions so that measures can be taken to foster the rule of law.

¹ This discussion paper is the outgrowth of numerous conversations with our colleague, Jeffrey A. Apperson.

As we explain below, Concentric Justice strives to be an entry point for a rule of law dialogue that focuses on the ecosystem of justice institutions, their practices, the impact of legal culture, and the influential role of the multiple generations of the legal profession. Concentric Justice encourages exploring the dynamics and practices that generate and sustain the rule of law. From a rule of law development perspective, the framework focuses on the idea that justice is framed by a series of both conceptual and institutional interactions and understandings, each of which either contributes to or detracts from a society's commitment to the rule of law and the fair administration of justice. Fundamental to understanding Concentric Justice is (a) identifying the "*ecosystem*" of justice institutions and actors that comprise the justice system, (b) examining their practices; (c) recognizing their interdependent relationships in contributing to the rule of law, and (d) identifying how this ecosystem both shapes and is shaped by the "*legal culture*" of a society. A "justice ecosystem" denotes the complex interdependency of justice sector institutions and actors with each either furthering or undermining justice outcomes and, by extension, the rule of law. "Legal culture" shapes a society's collective understanding of justice broadly and how it is realized.

While the ecosystem is generally easy to define given its identifiable institutions, legal culture is more amorphous. The latter develops over years of social and historical understandings – expressed and assumed – that are often reinforced in legal education, professional performance and ethics standards, normative law, jurisprudential tradition, the judiciary's commitment to objective evidence and legal reasoning, notions of civic and community accountability, institutional practices, leadership, and justice system governance. While not exhaustive, legal culture often manifests itself in the practices of at least three generations of legal professionals who, in their capacities as judges, prosecutors, lawyers, law professors, legal counsel, legal advocates, and managers, lead the justice institutions that comprise the ecosystem. Concentric Justice presupposes that while the justice ecosystem is affected by the legal culture, that same ecosystem affects and can improve upon legal culture. How well a justice ecosystem embodies the core aims of truth, integrity, and justice administration – and to what degree the legal culture demands the ethical and competent performance of legal professionals and institutions in serving those aims – can indicate how resilient and sustainable the rule of law is in a society. Thus, a probative examination of the interaction between a justice ecosystem and legal culture will acknowledge the multi-generational dimension to the rule of law. Piecemeal and short-term reform efforts inevitably lead to limited impact, partial or narrow solutions, mechanical assessment based solely on program performance, and short-sightedness in confronting the challenges that the ecosystem and culture inevitably encounter.

A few disclaimers are important at this point. First, we acknowledge that we approach the rule of law through our own cultural understandings. But we believe that there are certain universal values that rest at the heart of any fair, just, and inclusive human society. Many of these values are expressed in such documents as the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child, and countless regional national instruments – for example, the founding treaties of the European Union,

the European Convention on Human Rights, the African Charter on Human and People's Rights, the American Convention of Human Rights – to name a few. Woven through these and other agreements are certain basic values that evidence broad cultural understanding of and concurrence in the foundations for just societies guided by the rule of law. Many nations have agreed to some, if not all of these agreements, evidencing an almost universal embrace of certain values. For some nations, however, the individual rights and state responsibilities secured by these agreements are aspirational and yet to realized. For all nations, ensuring and sustaining the rule of law objectives inherent to these agreements are forever the ongoing work of current and future generations.

Second, we believe that defining the role of the justice system in pursuing and protecting the rule of law is paramount. At the heart of every effective justice system is an unwavering connection between the search for truth and the rule of law. This connection is an important manifestation of societal values. This is not to suggest that a justice system does not have other obligations, for example, maintaining a predictable, fair, and coherent legal process or addressing the needs of litigants. These obligations, however, only have broad societal impacts to the degree that the justice system is committed to and forges the nexus between truth-seeking and the rule of law. This truth-seeking responsibility is the foundation of public trust and confidence in the fair administration of justice. A justice system that fails in the pursuit of truth will lack resiliency and be susceptible to manipulation by political forces that seek to *rule by law* rather than uphold the *rule of law*.

Third, one of our major concerns is that as more social, economic, and political problems are pushed to the justice system for solutions (not just resolution), the truth-seeking role of the system can take on less emphasis. Certainly, justice institutions have a role in addressing injustices individually and collectively. They can do this through a myriad of mechanisms including coordinating litigant support services, adjudicating claims that define the breadth and limit of rights, expanding the use of technology to promote efficiency and access, and engaging in public education campaigns. While injustice can be broadly expressed in any society, the role of the justice system in addressing broad systemic injustices may be more circumscribed given the important normative value of its truth-seeking function. Not every unmet social, economic, or other societal need is necessarily a problem the justice system is designed to address. This may prove dissatisfying for some, particularly when other institutions of government fail to meet obligations to address injustices. Yet, clearly defining the role, responsibilities, and capabilities of a justice system is critical in order to avoid overpromising its abilities to solve broad socio-economic problems or diminishing its principal role of protecting the rule of law as *the* means for peacefully mediating human conflict and disputes.

Fourth, we place significant emphasis on the role of the legal profession in the Concentric Justice framework. Why this emphasis as opposed to a larger body of contributors? We reject any notion that legal culture and the justice ecosystem are the exclusive domains of the legal profession. Such a notion ignores the vital importance human beings place on concepts such as “law,” “justice,” and “fairness” in mediating disputes, protecting individual rights, and placing limitations on government power. Nevertheless, it is undeniable that the role of the legal profession in shaping and reshaping legal culture and justice institutions is significant – for better or worse. In our view, the legal profession

is the central agent of the rule of law. It has a special responsibility to shape legal culture and the justice ecosystem in pursuit of truth and fairness, which is essential in balancing the rights of individuals with the collective social interests that benefit all. It is the core responsibility of the legal profession to ensure that the laws, legal norms, and processes for resolving disputes and promoting justice support all members of society and not simply the interests of a privileged few. A concentric view of justice recognizes the legal profession's key role in a justice system and should be the source of resiliency in upholding and preserving the rule of law reform. Concentric Justice recognizes that the practices of justice institutions and the legal profession have pervasive effects on legal culture and a society's commitment to the rule of law. Those effects can be positive or negative. But in the end, creating and sustaining the rule of law is a multigenerational exercise of constantly reinforcing the very best practices and effects.

This paper consists of four sections. *Section 1* introduces Concentric Justice as one way to think about how the rule of law comes about and is sustained in a society as contrasted with other rule of law frameworks and indexes that seek to define or measure the state of the rule of law or justice institution performance from a more programmatic or output-based perspective. If the pursuit of truth is at the core of justice, and we submit that it is, the justice ecosystem must be hyper-focused on truth-seeking as core to its role in society. The interplay of a justice ecosystem and legal culture is a concentric phenomenon in which pursuing truth, ensuring integrity, and administering justice fairly are the indicators of the capacity and resiliency of justice institutions to establish and sustain the rule of law. *Section 2* explains why it is important to focus dialogue on the dynamic of the rule of law in contrast with what constitutes the rule of law or definitions of the rule of law. We believe that Concentric Justice, as framework, offers modern context to a shared understanding of and appreciation for the rule of law across legal systems and cultures. *Section 3* provides a three-layered examination of Concentric Justice – the interplay of a justice ecosystem and legal culture, the concentric dynamic of what we assert are the cornerstones and coordinates of a justice ecosystem and legal culture, and the notion of “justice resiliency.” *Section 4* offers concluding observations.

1. An Alternative Rule of Law Framework

As a conceptual framework, Concentric Justice strives to establish a way of thinking about the rule of law, migrating away from the notion it is a sublime ideal and towards the notion that it is a dynamic generated by the interactions between the justice ecosystem and legal culture. Describing the general contours of Concentric Justice is an initial undertaking and not a final effort. We recognize that it is natural for a conceptual framework to evolve. A more detailed exploration and explanation of the interplay of a justice ecosystem and culture, the inter-dependent relationships of justice institutions, and the converging effect of the cornerstones and coordinates will offer added substance to a layered examination of Concentric Justice.

But as an entry point, we believe the rule of law dialogue should be framed by considerations of how the rule of law comes about in a society, the foundations and conditions necessary to sustain it, and the dynamics that lead to resilient justice institutions or erode that resilience. Therefore, Concentric Justice offers a perspective of the rule of

law as a dynamic for how institutions of a justice ecosystem should interact and engage the public's need for justice. An effective concentric dynamic can generate unison across institutions furthering the "supply" of truth, integrity, and the effective administration of justice. An ineffective concentric dynamic has the opposite effect, diffusing institutional commitments and social principles thereby reducing the supply of truth, integrity, and the effective administration of justice. Thus, the dynamic serves as a barometer of the capacity and resiliency of the justice ecosystem to maintain and uphold the rule of law. Absent a "constellation" understanding of the connections between justice institutions, their practices, and legal culture, there is a tendency to conflate the justice system into a singular undertaking that does not exist and impose responsibilities that it is not equipped to manage.

In surveying the landscape of rule of law dialogue in recent years, particularly in relation to justice reform efforts across emerging democracies, we have noticed that the dialogue is increasingly shaped by "frameworks" or "indexes" that describe what the rule of law is and what reform initiatives should be prioritized to achieve "better" justice outcomes or to "increase" the justice system's supply of services. These frameworks or indexes often use metrics gaging year-over-year a country's progress in upholding the rule of law. Some frameworks claim to be a paradigm shift without describing the previous paradigm that they are shifting from in meaningful depth. Some frameworks and indexes approach the rule of law as an examination of one or more aspects of justice systems and their institutions, for example, the degree of judicial independence and accountability, the performance level of courts or prosecutor offices in processing cases, the state of legal education reform, and the presence of public corruption. More recently, some frameworks have focused broadly through the lens of access to justice and whether justice institutions are people-centered and responsive to a plethora of "justice needs" that increasingly run the gamut of society's proliferating social, economic, and political problems. These frameworks or indexes tend to describe or define what the rule of law is or what it should look like, or even try to measure it using a scoring system. In the attached appendices, we have summarized a few justice reform frameworks and indexes that seek to evaluate, measure, or rate justice institutions and/or the rule of law.² In contrast, Concentric Justice seeks to refocus the rule of law dialogue on the ability of the justice ecosystem – its constituent justice institutions and actors – to promote the rule of law as the core of the broader legal culture, a culture that can address the burgeoning challenge of supplying truth, integrity, and justice to a society.

2. The Rule of Law in Modern Context: A Dynamic

Why is it important to refocus dialogue on understanding the dynamic of rule of law? In the 21st century it is no longer a question of defining the core elements of rule of law. Rather the challenge is how to generate the rule of law within a nation's justice ecosystem defined by interdependent justice institutions, practices, and actors. Critical to this challenge is recognizing that legal culture and the legal profession are significant contributing factors in establishing and increasing a society's commitment to the rule of law. By examining the rule of law as a dynamic,

² See *infra*, **Appendix 2**, International Community Justice Reform Frameworks and **Appendix 3**, Measuring the Rule of Law – Justice System Indexes.

Concentric Justice can promote a shared understanding across justice systems that, despite their differences, aspire to truth, integrity, and justice. How to secure these ends is a shared struggle – and dynamic. Global conflicts in recent decades remind us of how essential respect for and adherence to the rule of law is to ensuring peace and stability in a country, across a region, or even globally. International legal frameworks developed in the 20th century and subscribed to by virtually every nation is indicative of a near-universal understanding of the importance of the rule of law and the values and principles that define just societies.

Considerable effort has been expended defining the rule of law, and this remains part of an ongoing global discussion. However, there also remains important work to be done on understanding how the rule of law in its various definitional forms is established and maintained in countries given their own unique justice ecosystems, legal culture, and generational challenges. While there are various definitions of the concept of the rule of law,³ there are general principles that seem to ungird each definition. One that is widely acknowledged is that of the United Nations:

The rule of law is a principle of governance in which all persons, institutions, and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.⁴

A definitional understanding of the rule of law, while important, is not an end station.⁵ As important as it is to define the rule of law, it is equally if not more important to examine the rule of law as a dynamic – how it comes about and is sustained.

3. Concentric Justice – A Layered Framework

To evaluate the rule of law as a dynamic, Concentric Justice presents a multi-layered framework. The *first layer* considers the rule of law as an interplay of a justice ecosystem and legal culture with each being the “tectonic plates” of the rule of law. The *second layer* is comprised of four Cornerstones and four Coordinates of a justice ecosystem, fleshing out the core purpose and aims of a justice system in the context of the capacities and resources necessary for the administration of justice – that is, the supply of truth, integrity, and justice administration services needed to meet demands across a spectrum of society. These three commodities are inseparable in a resilient justice

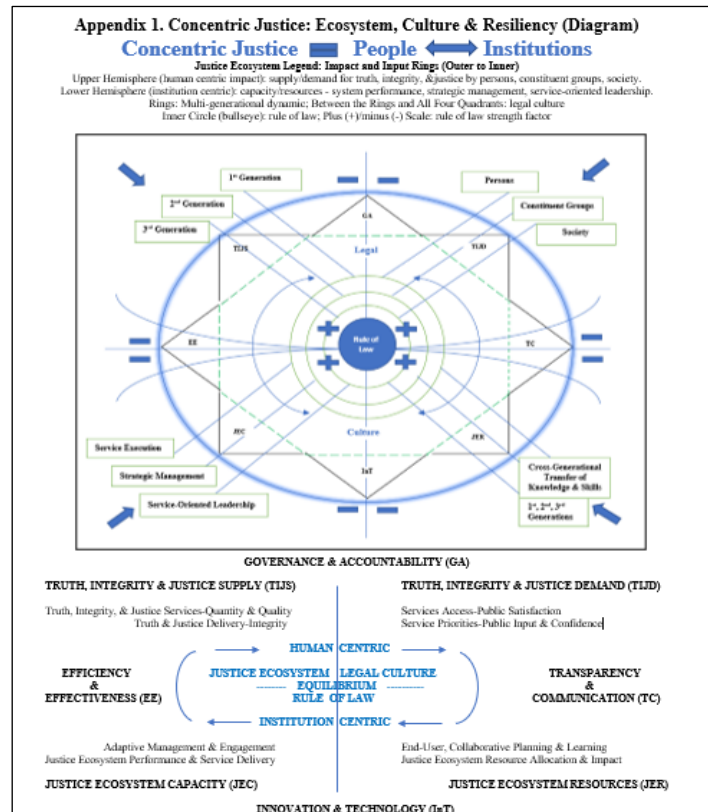
³ See, for example, World Justice Project, which identifies four universal principles for the rule of law: accountability, just law, open government, accessible and impartial justice; <https://worldjusticeproject.org/about-us/overview/what-rule-law>. The American Bar Association describes the rule of law as a set of principles for ensuring an orderly and just society, such as where “no one is above the law, everyone is treated equally under the law, everyone is held accountable to the same laws, there are clear and fair processes for enforcing laws, there is an independent judiciary, and human rights are guaranteed for all”; https://www.americanbar.org/groups/public_education/resources/rule-of-law/. Commentary on the Bangalore Principles of Judicial Conduct (2007) notes that “judicial independence is a prerequisite to the rule of law ... a judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects”; see Value 1: Independence, at p. 35, https://www.judicialintegritygroup.org/images/resources/documents/BP_Commentary_Engl.pdf.

⁴ United Nations, Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616); <https://www.un.org/ruleoflaw/what-is-the-rule-of-law-archived/>.

⁵ The Council of Europe’s Venice Commission has developed an extensive checklist for evaluating the common features of rule of law. See the European Commission for Democracy Through Law (Venice Commission) Report, *Rule of Law Checklist* (2016) at: https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf.

ecosystem. Concentric Justice is the convergence of the four Cornerstones and four Coordinates of a justice ecosystem, suffused in a legal culture, generating the rule of law through an institution- and human-centric dynamic. The *third layer* considers the “resiliency” of justice institutions as a barometer for how a justice ecosystem and legal culture come to bear and uphold the rule of law, particularly when a nation is tested by repressive or divisive forces. As we have seen in parts of the world, the stability of the rule of law and democracy in the 21st century will depend upon the resiliency of justice systems. “Justice resiliency” is the ability of the justice ecosystem to innovate and withstand attacks designed to erode public trust and confidence in the rule of law. It is a derivative of the institution- and human-centric dynamic within a justice ecosystem. A justice ecosystem is not solely determined by, among other things, well-drafted laws that reflect public input and protect individual rights, independent and accountable justice institutions that apply the law fairly, or the efficacious administration of justice that meets the justice needs of society, constituent groups, and individuals. A further dimension is that justice resiliency is a multi-generational undertaking at any given time; and therefore, the legal profession, which shapes and is shaped by the legal culture, has a paramount role in transitioning a justice system through the cross-generational transfer of legal knowledge and maintenance of high standards of professionalism.

Appendix 1 contains a diagram of Concentric Justice. As described in more detail in this paper, the four quadrants of the diagram include the four Cornerstones and four Coordinates that contribute to the purpose and function of a justice ecosystem. The convergence of the Cornerstones and Coordinates is both an institution- and human-centric dynamic necessary for resiliency and safeguarding the rule of law. The diagram consists of rings that convey the concentric nature of a justice ecosystem and the interdependency of justice institutions. Each ring represents a distinct impact of the rule of law on individuals, constituent groups, and society with a multi-generational dimension. The legal culture pervades the rings and the four quadrants as a representation of how the force of legal culture contributes to the concentric nature of the rule of law and how interdependent justice institutions and actors operationalize the rule of law to supply truth, integrity, and justice services to meet societal demands.



Layer 1: Interplay of a Justice Ecosystem and Legal Culture

The practices and interplay of a *Justice Ecosystem* and *Legal Culture* is the dominant determinant of the resiliency of the rule of law in a society. How these justice institutions function individually and collectively in an ecosystem will substantially impact the administration of justice in society and shape public confidence and trust in the justice system. Ensuring the fair administration of justice under law is a constant process of strengthening the institutional capacity and practices of justice institutions. This is true in emerging and established legal systems regardless of their “stage” of development. This iterative process is illustrated by the legal profession adapting to changes to laws, modernization of legal practice and procedure, and the introduction of new technologies in justice systems to keep pace with society’s needs. At the same time, just as the legal system is adapting to changes, the system itself is also a potent catalyst for change. In this ever-changing process, the interplay of a justice ecosystem and legal culture has a central purpose – to advance the rule of law as the foundation for a just society. It is paramount, therefore, that rule of law development efforts focus on how the justice ecosystem and the legal culture converge to support dominant objectives of the rule of law, which are:

- ***Pursuit of the Truth.*** Justice institutions pursue the truth based on evidentiary rules and legal reasoning in adjudicating disputes by applying verified facts to just laws.
- ***Ethics & Public Trust.*** Legal professionals are dedicated to well defined and values-based ethical standards that regulate conduct, thereby promote public trust and confidence in the legal profession.
- ***Independence & Due Process.*** The independent adjudication of disputes and the independent prosecution of crimes are carried out transparently according to fair laws, due process of law, reliable evidence, and equitable treatment.
- ***Certainty in the Law & Resistance to Arbitrariness.*** The institutions and actors within the justice ecosystem uphold certainty in the law, ensure broad participation and acceptance of legal structures, and resist arbitrariness or political influence in the application of the law.
- ***Check on Abuse of Power & Authoritarianism.*** Government structures are publicly accountable, service-oriented, avoid concentrations of power, promote transparency, and are not subject to “capture” by narrow and self-serving interest groups or manipulation by authoritarian regimes.
- ***Human Rights & Liberty.*** Government authorities adhere to norms and standards reflected in basic principles of universal human rights, as evidenced in international treaties, conventions, agreements, and action plans, and secure the blessings of liberty.⁶

⁶ Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966) and its optional protocols; International Covenant on Economic, Social and Cultural Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984); Convention on the Rights of the Child (1989) and its optional protocols (2000); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and the International Convention on the Rights of Persons with Disabilities (2006); EU Action Plan on Human Rights and Democracy 2020-2024; African Charter on Human and People’s Rights (ACHPR) (1981); African Charter on the Rights and Welfare of the Child (ACRWC) (1990); Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003); American Convention on Human Rights (1969).

A concentric view of justice realizes that the institution- and human-centric dynamic in a justice ecosystem supports these dominant objectives. The human-centric aspect demands truth, professional integrity, and the fair administration of justice. The institution-centric aspect focuses on the institutional capacity and resources needed to respond to public demand for truth, professional integrity, and justice administration services. This dynamic between justice institutions and people shapes public trust and confidence in the rule of law. In administering justice and resolving disputes, justice institutions, instilled with legal culture, are the means to determining truth and accountability, not simply a provider or a gateway to social services. As generations come and go, justice institutions are continuously seen as one of society's most stabilizing influences not only because they dispense justice but also because of their adherence to certain legal norms and standards that pass from generation to generation. Thus, just as legal culture can shape the course of law and justice institutions, effective justice institutions staffed with competent and ethical legal professions can support and stabilize multi-generational societies. Concentric Justice adopts the "long view," recognizing that the justice ecosystem and legal culture are inextricably linked, that justice institutions and people engage each other across multiple generations, and that these interactions determine the resilience of justice institutions to uphold the rule of law in a society.

Layer 2: Justice Ecosystem and Legal Culture: Cornerstones and Coordinates

The rule of law is framed by an ecosystem of interdependent institutions that, in executing their public mandates, collectively generate a human- and institution-centric dynamic. This dynamic can be described as a convergence of "Cornerstones" and "Coordinates." How effective (how well) and efficacious (to what extent) a justice system upholds the rule of law and administers and expands access to justice depends upon this convergence effect. Concentric justice refocuses attention on a justice system's charge to seek the truth, advance legal profession integrity, and administer justice to meet the varying demands of individuals, constituent groups, and society. How well and to what extent a justice system can meet these public demands will depend upon the capacity and performance of interdependent justice institutions, the resources at their disposal, and the legal culture that shapes them. Justice systems that meet public demands for justice have a high degree of resiliency, the third layer of Concentric Justice.

Cornerstones

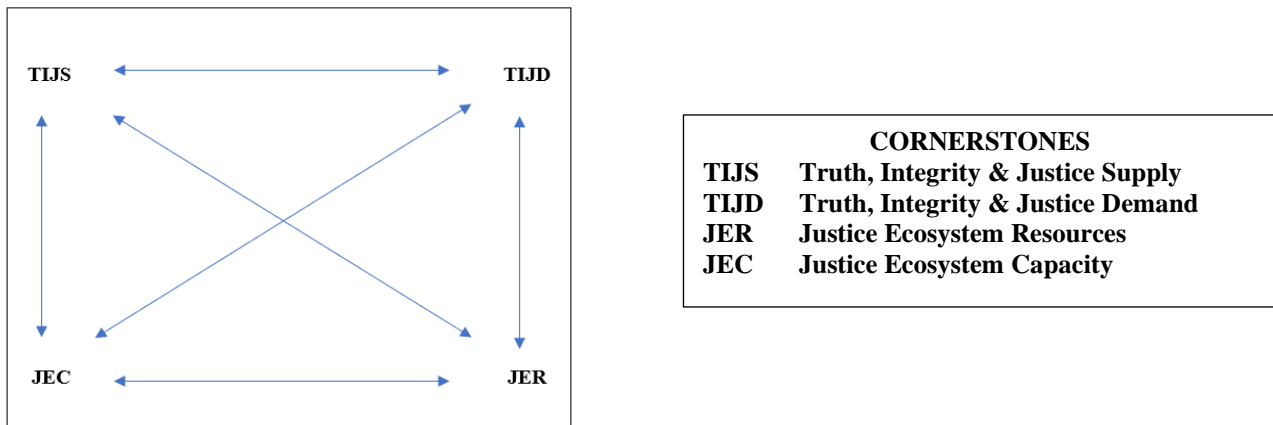
The "scaffolding" of Concentric Justice is illustrated as Cornerstones and Coordinates to further conceptualize how the rule of law comes about and is maintained in an ecosystem of justice institutions. These Cornerstones and Coordinates contribute to the human- and institution-centric dynamic of a justice ecosystem that generates the rule of law in varying degrees depending on the effectiveness of associated practices. The human- and institution-centric dynamic of a justice ecosystem's institutions and actors, combined with the convergence of the Cornerstones and Coordinates, creates a concentric process that supports rule of law outcomes. The Cornerstones and Coordinates are a conceptual means for examining how the rule of law comes about within the complexity of a justice ecosystem shaped by legal culture.

To a large degree, the ecosystem of justice institutions is subject to the forces of supply and demand. Accordingly, we view the justice ecosystem as consisting of *four Cornerstones*:

- (1) Truth, legal profession integrity, and justice administration supply (TIJS),
- (2) Truth, legal profession integrity, and justice administration demand (TIJD),
- (3) Justice ecosystem capacity (JEC), and
- (4) Justice ecosystem resources (JER).

Figure 1 represents each of the Cornerstones has interdependent relationships that impact the justice ecosystem.

Figure 1. The Four Cornerstones



The top two Cornerstones address the core purpose and responsibility of a justice ecosystem as seen from justice supply and demand standpoints of society: (a) the degree to which the justice system is able to supply truth, integrity, and justice; and (b) the degree to which these same attributes are actually demanded by the people the system serves. Truth, legal profession integrity, and justice (as administered) are distinct in purpose and scope but collectively concern the rule of law and, when supplied in sufficient measure, contribute to public confidence and trust in the justice system. These top two Cornerstones concern the “attitude” of the justice ecosystem and the public. These cornerstones focus on the worth that both the system and the public place on the values of truth, integrity, and justice as guiding principles of the justice system. The bottom two Cornerstones address a justice ecosystem’s ability to achieve its core purposes and aims in light of: (a) the resources available to the ecosystem; and (b) the ecosystem’s capacity given the resources available to it. The resources available to the justice ecosystem are more than just the fiscal resources dedicated to the system. It includes the availability of well-trained legal professionals, established and coherent systems of laws, and the accessibility to programs that serve litigant needs.

The upper two Cornerstones of a justice ecosystem emphasize the supply and demand of truth, integrity, and justice administration. The lower two Cornerstones concern the resources for and capacities of the institutions of a justice ecosystem. In recent years, the overriding concern has been that justice institutions meet the public’s need for justice services. However, truth and integrity are central tenets of justice, and they are essential to establishing the rule of law. The administration of justice cannot be decoupled from the responsibilities of justice institutions to pursue

truth with professional integrity. The role of the legal profession is central to fulfilling these responsibilities. Where the legal profession lacks a commitment to truth and integrity, the administration of justice is undermined.

The legal profession's commitment to truth and integrity are exemplified in codes of ethics and the lawyer's oath. For centuries, the lawyer's oath has included a truth function.⁷ In ancient times, Greek advocates swore to represent the "bare truth."⁸ In the Roman Empire during the era of Justinian, a lawyer swore to carry out for clients what is considered true and just and not to prosecute a lawsuit the lawyer knows to be dishonest, utterly hopeless, or composed of false allegations.⁹ During the Middle Ages, legal advocates swore to undertake client causes with good faith and truth and without tergiversation.¹⁰ As early as the 13th century, English advocates took a similar oath, swearing not to bring any case to trial unless they believe it to be true and honest.¹¹ In 1402, by act of English Parliament, the attorney's oath barred falsehood in litigation.¹² Similarly, in France, by the thirteen century, a legal advocate swore not to perpetrate falsehoods.¹³ The 1816 lawyer's oath in the Swiss Canton of Geneva obligated the lawyer "to not knowingly use any means outside the truth in order to maintain the causes before me, and to never trick Judges by any means, nor by any false presentations of facts or law."¹⁴

In colonial America, the colonies followed the English lawyer's oath of "do no falsehood."¹⁵ In the early twentieth century, the American Bar Association adopted a modified version of the Swiss lawyer's oath. As a condition of admission to the bar in states across the United States, it is common that a lawyer must take an oath to uphold the U.S. Constitution and the laws of that state in furtherance of the cause of justice. A distinguishing feature of a traditional oath of the legal profession is the requirement that an attorney employ "such means only as are consistent with truth and honor, and will never seek to mislead a judge or a jury by an artifice of false statement of fact or law."¹⁶ Herein lies the import of legal culture, which shapes and is shaped by the integrity of the legal profession. Creating integrity within the legal profession is a continuum, spanning several stages of the legal professional path: (1) the student of law at the university, (2) post-graduate legal apprenticeship, (3) young legal professional (passing the bar and entering the legal profession as entry level lawyer, judge, or prosecutor), (4) experienced legal professional, and (5) retired legal professional. Across this multi-generational continuum – another example of an interdependent relationship – the legal profession will educate students in law, support the drafting of laws, render judicial decisions that contribute to a jurisprudential body of law, prosecute criminal offenders, provide training and mentorship, and aspire to civic engagement and pro bono service. No other sector of society will shape

⁷ See Carol Rice Andrews, *The Lawyer's Oath: Both Ancient and Modern*, 22 Geo. J. Legal Ethics 3 (2009) for an examination of historical and modern lawyer oaths: https://scholarship.law.ua.edu/cgi/viewcontent.cgi?article=1034&context=fac_articles.

⁸ *Id.*, at 8.

⁹ *Id.*, at 8-9.

¹⁰ *Id.*, at 10.

¹¹ *Id.*, note 35 at 11.

¹² *Id.*, at 13.

¹³ *Id.*, note 56 at 15.

¹⁴ *Id.*, at 18.

¹⁵ *Id.*, at 19.

¹⁶ See, e.g., the attorney's oath for admission to practice of law, Wisconsin Supreme Court Rule 40.15. The Indiana Bar Association maintains a complete list of oaths of office for U.S. attorneys: <https://cdn.ymaws.com/www.inbar.org/resource/resmgr/litigation/Oaths.pdf>.

a nation’s legal culture quite like the legal profession. The ability of the legal profession to instill and uphold integrity is foundational to the administration of justice. Therefore, it is necessary that, within the justice ecosystem, interdependent relationships among justice institutions and across multiple generations be rooted in professional standards for ethics and competence and facilitate mentorship and training of law students and young lawyers.

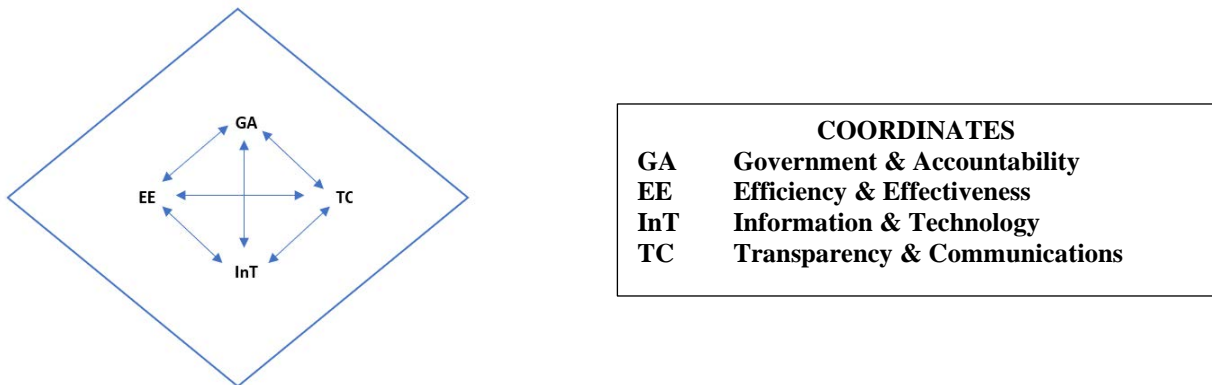
Coordinates

Even when a justice ecosystem is properly resourced, there are additional elements – what we call the coordinates – that further determine its ability to deliver justice and promote the rule of law. These coordinates examine the effectiveness of a system’s internal practices or what might be described as its ability to “run the system” effectively. We identify **four Coordinates** that are indicators of a well-functioning and responsive justice ecosystem:

- (1) Governance and accountability (GA),
- (2) Efficiency and effectiveness (EE),
- (3) Innovation and technology (InT), and
- (4) Transparency and communication (TC).

As with the four Cornerstones, each Coordinate has interdependent relationships. In ensuring that the supply of truth, integrity, and justice administration meets demand, the institutions of the justice ecosystem should be guided by “directional” Coordinates. Like the four points of a compass, these directional Coordinates are signposts of the effectiveness of justice institutions’ ability to be responsive to public need and to maintain the rule of law. **Figure 2** illustrates the relationships between the four Coordinates.

Figure 2. Four Coordinates

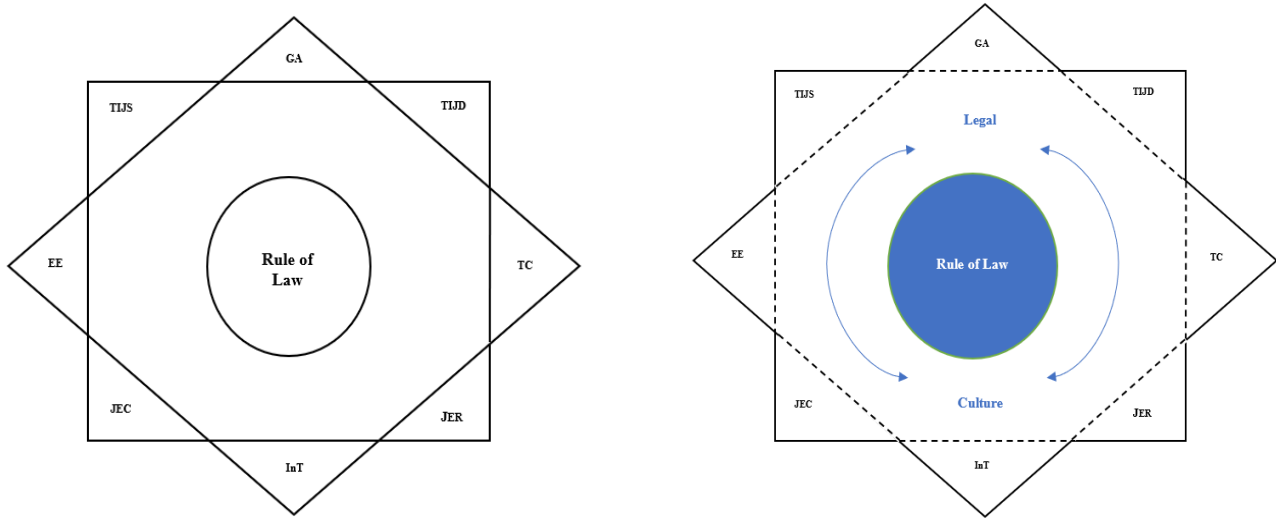


Each of these Coordinates represents a critical element in effectively “running” the justice ecosystem. The top coordinate (GA) focuses on the degree to which justice institutions are focused on good governance and public accountability. This coordinate considers whether institutions have practices in place that provide opportunities for meaningful stakeholder participation in operationalizing their missions, focus on expert management, and hold members accountable for systemic and individual performance. The bottom coordinate (InT) emphasizes the degree to which justice institutions utilize information and technology to manage objectives and services. This coordinate considers whether institutions use data and technology to increase internal operational knowledge and external public

engagement. Technology and information are merely tools, the utilization of which indicate the degree to which institutional leaders understand and solve for problems. The left coordinate (EE) focuses on the degree to which justice institutions have practices designed to promote both efficiency and effectiveness. Efficiency and effectiveness are counter-balancing concepts. This coordinate considers the ability of institutions to work productively *and* reach sustainable outcomes. While efficiency focuses on an institution's practices regarding management of systemic inputs and outputs, effectiveness focuses on practices related to reaching sustainable systemic and individual outcomes. The final coordinate (TC) focuses on the degree to which justice institutions have practices that promote operational transparency and public engagement. This coordinate considers whether institutions are working to reduce operational opaqueness in justice administration and actively engage with the public to promote trust and confidence. As with the Cornerstones, the Coordinates are interdependent with one another, either contributing to or detracting from a justice ecosystem's ability to sustain the rule of law.

The rule of law concerns itself with more than just the administration of justice, justice services, or problem-solving. It also concerns itself with the pursuit of truth and integrity, which are the central considerations of the Cornerstones and Coordinates. Without the dynamic of the four Cornerstones, the justice ecosystem becomes mechanical – untethered from human dimension and purpose for creating justice institutions. Without the dynamic of the four Coordinates, the justice ecosystem is merely an expression of aspirational values untethered from what is needed to turn aspiration into practice. The Cornerstones and Coordinates do not operate in a vacuum in the justice ecosystem. Instead, they coexist in a legal culture and together generate a further dynamic – setting up the foundations of Concentric Justice. In *Figure 3*, the Cornerstones and Coordinates appear together and depict how the legal culture affects the dynamic of the justice ecosystem.

Figure 3. Cornerstones and Coordinates



CORNERSTONES		COORDINATES	
TIJS	Truth, Integrity & Justice Supply	GA	Government & Accountability
TLJD	Truth, Integrity & Justice Demand	EE	Efficiency & Effectiveness
JER	Justice Ecosystem Resources	InT	Information & Technology
JEC	Justice Ecosystem Capacity	TC	Transparency & Communications

In the *left-hand figure*, the Cornerstones and Coordinates are formed around a circular shape that represents the rule of law. The Cornerstones and Coordinates are separated by solid, unbroken lines, which are indicative of a justice ecosystem that is rigid and fragmented, with under-developed interdependent relationships. As a result, the justice ecosystem and its institutions are considered inadequate to establish or maintain the rule of law – the core of the Cornerstones and Coordinates – and will not increase public trust and confidence. In the left-hand figure, the justice institutions will fail in the pursuit of the truth, will lack in legal profession integrity, and will not effectively administer justice, thus impacting access to justice. In short, there is an absence of a positive, influential legal culture to undergird the rule of law.

In the *right-hand figure*, the hexagonal ring with dotted lines denotes an influential legal culture that pervades the justice system and fosters interdependency of institutions within the justice ecosystem. The octagonal ring is the beginning of a concentric dynamic generated by the convergence of the Cornerstones and the Coordinates in the direction of the core, the rule of law. The justice institutions act with some degree of uniformity and responsiveness, a sign of interdependent relationships. In the right-hand figure, the justice institutions pursue truth, maintain standards of integrity, and substantially contribute to the administration of justice. The presence of a substantive legal culture is evident, binding justice institutions, their practices, and actors together. The justice ecosystem and its institutions are considered adequate to establish or maintain the rule of law, as well as secure public trust and confidence in the justice system.

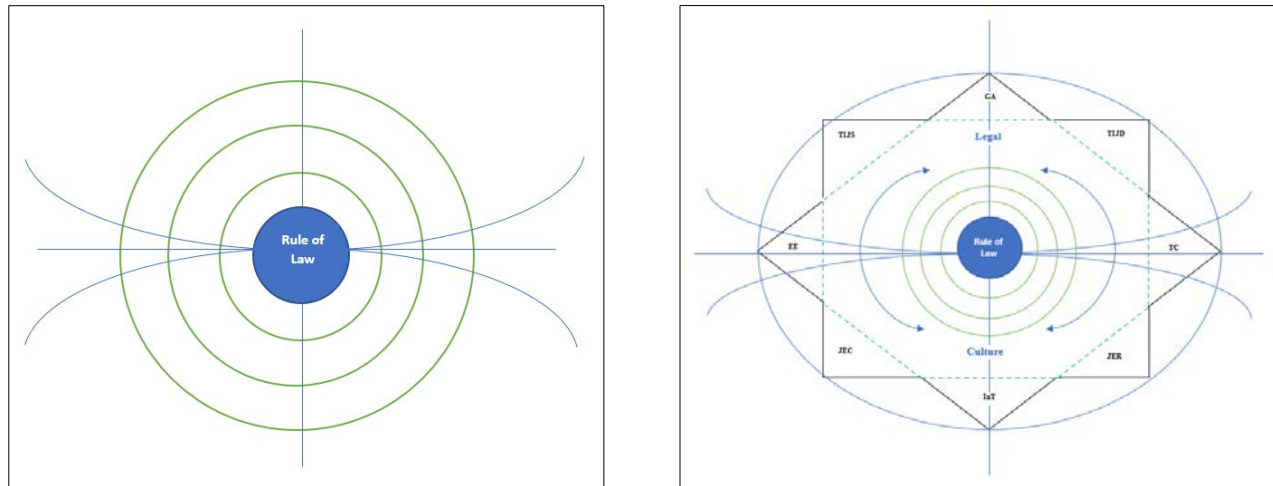
Layer 3: Justice Resiliency

Resilient Justice – A Concentric Dynamic

The *Cornerstones* concern the justice system’s capacity to meet the demand for truth, professional integrity, and justice required of justice institutions by individual persons, constituent groups, and society. The *Coordinates* are touchstones for examining the degree to which justice institutions and actors utilize practices that contribute to resilient justice. Permeating the Cornerstones and Coordinates of the justice ecosystem and its institutions is the legal culture, which often shapes and is shaped by multiple generations of legal professionals.

In *Figure 4*, the circular and octagonal rings represent the convergence of the Cornerstones and the Coordinates, which acts as a concentric force contributing to “justice resiliency.”

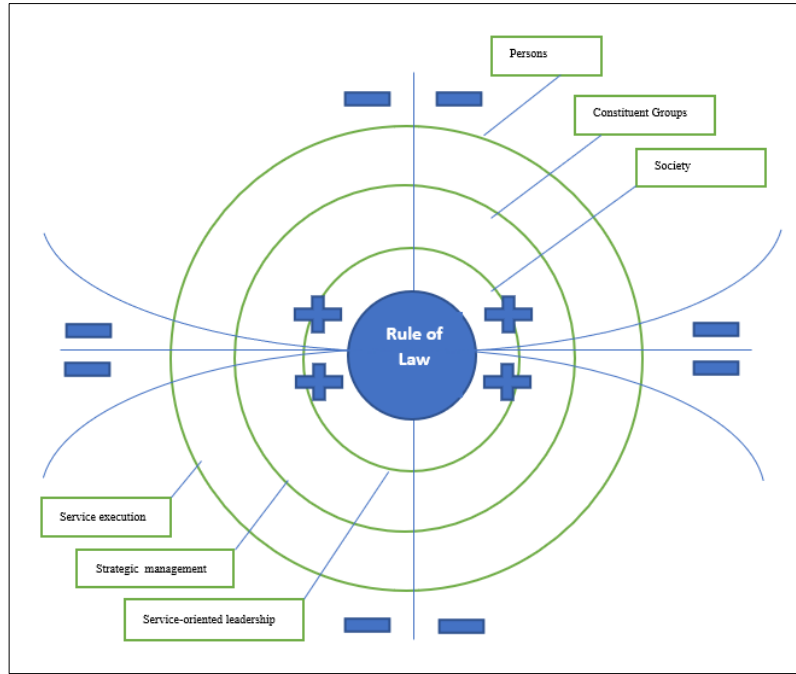
Figure 4. Concentric Rings – Circular and Octagonal



The *left-hand figure* depicts the evolving dynamic of Concentric Justice as seen in the three rings (green), the x-axis, y-axis, the four quadrants, and the arcs in each quadrant. In the *right-hand figure* the rings, quadrants, and arcs overlay the Cornerstones and Coordinates. The three rings are located within the larger octagonal ring, whose dotted lines are green to reflect the increasing convergent effect of the Cornerstones and Coordinates. A justice ecosystem whose institutions work in unison creates a concentric dynamic – that is, the Cornerstones and Coordinates are convergent. The blue arcs represent the convergent (or divergent) effect between Cornerstones and Coordinates, growing wider apart at the edges of each quadrant and merging at the intersection of the x-axis and y-axis. At the point of intersection is the center of the rule of law, where it is most stable (equilibrium). Within the justice ecosystem, a positive, influential legal culture (blue arrows) enables the Cornerstones and Coordinates to converge (green hexagonal and round rings), thus creating a Concentric Justice dynamic. The legal culture is further depicted by the large blue oval circle that surrounds the Cornerstones and the Coordinates and, if substantive and influential, penetrates the space of the inner circular rings, demonstrating the pervasive effect of legal culture within and around a justice ecosystem.

Figure 5 depicts the human-centric dynamic and institution-centric dynamic that bear upon the resiliency of a justice ecosystem.

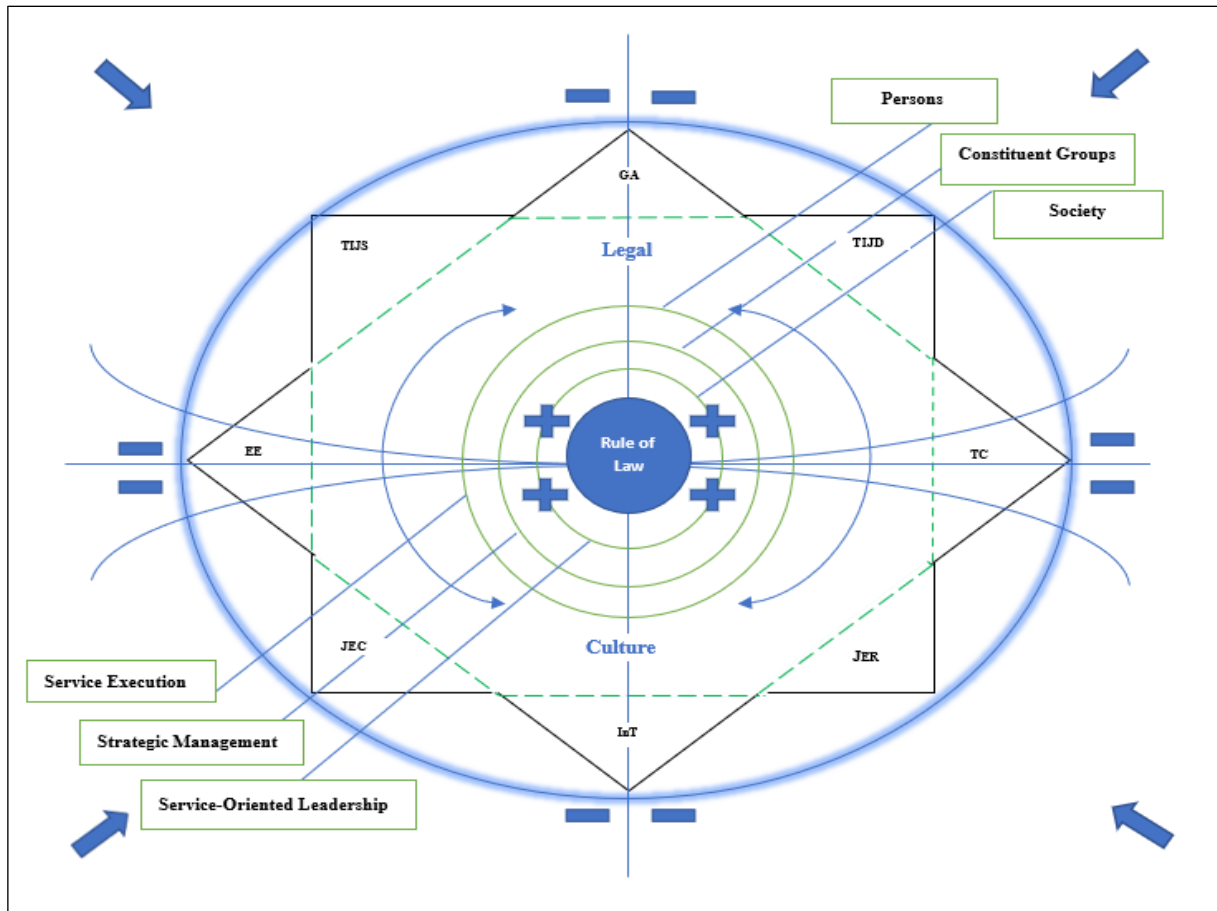
Figure 5. Justice Resiliency Factor



The inner circular rings (green) in the *upper hemisphere* represent the varying constituencies of the “people” – the individual person, the community (parties, other constituent groups), and society. The upper hemisphere is a “human-centric” dynamic that concerns the supply of and demand for truth, legal profession integrity, and the administration of justice. The inner circular rings (green) in the *lower hemisphere* represent service execution, strategic management, and service-oriented leadership. The lower hemisphere is an “institution-centric” dynamic that concerns required stewardship within the justice ecosystem to ensure that justice resources and capacity (supply) are commensurate to demand. The “plus signs” at the intersection of the x-axis and y-axis and the “minus signs” at the edges of each quadrant axis represent the strength of the rule of law within a justice ecosystem (and society), or the Justice Resiliency Factor. Where the Concentric Justice dynamic within the justice ecosystem is present (that is, the convergence of Cornerstones and Coordinates represented by the blue arcs), justice resiliency is stronger (“plus sign”). Where the dynamic within the justice ecosystem is lacking, justice resiliency is weaker (“minus sign”).

Figure 6 is a composite diagram of Concentric Justice, visually conveying the interplay of a justice ecosystem and culture and the concentric dynamic within the ecosystem that leads to and/or sustains the rule of law.

Figure 6. Concentric Justice – Ecosystem, Culture & Resiliency



CORNERSTONES		COORDINATES	
TIJS	Truth, Integrity & Justice Supply	GA	Government & Accountability
TIJD	Truth, Integrity & Justice Demand	EE	Efficiency & Effectiveness
JER	Justice Ecosystem Resources	InT	Information & Technology
JEC	Justice Ecosystem Capacity	TC	Transparency & Communications
LARGE PERIMETER RING & ARROWS (BLUE)		Legal Culture (shaping and shaped by legal profession)	
OCTAGONAL RING (GREEN DOTTED LINE)		Initial Concentric in Justice Ecosystem	
		<ul style="list-style-type: none"> • Human & Institution Centric Engagement • Legal Culture Impact 	
CONCENTRIC RINGS (GREEN)		Upper Right Outer	Individual Persons
		Upper Right Middle	Constituent Groups
		Upper Right Inner	Society
		Lower Left Outer	Service Execution
		Lower Left Middle	Strategic Management
		Lower Left Inner	Service-Oriented Leadership
PLUS (+) & MINUS (-) SYMBOLS (BLUE)		Rule of Law Resiliency: Strength Factor	

The relationships within, between, and among the Cornerstones and Coordinates, together with the interdependent relationships of institutions within a justice system – each itself a dynamic – collectively generate the Concentric Justice dynamic. The Concentric Justice dynamic will be influenced, for better or worse, by the legal culture and its pervasive affect within a justice ecosystem. In turn, the legal culture will shape and be shaped by the legal profession – thus emphasizing the importance of ethics and professional competence standards within the legal profession and the cross-generational transfer of knowledge and skills.

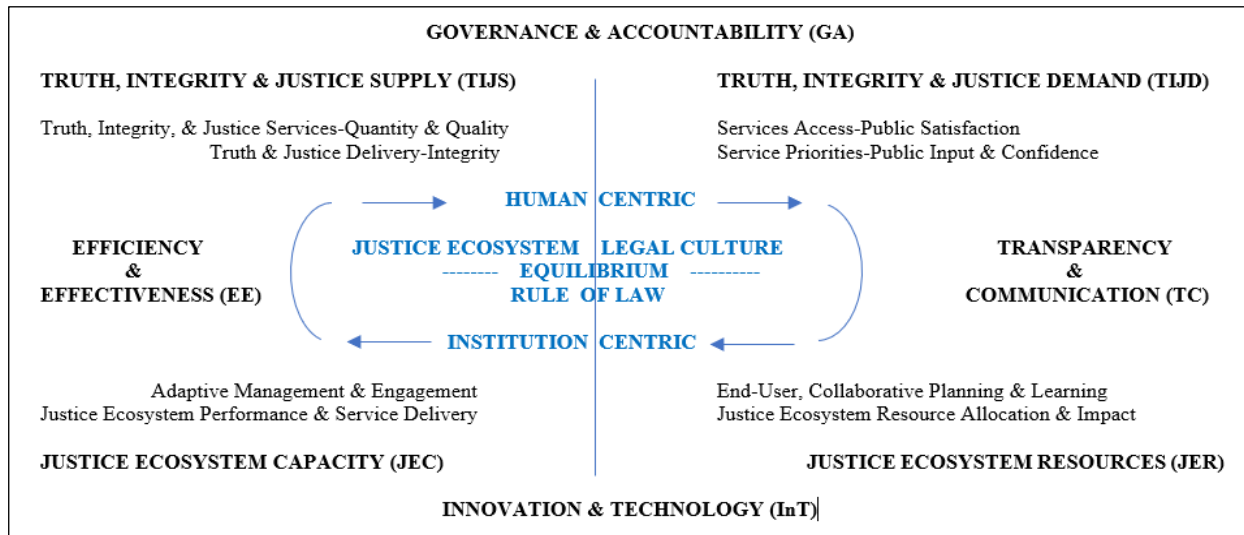
The human-centric demand for truth, professional integrity, and fair justice administration perpetuates the need for rule of law in society. The institution-centric supply of justice is essential to meet the human-centric demand for the same. A justice ecosystem guided by the four Cornerstones and four Coordinates creates the conditions for resilient justice, provided that the justice institutions, the legal profession, and justice customers (individual, constituent groups, and society) are mutually committed to the notion of the rule of law. Neither the justice institutions, legal professionals, nor the public (individuals, constituent groups, or society at large) alone can establish or maintain the rule of law. It is therefore essential that the dynamic between justice institutions and the public is constructive and that the legal culture reinforces the objectives of the rule of law and the ends of the administration of justice. The more effective the institution- and human-centric dynamic is and the more influence a positive, substantive legal culture has on justice institutions and actors, the greater the resiliency across the justice ecosystem to uphold and preserve the rule of law.

Justice Resiliency – A Multi-Generational Effort

Justice resiliency is not the product of a single generation but is a multi- and cross-generational undertaking. At any given time, a justice system is operated and sustained by a minimum of three generations with different educational and life experiences. Each of these generations will be members of society that staff justice institutions, shaping and being shaped by the legal culture. Many discussions today regarding the rule of law and associated strategic initiatives designed to strengthening the rule of law fail to appreciate the substantial role multiple generations play in establishing and maintaining the rule of law in a society. Concentric Justice, on the other hand, recognizes that the rule of law is a cross-generational, contemporaneous undertaking at any given time.

As a corollary to the above figure, **Figure 7** captures the Cornerstone and Coordinates. At the center is the human- and institution-centric dynamic of Concentric Justice that generates the rule of law in a society and results from the interplay of institutions in the justice ecosystem with legal culture.

Figure 7. Rule of Law – A Multi-Generational Effort

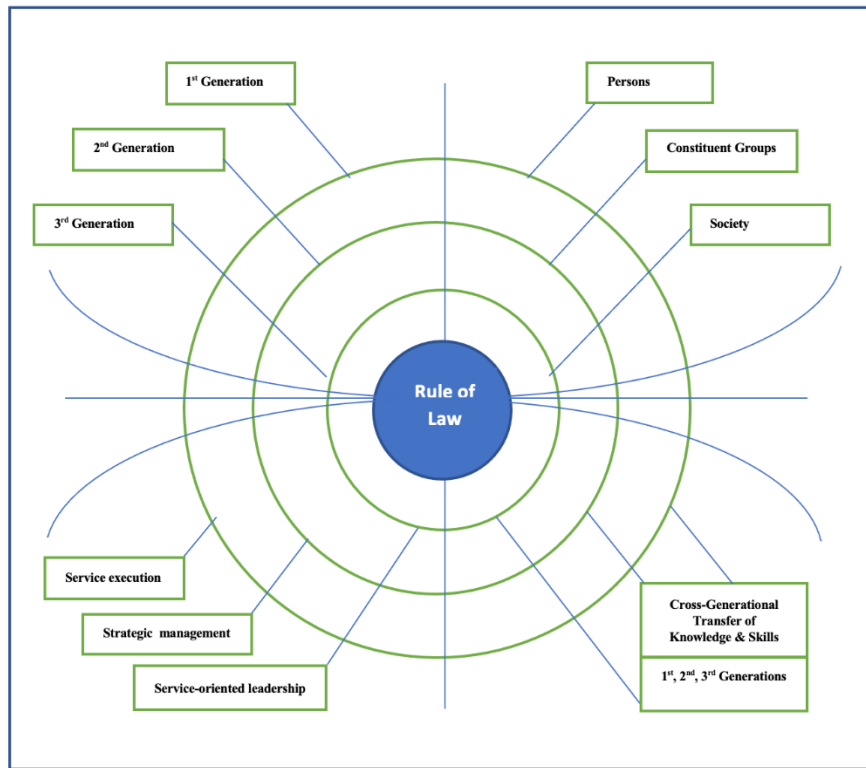


The arc of the moral universe bends towards justice . . . but not by its own self-doing. Effective justice strategies are connected with the people’s varying needs and shape the values of communities and society. People rather than institutions are at the heart of a justice system – a false dichotomy.

The convergent effect of the Cornerstones and Coordinates that creates the human- and institution-centric dynamic is inseparable from the legal culture and the legal profession. What is also inseparable is the multi-generational efforts that operationalize a justice ecosystem and shape the legal culture. The supply of truth, integrity and justice is a multi-generational undertaking and a cross-generational transfer of knowledge and skills, acting as a gravitational force within a justice ecosystem. The legal profession is a continuum, spanning several stages of the legal professional path – law student of law, post-graduate law apprentice, entry level legal professional, experienced legal professional, and retired legal professional. If the rule of law is to be maintained in emerging or established democracies, then the legal profession continuum must thrive across generations, promote generational engagement, and collectively shape the legal culture positively.

In **Figure 8**, the generational dynamic that contributes to the concentric effect of the rule of law is represented by the three rings – first, second, and third generations staffing justice institutions and contributing to the legal culture. The generational representation appears in the upper, human-centric and lower, institution-centric hemispheres. Each generation is operationalizing a justice ecosystem to uphold the rule of law, while simultaneously shaping and being shaped by the legal culture. Each generation is followed by another in an unending cycle. The dynamic between the generations is marked by the sharing of legal tradition, knowledge, and skills and the transfer of responsibilities from one generation to the next to meet new challenges, evolve the justice system, and meet the needs of individual persons, constituent groups (communities), and society.

Figure 8. Concentric Justice – A Cross-Generational Dynamic



Many rule of law dialogues, especially in emerging democracies, fail to adequately consider multi- and cross-generational engagement as a foundational strategy for strengthening the rule of law. Concentric Justice views the contributions of the legal profession to legal culture as a multi- and cross-generational dynamic that is critical to justice resiliency and the rule of law.

Concluding Observations

Rule of law, as a concept, finds its origin in ancient Greek philosophers, foremost Aristotle – a notion that the law was a means to prevent arbitrary power of a ruler. In English legal tradition, the Magna Carta represents a milestone in subjecting the king to the primacy of law as a limit on the arbitrary exercise of power. In modern times, the rule of law is commonly referred to as the bedrock of stable political, social, and economic systems. As we now see across the world, when individuals, groups and states act to erode the rule of law, instability and its associated threats increase. For nations committed to justice, the rule of law must be more than a definition or a constitutional provision or a series of rote practices. What good is the rule of law if its purpose is not refreshed and understood in a modern context? Over the course of history, the rule of law was not so much a concept as it was an unfolding dynamic. Legal professionals, who diligently worked in unison (or at odds) over generations, erected justice institutions that formed a justice ecosystem shaped by the legal culture. This was a dynamic that evolved and gave real meaning to the rule of law for governments and people. What has emerged over time are modern justice ecosystems and legal

cultures. Thus, is not the interplay of the justice ecosystem and legal culture still relevant? Are not legal professionals still mainly responsible for operationalizing justice institutions? Why is it that we do not pay more attention to dynamics that generate the rule of law? If we do not see the rule of law as something more than a definition, a standard, a goal, or something to be measured, are we not ultimately rendering these words meaningless?

In recent years, legal scholars have decried the overuse of the “Rule of Law” subjecting the term to various interpretations to advance discrete legal policy positions concerned with procedural law, substantive law, or social dimensions of the law. Donor agencies whose approaches to “development” and “democracy-building” have their own insular purposes. Some legal scholars lament that there is now much confusion about what the Rule of Law is or means, suggesting that a definition alone, however clear, is not sufficient for a true and correct appreciation of the Rule of Law not just as a concept but also as a dynamic. It is asserted that the Rule of Law has become an “umbrella” term used by the public and private sector alike to support their political or policy agendas. The upshot of popular exploitation of the Rule of Law as a term is to render the concept almost meaningless. This, indeed, would be a sad demise of a noble idea with a profound historical record.¹⁷

In this discussion paper, our aim has been to refocus the dialogue about the rule of law as a dynamic. If we accept that a common understanding of the definition of the rule of law, while important, is not the same thing as the realization of the rule of law in a justice system, then we, as generations before us, must make sense of how the rule of law comes about and is sustained. In the 21st century, this is a matter of understanding and appreciating the dynamics of a justice ecosystem and legal culture, the interdependency of justice institutions, and multi- and cross-generational engagement of the legal profession that operationalizes a justice system – a universal challenge shared by all justice systems committed to truth, integrity, and the administration of justice.

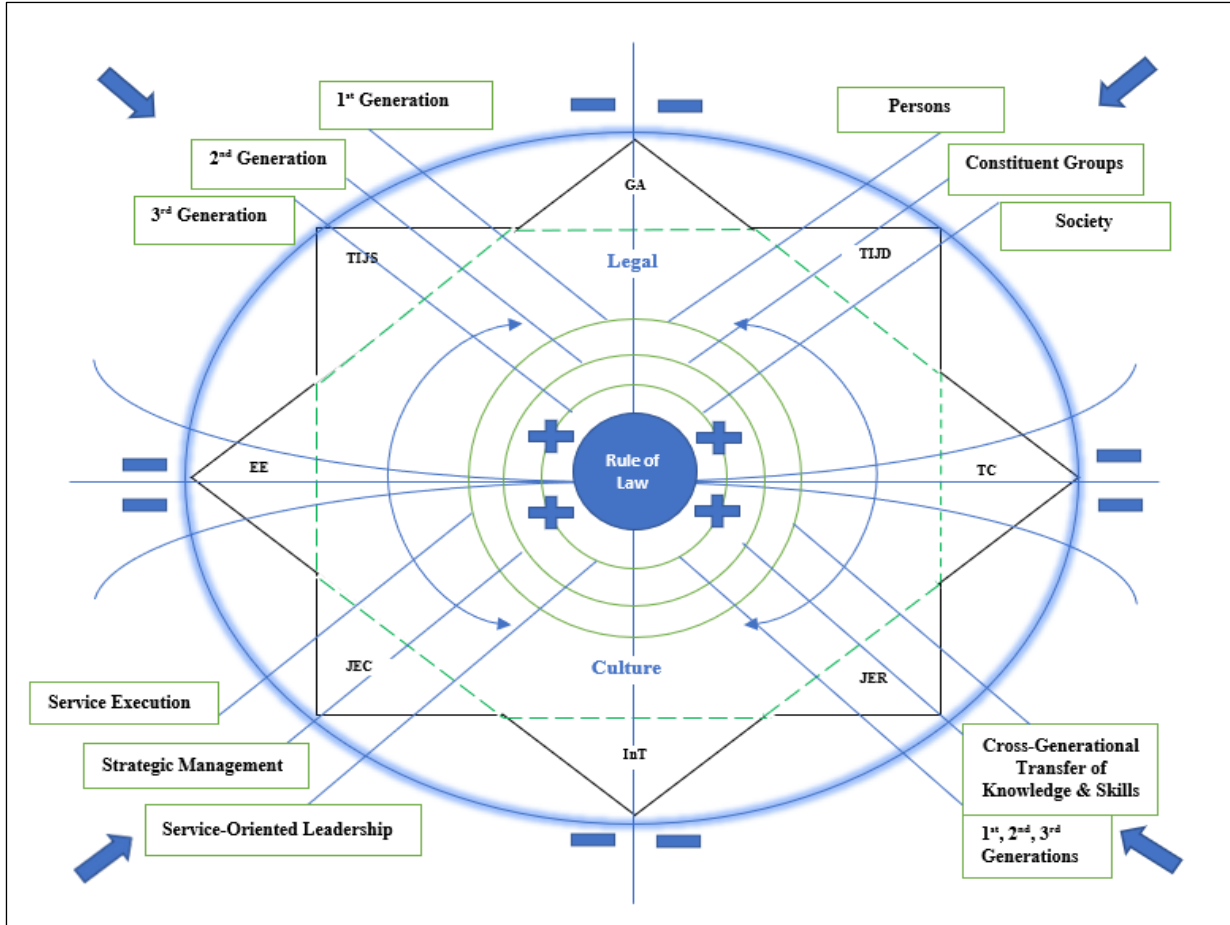
¹⁷ As one example of a discussion on the confusion about the rule of law and its meaninglessness, see the blog of Dr. Paul Burgess, Lecturer at Monash University (Australia), *Why We Need to Abandon the Rule of Law*, posted at <https://blog-iacl-aids.org/2021-posts/2021/9/21/why-we-need-to-abandon-the-rule-of-law>. See also the view of Elizabeth Anderson, Executive Director of the World Justice Project, who discusses the need for a common understanding of the principles of rule of law and the confusion associated with rule of law rhetoric, posted with The Hill at <https://thehill.com/opinion/criminal-justice/535366-to-defend-rule-of-law-we-must-agree-on-its-meaning/?rl=1>.

Appendix 1. Concentric Justice: Ecosystem, Culture & Resiliency (Diagram)

Concentric Justice \equiv People \longleftrightarrow Institutions

Justice Ecosystem Legend: Impact and Input Rings (Outer to Inner)

Upper Hemisphere (human centric impact): supply/demand for truth, integrity, & justice by persons, constituent groups, society.
 Lower Hemisphere (institution centric): capacity/resources - system performance, strategic management, service-oriented leadership.
 Rings: Multi-generational dynamic; Between the Rings and All Four Quadrants: legal culture
 Inner Circle (bullseye): rule of law; Plus (+)/minus (-) Scale: rule of law strength factor



GOVERNANCE & ACCOUNTABILITY (GA)

TRUTH, INTEGRITY & JUSTICE SUPPLY (TIJS)

Truth, Integrity, & Justice Services-Quantity & Quality
 Truth & Justice Delivery-Integrity

EFFICIENCY & EFFECTIVENESS (EE)

Adaptive Management & Engagement
 Justice Ecosystem Performance & Service Delivery

JUSTICE ECOSYSTEM CAPACITY (JEC)

TRUTH, INTEGRITY & JUSTICE DEMAND (TIJD)

Services Access-Public Satisfaction
 Service Priorities-Public Input & Confidence

TRANSPARENCY & COMMUNICATION (TC)

End-User, Collaborative Planning & Learning
 Justice Ecosystem Resource Allocation & Impact

JUSTICE ECOSYSTEM RESOURCES (JER)

INNOVATION & TECHNOLOGY (InT)

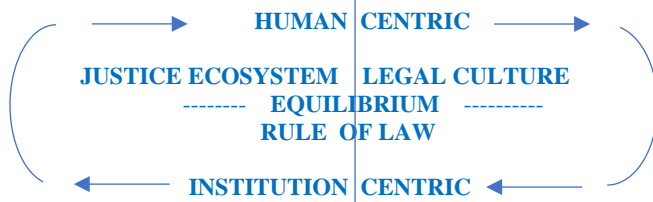


DIAGRAM KEY	
CORNERSTONES	COORDINATES
TIJS Truth, Integrity & Justice Supply TIJD Truth, Integrity & Justice Demand JER Justice Ecosystem Resources JE Justice Ecosystem Capacity	GA Government & Accountability EE Efficiency & Effectiveness InT Information & Technology TC Transparency & Communications
CONCENTRIC RINGS (GREEN)	Upper Right Outer Individual Persons Upper Right Middle Constituent Groups Upper Right Inner Society Lower Left Outer Service Execution Lower Left Middle Strategic Management Lower Left Inner Service-Oriented Leadership Upper Left (3 Rings) 1 st , 2 nd , 3 rd Generations (Multi) Lower Right (3 Rings) Cross-Generational
LARGE PERIMETER RING & ARROWS (BLUE)	Legal Culture (shaping and shaped by legal profession)
PLUS (+) & MINUS (-) SYMBOLS (BLUE)	Rule of Law Resiliency: Strength Factor

*The arc of the moral universe bends towards justice . . . but not by its own self-doing.
 Effective justice strategies are connected with the people’s varying needs and shape the values of communities and society.
 People rather than institutions are at the heart of a justice system – a false dichotomy.*

Appendix 2: International Community Justice Reform Frameworks

The United Nations

In 2015 the United Nations (UN) established 17 Sustainable Development Goals (SDGs) as a blueprint to achieve a better and more sustainable future for all people by 2030. It was adopted by all United Nations member states to end poverty, improve health and education, reduce inequality, and spur economic growth. The SDGs are the latest in a series of reforms, including Agenda 21, the Millennium Development Goals, and the Johannesburg Declaration on Sustainable Development. The Global Sustainable Development Report of 2023 listed its levers of action as governance, economy and finance, individual and collective action, and science and technology. The UN recorded their entry points as human well-being and capabilities, sustainable and just economies, energy decarbonization with access, food systems and nutrition patterns, urban and peri-urban development, and global environmental commons. These levers are used in conjunction with leverage points addressing poverty and inequality to enable transformative change. SDG 16 (Peace, Justice, and Strong Institutions) is central to the rule of law. These goals include sub-targets. SDG Subgoal 16.3 seeks to ensure equal access to justice for all by 2030, while 16.2 seeks to end abuse, exploitation, and all forms of violence against children, 16.4 aims to strengthen the recovery and return of stolen assets and combat organized crime, and 16.5 seeks to reduce corruption and bribery in all forms substantially.

United States Agency for International Development (USAID)

In 2019, USAID presented a “people-centered justice” (PCJ) framework that attempts to strengthen approaches to confront future needs for and obstacles to assisting developing countries. This approach focuses on the supply of justice services to meet the people’s justice needs and to increase the pace of economic and social development in these countries. PCJ involves prioritizing basic community-level justice, including (1) community-level justice advice, assistance, and empowerment that enables people to understand and use the law; (2) traditional and non-formal dispute mechanisms, the lowest tier of formal state courts and community police; and (3) organizations that provide oversight of state institutions. PCJ aims to provide affordable, accessible, and adequate universal basic justice to tackle everyday problems on a community level. PCJ also includes the critical elements of being evidence-based, outcome-focused, and technology/innovation-focused. PCJ requires an empirical understanding of legal needs and capabilities to provide assistance and produce fair, sustainable, substantive, and systemic justice outcomes. These outcomes increase trust and confidence in the justice system and improve its performance. PCJ places technology and innovation at the forefront of its movement to boost efficiency, improve access to the justice system, and solve the justice problems of people.

Appendix 3: Measuring the Rule of Law - Justice System Indexes

1. World Justice Project

The World Justice Project (WJP) Rule of Law Index is an annual index that measures rule of law around the world based on experiences and perceptions of both the public and legal professionals. The Index contains factors for measuring the rule of law in any given country. WJP utilizes two sources, a general population poll to be answered by the public and a qualified respondents' questionnaire to be answered by legal professionals in each jurisdiction. The Index utilizes quantitative measurements and assigns numerical values to different jurisdictions describe the progress of a country in upholding the rule of law.

The Index defines the rule of law using two main principles:

- 1) The first principle measures whether the law imposes limits on the exercise of power by the state and its agents, as well as individuals and private entities;
- 2) The second principle measures whether the state limits the actions of members of society and fulfills its basic duties toward its population to serve the public interest.

The Index further defines four (4) universal principles of the rule of law as follows:

- 1) accountability,
- 2) just laws,
- 3) open government, and
- 4) accessible and impartial dispute resolution.

The Index takes into account eight (8) factors:

- 1) constraints on government powers,
- 2) absence of corruption,
- 3) open government,
- 4) fundamental rights,
- 5) order and security,
- 6) civil justice,
- 7) criminal justice,
- 8) informal justice and the rule of law.

2. American Bar Association Justice Sector Indexes

Over the past two decades, the American Bar Association (ABA) developed a series of justice sector indexes to evaluate justice institutions as a barometer of the rule of law in developing countries. The ABA indexes aim to assess and measure justice sector institutions and justice reform progress. The indexes utilize a set of factors and subfactors for their analytical framework, assigning either numerical values or qualitative assessments of how well a given jurisdiction adheres to certain rule of law principles. These indexes are attempts to evaluate and measure the rule of law. A brief summary description of the following ABA indexes is provided below.

2.1 Judicial Reform Index (JRI)

ABA's Judicial Reform Index (JRI) serves as a basis for measuring judicial reform. The index consists of six (6) categories and 30 factors that facilitate the examination of the development of an accountable, effective, independent judiciary. The JRI utilizes six (6) factors to evaluate judicial reform in a country: (1) quality, education, and diversity, (2) judicial powers, (3) financial resources, (4) structural safeguards, (5) accountability and transparency, and (6) efficiency. For an assessed country, the index will include corresponding commentary that further explains findings or observations for each factor in relation to a country's status or progress in advancing judicial reform. JRI is not intended to be an empirical assessment of a judicial system. ABA initially tested various scoring mechanisms for

index factors and later transitioned to a rating system of positive, neutral, or negative. In assessing judicial reform in a country, a JRI will provide an assessed correlation and a description of the basis for a rating for each factor.

2.2 Legal Education Reform Index (LERI)

The Legal Education Reform Index (LERI) targets legal education reform programs and monitors progress towards improving them. LERI is an assessment tool that utilizes six (6) categories consisting of 22 factors. The index's six categories are: (1) licensing, accreditation, and evaluation, (2) admission policies and requirements, (3) curriculum and teaching methodology, (4) student evaluation, awarding of degrees, and recognition of qualifications, (5) faculty qualifications and conditions of employment, and (6) institutional holdings and capacities. The LERI assessment methodology does not provide narrative commentary on the status of the legal education system in a country, but identifies specific conditions, legal provisions, and mechanisms and assesses how well they correlate to specific reform criteria. The process is not a scientific, statistical survey but rather an inquiry that examines key legal norms, discussions with informal focus groups, interviews with the legal community, and relevant data.

2.3 Legal Professional Reform Index (LPRI)

The Legal Profession Reform Index (LPRI) is an assessment mechanism that enables the ABA, its funders, and local governments to target reform programs better and monitor progress towards establishing a more ethical, effective, and independent profession of lawyers. The LPRI is an assessment tool that utilizes 24 factors as a subset of five (5) categories to identify specific conditions, legal provisions, and mechanisms in a country and assess how well they correlate to particular reform criteria. The five categories are as follows: (1) professional freedoms and guarantees, (2) education, training, and admission to the profession, (3) conditions and standards of practice, (4) legal services, and (5) professional associations.

2.4 Prosecutorial Reform Index (PRI)

The Prosecutorial Reform Index (PRI) is a technical assessment tool that identifies specific conditions and mechanisms present in a country's prosecutorial system and how well they correlate to certain reform criteria. The Index is in lieu of providing narrative commentary on the overall status of the prosecutorial system in a country. The PRI Index is comprised of six (6) categories and 28 factors. The six categories are: (1) qualifications, selection, and training, (2) professional freedoms and guarantees, (3) prosecutorial functions, (4) accountability and transparency, (5) interaction with criminal justice actors, and (6) finances and resources. The ABA acknowledges that many factors related to the assessment of the prosecutorial system are difficult to quantify but lists 28 specific factors concerning subjective and objective criteria based on fundamental norms for the prosecutorial system. It utilizes factor-specific qualitative evaluations and gives each factor *positive, negative, or neutral* value.