Epilogue

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Only there, where the tailor, soap maker, baker and every other one is convinced that the fate of State depends on his craftsmanship and skills - only there everything turns into good.—Istvan Széchenyi, Hungarian Montesquieuian political theorist and writer (1791–1860) (A. Berzericz (1907) (ed.), Prof. Istvan Széchenyi munkaibyl [From the works of Earl Istvan Széchenyi]. Budapest, p. 30.)

Abstract The Epilogue reflects on various interpretations and aspects of justice interwoven in the contributions to this book. Against the baseline of what is considered in the United Nations as “justice”, the text addresses first Artificial

Caveat: Although we tried in this Epilogue as meticulously as we could to credit all the statements with names of their authors, in the course of this work we have appropriated the insights of numerous other experts commenting in mass media on coronavirus pandemic that we can no longer manage to list them all. However, we should mention here as inspirators of some arguments in this Epilogue Professor Małgorzata Jacyno and Prof. Marcin Król (both from the University of Warsaw, Poland), who respectively pointed out the pandemic’s criminogenic implications of “sanitary regime” and of redundancy of people, and also Paweł Szypulski (Greenpeace, Poland) regarding his thoughts on “Green Deal.” Finally, Sławomir Redo, one of the undersigned Co-Editors, former United Nations official and presently member of the United Nations Studies Association and the American Society of Criminology, has been appointed for 2020–2022 as a titular “Wenlan Scholar & Chair Professor of United Nations Law” at the Zhongnan University of Economics and Law (Wuhan, China). This information about the Co-Editor is provided in lieu of the statement of conflict of interests. The opinions expressed in this Epilogue are the authors’ own. They do not reflect the views of any of the above entities.

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Intelligence, then goes into spiritual justice, and, finally, focuses on the secular justice as a part of its administration and delivery in Member States of the United Nations. After reflecting on these “Heavens-to-Earth” interpretations of justice, the authors formulate recommendations involving a “common language of justice.” With it the United Nations—a global ecumenical organization—celebrating its seventy-fifth anniversary may respond to the challenges involved in the implementation of the 2030 United Nations Sustainable Development Agenda and beyond, as far as democracy and the rule of law are concerned. In this regard, at the domestic and international levels the coronavirus pandemic opened a new legal scenario (“the Day After”). At its heart is “Peace, Justice and Strong Institutions”—the cross-cutting goal of the 2030 Agenda.

Keywords Common language of justice · Democracy · Faith-based organizations · Human rights · Justice · Pandemic · Peace · Rule of law · Spirit · Sustainable development · United Nations

1 Introduction

We started drafting this Epilogue several months ago—before the outbreak of coronavirus pandemic. All other contributions to this book in honor of the United Nations have been delivered earlier but actualized insofar possible during the pandemic’s first wave. Although in terms of lethality so far (and hopefully) incomparable with the three 1918–1920 “Spanish flu” pandemic waves, in front of our eyes unfolds a new worldview. Against it we thus reflected on the table of content of this book.

In particular, we wondered if its contributions have become pre-historic. To the contrary, we found that in the current time some of them may be glaring examples of the humane and effective approach to crime prevention and criminal justice or to human rights—the approach that should be resumed and further enhanced by strengthening institutions which pronounce them. Equality, inclusiveness, and progress in general interact with one another, but all depend on people’s decisions and actions. The new inimical “sanitary regime” (Malgorzata Jacyno) makes them even more pertinent to what should come next in our interpretations as a reinvigorated effort to implement the United Nations Declaration of Human Rights and the 2030 United Nations Sustainable Development Agenda. This hopefully should inspire and reinvigorate this book’s readers to carry on with advancing social justice issues according to the United Nations creed in and precepts of social progress.

As the reference to “creed” may suggest, this book with its Epilogue is somewhat “poetic.” We had already pursued this genre in the Epilogue to our previous book (Kury and Redo 2018). Then we backed it by Giambattista Vico’s (1668–1744) “poetic” interpretation of human development. This time we tried to use this genre more extensively—to connect political technology with political theology of crime
prevention and criminal justice, and to capture the involvement of broadly conceived art and politics. For this process, Victoria Kahn (2013) coined the term “poiesis.” In this book it demonstrates itself via three facets: the reproductions of the United Nations-owned paintings; the perusal of non-academic texts from the United Nations and the outside world; the non-secular/interfaith aspects of justice in the implementation of the UN human rights agenda.

As far as the question of justice is concerned, this Epilogue is the final example of this approach. The Epilogue was written based on scientific facts and figures, academic analyses, philosophical treatises, the United Nations and other political accounts, poems, novels, and journalistic texts. It is a manifesto in honor of the United Nations which seeks to reflect its spirit and the Organization’s raison d’être.

2 What Is Justice in the United Nations?

The question whether justice is a phantom or a scientific fact, whether it is artificial or natural has seized the attention of very many authors. The question has never been easy to answer, if at all is answerable. After all, it dates to more than 40 centuries of law, philosophy, and religion, to Hammurabi, Confucius, Socrates, Buddha, Jesus Christ, and Mohammed, to their followers and critics, to apostles and apostates. This dilemma has much longer history than 75-year old Organization which addresses “justice” in its own way. Hence, this genre is relevant to the book in honor of the United Nations devoted to its crime prevention, human rights, and justice policies in-between their secular and non-secular incarnations.

Mamdouh Bey Riaz, the delegate of Egypt to the 1945 San Francisco UN-founding conference argued: “If we want to keep peace and security only, we would not differ much from Hitler, who was trying to do so and who, as a matter of fact succeeded” (UN Doc. 1006, p. 13). Therefore, in the preamble to the Charter and the Charter itself there are various references to justice, but no definition.

An authoritative commentary to the United Nations Charter points that: “justice . . . means something different from international law (…) and (…) refers to natural law” (Simma et al. 2002, I, p. 36). Kofi Annan, as the seventh UN Secretary-General (1997–2006) referred to justice in a procedural manner. It is “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs” (S/2004/616, para. 7).

Several contributors to this book (Pływaczewski, Duda, & Narodowska; Srinivasan and Prakash; David) emphasized that human justice extends from people to flora and fauna—to nature exactly. At least 65% of recent major disease outbreaks have animal origins (IOM 2009, p. 1), but humankind has alienated itself from nature. There is no coincidence then that since 2009 the United Nations promotes living in “Harmony with Nature” (Redo 2018a, b, p. 716).
2.1 Artificial/Predictive Justice

The copyright for the term “artificial justice” should be credited to David Hume (1711–1776). For him, the “sense of justice and injustice is not deriv’d from nature, but arises artificially, tho’ necessarily from education, and human conventions” (Hume 1739/1896, p. 251). Notwithstanding the fact that his name is in the records on the Universal Declaration of Human Rights/UDHR (see Zhang), it is not his understanding of justice this Epilogue is concerned about.

What is here meant is about alternatively and ominously labelled “predictive justice”: “dangerously misleading, as such systems make predictions, but not judicial decisions. Judicial decisions require, as a minimum standard, justifications based on an assessment of the relevant facts and applicable regulations. AI systems make statistical correlations and their forecasts are just the result of those correlations. Hence, it would only be proper to speak of actual predictive justice if the systems were to provide justifications in terms of facts and laws” (Contini 2019).

Three texts in this book (Breczko, Filipkowski, & Kraśnicka; Spapens; Rutkowski) address the various aspects of Artificial Intelligence and freedom.

From the text by Breczko, Filipkowski, & Kraśnicka “Ethics and the Development of Artificial Intelligence - Challenges and Dilemmas in the Context of the 2030 United Nations Agenda for Sustainable Development” we would like to highlight the “trolley dilemma.” The authors bring this moral dilemma up to the current challenges of “machine ethics” involving a driverless car: “Imagine some years into the future, you are a passenger in an autonomous vehicle, happily driving along a city street. Ahead of you a traffic light turns red, but a mechanical failure in your car means you’re unable to stop. A collision is inevitable, but your car has a choice: should it swerve off the road into a concrete wall, causing certain death to anyone inside the vehicle? Or should it carry on going, saving the lives of anyone inside but killing the pedestrians now crossing this road?”

While we invite the reader to deliberate this question, we would also like to back it with the dilemma involving an old railway carriage (trolley): it lost its breaks owing to a mechanical failure and is rolling towards a group of senior citizens just crossing the tracks. You stand beside a railway track. Their lives can be saved when you pull the lever to send the carriage down a sidetrack where one young man is standing. What is right, what is wrong? What do you do?

In the background lingers the question of the UN relevance: whom the Organization serves? In the book in its honor this question should be answered.

Two findings may help to answer. First, research studies demonstrated that most people, if asked what to do, would pull the lever. Second, when, however, the scenario involves pushing a man off a footbridge to stop the trolley rolling below, the reaction depends whether the pusher was guided by own intuition or by learning what’s right or wrong (Cao et al. 2017).

This was found by the researchers studying the so called “Asian disease problem”, worth recalling in the time of coronavirus pandemic. In this now classic dilemma created by Tversky and Kahneman (1981), the U.S. government is
preparing to respond to the outbreak of an Asian disease which could result in 600 deaths. The Government has two options: to implement plan A that would save (positive frame) 200 people (400 would die, negative frame) or to implement plan B, in which there is a one-third possibility of saving (positive frame) all 600 people (nobody dies, negative frame) and a two-third possibility of saving no one (all die, negative frame). Using different narratives to describe the same outcomes leads to totally different decisions. In sum, people tend to be conservative in the positive frame and risky in the negative frame. The kind of pursued narrative determined the participant’s responses. Number of saved lives matters (Cao et al. 2017, p. 91).

Thus, the answer on the question of the UN relevance: the UN serves the greatest number of people in need of greater social justice, people entitled to larger freedom. Kofi Annan who re-highlighted the UN Charter’s “larger freedom,” wrote that it includes the basic political freedoms to which all human beings are entitled. But larger freedom goes beyond them, encompassing what the U.S. President Franklin Roosevelt called “freedom from want” and “freedom from fear.” Annan added that while enlarging freedom is imperative, the side effects of globalization with unfair trade terms and abuse of technological advances thwart the progress of freedom because of growing insecurity (Annan 2005, p. 64).

True, the Charter, the UDHR, the 2030 Agenda are the living examples of the United Nations’ importance in the world. True, that saving succeeding generations from the scourge of wars is the most laudable objective, however difficult pursuing of peace is.

It is obvious that the succeeding generation may write its own future by improving the lot of the aging population. But belaboring the obvious aside, behind this lofty objective hide realities. In this book they are explored by Kratcoski & Edelbacher in the chapter “Two Ends of Aging and Crime Prevention.” While for obvious reasons its authors could not criminologically address the impact of coronavirus on the senior citizens, as this book’s Co-Editors we can do so in its Epilogue.

To our mind comes again the “Asian dilemma.” Updated insofar it currently involves deciding whether or not to administer essential medical treatment by a life-saving, but in short supply, respirator (“ventilator”) to many more than “just” 600 patients, the present global SDGs dilemma involves the following dramatic question. It reads: How in the SDGs’ terms calling for achieving universal health coverage, provision of access to safe and effective medicines and vaccines for all, and ensuring health and well-being for all, including a bold commitment to end the epidemics of communicable diseases by 2030 (SDG 3), the right to life of senior citizens particularly vulnerable to the lethal pneumonic illness caused by coronavirus, may not be violated by discriminatory application of life-saving laws and policies (SDG 16.b)?

Population aging is a major global trend. It affects all countries, albeit at a different pace and levels. Increased longevity is a significant achievement of human development due to the improved health, greater longevity, and lower mortality. However, nowadays, exactly the latter fact receives a great deal of attention because of mortality’s eugenical connotation. Originally credited to antisemitic programs of euthanasia and ultimately, of course, to the Nazi Second
World War death camps, in fact, eugenics was a popular theme in the pre-war science and public health policies. It blossomed in parts of Asia and Latin America, Northern America (Canada, USA); in Europe, inter alia, in the United Kingdom, and Scandinavia, where in Sweden it had been discontinued in the 1970s (Kevles 1999). As the same author concludes: “The revelations of the Holocaust strengthened the moral objections to eugenics [...], and so did the increasing worldwide discussion of human rights, a foundation for which was the Universal Declaration of Human Rights that the General Assembly of the United Nations adopted and proclaimed in 1948” (Ibidem, p. 438).

In this book the Dutch author Spapens adds his own moral objections to another instance of violation of the UN human rights. To understand well his text on “Surveillance and the impossible search for ideal behaviour” it is enough to recall the devastating genocidal impact the Netherlands population registration system had in the hands of Nazi occupiers in the 1940s (Bentzen and Svantensson 2017, p. 248). Hence this quotation corroborating Spapen’s concerns:

For example, in the Netherlands a population registration system was established in part to conduct social research, which was subsequently adapted in 1941 for the apprehension of Dutch Jews who were then deported to death camps. The death rate among Dutch Jews (73%) was dramatically higher than that among Jews in France (25%) and Belgium (40%), as well as Jewish refugees living in the Netherlands during the Nazi occupation [...] (O'Doherty et al. 2016, p. 9).

Two other specific and current human rights concerns must be noted. First, that surveillance technology is spreading at a faster rate to a wider range of countries than experts have commonly held. Sadly, that was to be expected. In 2013, in the first Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, he recalled the foresight opinion in Olmstead v. United States, 277 U.S. 438 (1928) of Justice Brandeis of the United States Supreme Court: “Ways may someday be developed by which the government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrence of the home” (A/HRC/23/40, para. 16, ft. 2).

Nowadays, according to the analysis published by the Carnegie Endowment Foundation for International Peace, a non-governmental organization (NGO) in consultative status with the United Nations Economic and Social Council:

- At least 75 out of 176 countries globally are actively using AI technologies for surveillance purposes. This includes: smart city/safe city platforms (56 countries), facial recognition systems (64 countries), and smart policing (52 countries);
- Liberal democracies are major users of AI surveillance. The index shows that 51% of advanced democracies deploy AI surveillance systems. In contrast, 37% of closed autocratic states, 41% of electoral autocratic/competitive autocratic states, and 41% of electoral democracies/illiberal democracies deploy AI surveillance technology. Governments in full democracies deploy a range of
surveillance technology, from safe city platforms to facial recognition cameras. This does not inevitably mean that democracies abuse these systems. The most important factor determining whether governments deploy this technology for excessive control and possible repression is the quality of their governance;

- Governments in autocratic and semi-autocratic countries are more prone to abuse AI surveillance than governments in liberal democracies. Other governments with poor human rights records pursue AI surveillance in more limited ways to reinforce control. Yet all governments run the risk of abusing AI surveillance technology to obtain certain political objectives;
- There is a strong relationship between a country’s military expenditures and a government’s use of AI surveillance systems: forty of the world’s top fifty military spending countries (based on cumulative military expenditures) also use AI surveillance technology (Feldstein 2019, p. 2).

The above NGO analysis suggests also, that among the five Permanent Members of the United Nations Security Council, the United Kingdom (Montesquieu’s inspirational example for the division of powers), and France (his original and intellectual cradle) are less often quoted in it than—in a descending order of AI-based surveillance developments—China, Russia and the USA. However, French, and British high-level military expenditures may further qualify this association. At any rate, country-by-country reviews conducted by the United Nations Human Rights Committee leave no doubt, that almost in any country within its focus there is an ample ground for concern, at least about surveillance and privacy protection (Nyst and Falchetta 2017, p. 110).

Be it as it may, the above statistics do not differentiate between legitimate and unlawful AI-based surveillance. In the absence of this differentiation, one may not fully recognize the following assessment by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression alerted by:

Credible reporting [...] that the Government of China, using a combination of facial recognition technology and surveillance cameras throughout the country, looks exclusively for Uighurs based on their appearance and keeps records of their comings and goings for search and review (A/HRC/41/35, para. 12).

In all fairness, not less alerting to the United Nations may be even more credible AI-surveillance court cases involving Hungary, Ireland, Russia and USA signalling mass e-surveillance and the lack of accountability of State. In an apparent reaction to such cases (Nyst and Falchetta 2017, pp. 114–115) since 2013 the United Nations General Assembly has every year in changing cross-regional configurations of Member States, but always with (co)sponsoring Austria, France, Germany and

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1See further in: Nyst and Falchetta (2017), pp. 114–115: the European Court of Human Rights (Zakharov v. Russia; Szabó and Vissi v. Hungary), the European Court of Justice (Schrems v. Data Protection Commissioner). See also: T. McCarthy, D. Smith. US government files civil lawsuit against Snowden over publication of memoir (The Guardian, 17 September 2019, https://bit.ly/2VvfU8m).
Switzerland, expressed through the resolutions adopted without vote its position regarding “the right to privacy in the digital age.”

According to the UN position, AI-based surveillance may also extend to interference provided for under the domestic law (HRC Communication No. 499/1992 Toonan v. Australia). This implies that law’s conflict with international law. Consequently, on the strength of this brilliant jurisprudence with ideal justice undertone absent in the UN treaty law, one cannot scientifically prove whether or not the global concern regarding terrorism and the growth of AI-based surveillance is fully justified by States which apply it.

This raises two questions involving the 1966 International Covenant on Civil and Political Rights/ICCPR: When indeed the protection of national security, public order (ordre public), public health or morals require surveillance (Art. 19 § 3) which may be condemned in religion or private ethics as unjust and immoral? How during ordre public would qualify itself the use of AI-surveillance during the epidemic of SARS-CoV-2/COVID-19 virus which in 2020 broke out in Wuhan (China)?

There should be clear standards for predictive analytics, predictive policing, and justice. A good example for the United Nations standard-setting may be the electronic “health coding”—a kind of an immunity certificate. After lifting the lockdown, it was introduced as a mobile phone application in Wuhan and elsewhere in China. In essence, integrated data on travel (from bus, train, and flight bookings), contact with known, suspected or confirmed cases, and self-reported symptoms generate the traffic light colors—red, yellow or green—which indicates how high-risk the individual may be. Depending on the accumulated, integrated and actualized data stored on a mobile phone of its owner, the individual with the scanned or personally verified code may or not access respective public facilities, e.g., transport, the supermarket, enter and leave town residential compound (Lee 2020).

Since in public health picture everybody is at the same time pandemic’s “perpetrator” and “victim”, comparison to criminological “profiling” is limited. However, in both situations this really is a typical conservative approach to arrest social change. Imagine a sizeable impact of climate change on agriculture on migration in any country, whether sending or receiving: What then will be left from that arrest, if social unrest occurs?

This impact of electronic surveillance grows now. “If” is only a question of time and place. Would only the latter group be involved in social unrest? Provoke it? Head it? Whom?

It is this conservative and counterproductive context in which we read the alert of 15 UN experts, and several other experts from the two human rights working groups. They called upon States not abuse emergency measures to suppress human rights and “remain steadfast in maintaining a human rights-based approach to regulating this pandemic, in order to facilitate the emergence of healthy societies with rule of law and human rights protections” (OHCHR 2020).

Whether or not the above call remains in vein, the second concern indeed regards the presence or absence of the rule of law when it comes to legitimately employing AI-based surveillance. That analysis clearly showed that countries in the Gulf, East
Asia, and South/Central Asia are leading here, even though European countries are following suit (Feldstein 2019, p. 8).

It appears that the impact of the rule of law on effective controlling AI surveillance techniques and instruments in either case is rather perfunctory. The UN Special Rapporteur observed, that: “Judicial involvement that meets international standards relating to independence, impartiality and transparency can help to make it more likely that the overall statutory regime will meet the minimum standards that international human rights law requires [to control digital surveillance]. At the same time, judicial involvement in oversight should not be viewed as a panacea; in several countries, judicial warranting or review of the digital surveillance activities of intelligence and/or law enforcement agencies have amounted effectively to an exercise in rubber-stamping” (A/HRC/27/37, para. 48).

The United Nations General Assembly condemned unlawful or arbitrary surveillance and interceptions of communications as “highly intrusive acts” that interfere with fundamental human rights (A/RES/68/167; A/RES/71/199). The United Nations Office on Drugs and Crime (UNODC 2018) added:

> [t]he main problem associated with digitization and predictive justice is accountability. The new pervasive role of the digital systems requires the development of new forms of accountability to preserve the fundamental values of judicial integrity, impartiality and transparency. The main answer is that technology must be aligned with the Bangalore principles of judicial conduct. If the Bangalore principles must guide judicial behaviour, they must also direct the functioning of information systems and AI. In this way ICTs [Information and Communication Technology] will be used for justice and not against justice and the global standards that have been built in two hundred years.

Finally, Rutkowski discusses some other than Breczko et al. aspects of “machine ethics.” For him Homo deus is a master of justice. Rutkowski’s scientific vision receives in the pandemic additional substantiation through the growing role of cyberspace logistics and communication. Without it, billions of people could not work. They could not discuss and exchange ideas, attend schools, resort to medical advice and other counselling, including attending religious services.

Past the pandemics these developments will leave their mark, in some cases enduring. Rutkowski therefore asks, if they will reconceptualize what “partnership” is, and what it will mean in terms of respect of interests other than the interests of cyberspace itself. While for quoted by him Yuval Harari these developments will guide Homo deus “non-consciously” (as if chaotically), for Rutkowski they will be his “self-conscious” project and product.

Rutkowski also asks, if cyberspace will have its own “views”? How much will it be attached to them and how determined to defend them. What “ambitions” would

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2See further Chander and Land (2014); Nyst and Falchetta (2017).

3A set of six core values of the judiciary—Independence, Impartiality, Integrity, Propriety, Equality, Competence, and Diligence, to standardize ethical conduct of judges, developed by them in 2002 and self-proclaimed by international judiciary as a global legal instrument under the United Nations aegis (see further: UNODC 2007).
motivate it? Will it need to have “offspring”—its own hereditary intelligence? Will it form a need for eternal existence—immortality?

Thus far, such questions were answered by great intellectuals—sages, thinkers, philosophers, spiritual leaders. But hardly any of them had to measure up with the dilemma of moral autonomy and integrity of a “digitally native” individual (Palfrey and Gasser 2009) whose “root of soul” (Dukaj 2020) is now within the reach of algorithms. If they will be owned by a caste of owners of algorithms (Harari 2018), then intellectual freedom traditionally understood as an exercise in analogue thinking will suffer. If and when copying human mind will eventually be possible, then it may be replicated in various artificial intelligents.

2.2 Divine Justice

To any religion, whether monotheistic or not, to every denomination within this or that religion, in fact to every philosophical current important will be to answer the question whether its sense of justice remains natural or not. This invites our attention to the AI interest of the Holy See. In early 2020, Pope Francis addressed at the Vatican the AI conference on the ethical development of algorithms. The Roman-Catholic Church has now committed itself to AI as a tool for its social teaching. It regards the dignity of the person, justice, subsidiarity, and solidarity (Gomes 2020).

As recalled in the Prologue, António Guterres, the United Nations Secretary-General stated “I firmly believe in the power of faith leaders to shape our world for good.” In this book five contributors (Bertrand; David; Platzer; Redo in “The relevance”; Walsh) went beyond positive-law arguments involved in the implementation of the UDHR and the 2030 Agenda into the internal human elements of peace and justice relevant to spiritual and development needs that drive individual behaviors for more than 80% of people in the world (Platzer in this book). That is because world religions are being recognized in their great variety as more than simply a belief in a transcendent deity or a means to an afterlife (Ottuh et al. 2014, p. 197).

In both declarations there is nothing that would expressively call on the faith-based organizations (FBOs) to be involved either in attending the various rights in the UDHR or meeting the goals of the Agenda. Yet it is clear that the world religions are being recognized in their great variety as more than simply a belief in a transcendent deity or a means to an afterlife.

The Agenda’s call to “leave nobody behind” opens to any FBO regardless of its spiritual orientation to pursue its humanitarianism through distributive justice. However, given the concurrent “donor proselytism” careful methodological reflection is needed in considering how in the interfaith spirit distributive justice can engage ecumenical potential of each religious tradition in response to particular aspects of the Agenda.
2.3 Secular Justice

The UDHR serves as the first step in promoting justice by outlining the basic rights that humanity should enjoy. Almost all contributors to this book addressed the implementation of the rights enshrined in the UDHR (see the articles). The UDHR’s preamble states that human rights are the “foundation” of justice “in the world.” The UDHR reflects a secular concept of justice, brought in through the back door by recognizing the secular character of human rights.

Zhang informs, that some UDHR framers “advocated the inclusion of God or the Creator as an indication of the source of human rights. Chinese delegate Peng-chun Chang reminded that China, which accounts for a large proportion of the world’s population, “has a different ideology and tradition from Christianity. These thoughts include good manners, etiquette and courtesy, and understanding of others, but the representative of China did not advocate must include them all in the Declaration.” He hoped, the report continues, “that colleagues could show the same understanding, break through religious barriers and withdraw the metaphysical amendments to article 1. In his view, since Spinoza and Locke the idea of religious inclusion has existed in Europe. Western countries should have a liberal attitude towards religious beliefs and should not impose believes to others.” It may only be added, that other drafters had not to be really convinced about this argument, because “The motif running throughout [the drafting process was] that the war and the ideology as practiced by Hitler were in themselves enough to convince them of the truth of the rights of the Declaration” (Morsink 1993, p. 358). Zhang concludes her review by the following quoting: “This point is illustrated in Confucian advocacy of “harmony in diversity”, not to impose on others what you do not desire.”

Three reflections ensue from the latter recommendation known as the Golden Rule.

First, despite its global prominence in philosophy, religion, and law, there are conservative and liberal understandings of reciprocity. Yutang Lin (separately acknowledged by Zhang) argues in his book “My Country and My People” (1935), that the conservative understanding of Confucian advocacy of the Golden Rule (ruler to subject, father to son, husband to wife, elder to younger and friend to friend), “omitted out of the social relationships man’s social obligations toward the stranger, and great and catastrophic was the omission. Samaritan virtue was unknown and practically discouraged. Theoretically, it was provided for in the ‘doctrine of reciprocity’ […] But this relationship toward “others” was not one of the five cardinal relationships, and not so clearly defined […] In the end, as it worked out, the family became a walled castle outside which everything is legitimate loot” (Lin 1935, p. 172).

Another pre-Second World War Chinese account of the Golden Rule went even further. In 1936, Liang Qí Chao, a prominent thinker in modern Chinese history, attributed to this conservative understanding of direct reciprocity a Chinese person’s lack of “civic morality” (gōng dé; 公德) and sense of obligation to society (Quoted after Gao and Ting-Toomey 1998, p. 14).
The interpretation of this basic principle of human co-existence and cooperation is more confusing now than before and after the Second World War. This is not only because of the confounded post-1945 and 2016–2019 waves of refugees and irregular/undocumented migrants which showed that reciprocity intergenerationally basically had little to do with accepting the newcomers, but also because of the 2020 coronavirus pandemic. In such critical circumstances Golden Rule is rather less universal than Good Samaritan Rule.

However, more universal than both is fraud/cheating and greed. Two widely known and particularly pernicious examples from the pandemic discredit the assumption that commerce globally civilizes the mores:

- Sale of protective masks through a sophisticated EUR 15 million worth fraud scheme using compromised emails, advance-payment fraud and money laundering has been uncovered by financial institutions and authorities across Germany, Ireland, and the Netherlands. The masks purportedly complying with the European Union’s CE (Conformité Européenne) standard indicating conformity of a product with health, safety, and environmental protection standards for products sold within the European Economic Area (EEA) have eventually reached the 17 EEA countries from China (Interpol 2020);
- Apparent failure of the Austrian regional and city authorities in Bad Ischgl/Tyrol (a world-famous ski resort) to respond in time to international coronavirus warnings. The subsequently resulting coronavirus infections of more than 800 Austrians and up to twice as many people abroad, particularly in Germany and Scandinavian countries were credited to have their origin in that location (Bell 2020).

Second, the above examples suggest that greed and egoism dominate everywhere. Therefore, it is also opportune to say, that—historically—egoism and self-preservation of people and peoples has always been *a priori* axiomatic but followed by cooperation. Case studies in self-preservation ranging from “natural experiments” involving failed states through illegal mining to shipwrecks, hurricanes, and leprosies led to the conclusion that eventually cooperation and the pursuit of justice prevailed in the victimized groups of people (Robinson 2013). This is very well theoretically explained by Hugo Grotius (see *Redo in The Relevance . . .*) and confirmed by Montesquieu (see the Prologue and below).

But for philosophers, politicians and other Eastern activists Mencius—the most liberal and committed to Confucius’ teaching primary follower, advocate of “universal love”—may be more credible with his “no man is devoid of a heart sensitive to the suffering of others” (Mencius 2003, 2A: 6). So at least he seemed to be for Peng-chun Chang—the Chinese drafter of the UDHR, mentioned by Zhang. For

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4See more in Ickiewicz-Sawicka and Borkowska (2018), pp. 803–833; Redo (2018a, b), pp. 697–720.

5Good Samaritan Rule does not imply any expectation of reciprocity by the assisted person or country.
other framers, current diplomats, intellectuals, and activists Good Samaritan Rule implies “a concrete anchoring for love […] and indicates an ‘all embracing reach of solidarity’”—Western Christian liberal understanding of that rule (Rowland 2007, p. 43). Jacques Maritain, the French UDHR drafter and eminent neo-Thomist philosopher, said: “[e]very great age of Culture receives its deepest meaning and direction from a particular constellation of spiritual factors or dominating ideas; let us say, from a particular historical heaven” (Redo in “The Relevance. . .”). However ideologically distant from one another Eastern and Western philosophies can be, the lockdown (forced isolation) policy caused by the pandemic illustrated that the personal sense of larger freedom at this time is the same wherever across the world this policy applies.  

Third, on the above heavenly East-West note accepting “harmony in diversity” and in keeping with the content of our book one may see a default United Nations understanding what the Golden Rule is for a just and humane treatment of prisoners—a special group of people forcefully isolated from society. That criminologically-relevant Golden Rule “Do unto others what you would like them to do unto you” was originally formulated by Elisabeth Fry (1780–1845), British prison reformer, a Quaker, a Christian philanthropist, known as “The angel of prisons” (Fairhurst 1996, p. 5).  

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6For the European Union’s millennials, the suspension of the Schengen agreement allowing borderless travel must be especially prohibitive. This memento should be sobering in addressing populistic calls for reinstating “small fatherlands.” Indeed, pandemic demonstrated that “[t]he EU’s fundamental flaw is that it is incapable of discharging the protective functions of a state” (Gray 2020). A state may be ruled by law. The EU in its future interest to survive may only exercise the rule of law. It can do this to protect larger freedom in any “small fatherlands” that indeed wish to remain its genuine member and demonstrate this by their rule-of-law performance satisfactory to other EU members.
The mosaic, entitled “The Golden Rule” by American artist Norman Rockwell, was presented to the United Nations as a gift by First Lady Nancy Reagan on behalf of the United States and is installed in the United Nations Headquarters in New York, USA. The mosaic depicts people of different nationalities standing together with the words “Do unto others as you would have them do unto you” inscribed on it. Artwork Courtesy of the Norman Rockwell Family Agency.

After her visits to Paris’ and London’s prisons, she candidly shared her observations with French and British officials. Shocked by the sexual exploitation of female inmates by male guards in the Paris’ St. Lazare prison, she advised Philippe I, the King of France: “When thee builds a prison, thee had better build with the thought ever in thy mind that thee and thy children may occupy the cells” (Ibidem, p. 251). Having visited London’s Newgate prison she read to Sir Robert Peele, and his Cabinet a biblical story concerning the gallows built by Haman, described in the Book of Esther (7: 10):
“On the king’s orders, Haman was hanged from the 50-cubit-high gallows that had originally been built by Haman himself.” Then she added: “Thee must not shut out the sky from the prisoner; thee must build no dark cells - thy children may occupy them” (quoted after Hubbard 1897, p. 286).

Her advice impressed Sir Peele. He instituted prison reform. Shortly after her death, in 1846 at the first International Penitentiary Congress in Frankfurt (Germany) attended by eminent prison experts and officials (all male), the reformist ideas from Belgian, British, French and other Western world prison administrators regarding children (then kept in solitary confinement) have paved the way to the gradual development of the global standard minimum rules for the treatment of prisoners. The rules were finally adopted in 1955 by the First United Nations Congress on Crime Prevention and the Treatment of Offenders (Redo 2012, pp. 43, 108).

Until this day some Governments have been less or more attentive to improving the lot of prisoners and to the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, since 2015 known as the Nelson Mandela Rules (A/RES/70/175). This is the context in which we now may recall the second section in this book. The first part of its title carries the UN 2030 Agenda’s imperative of inclusive development “Leaving no one behind: Intergenerational vulnerability and educating for justice.” Prison reform worldwide should be a part of inclusive development, otherwise the often catastrophic effects on families, especially children of prisoners are catalytic to their offspring—“the next generation of offenders.” Hence, 4 almost self-explanatory, contributions by: Kury on “Prisoners and their Families – The Effects of Imprisonment on the Family”; with Heße on “Dealing with mental illness and violence in the (Youth-)Prison”; Redo and Sawicki “On Nelson Mandela Rule 63, Prisoner’s Moral Development and the 2030 United Nations Sustainable World”; Manfred Nowak and Manu Krishan “The UN Global Study on Children Deprived of Liberty – The Role of Academia in ‘Making the Invisible and Forgotten Visible’.”

The word “almost” only prompts us to recall that in another book of ours “Women and Children as Victims and Offenders: Background, Prevention, Reintegration. Suggestions for Succeeding Generations” co-edited with Evelyn Shea (Springer 2016) its contributors have provided many insights into the treatment of prisoners, especially female inmates. But it seems to us that notwithstanding their vulnerability to abuse, female inmates are still not treated judiciously and fairly enough, as the case had been until the turn of the nineteenth–twentieth century with juvenile delinquents treated until then like adult prisoners (at least in the USA).

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7But not Philippe I. In 1848, at the time of the “Spring of Nations”, he fled to Britain. He lived there as “Mr. Smith” and died after two years.
2.4 Procedural/Restorative Justice

SDG 16.3 “Promote the rule of law at the national and international levels, and ensure equal access to justice for all” clearly acknowledges the rule of law and access to justice as integral parts of development. This book touches on procedural justice either by directly addressing the legitimacy of legal provisions enabling access to justice (e.g., Rayejian Asli)—or by dealing with its likewise pronounced form—restorative justice, about the philosophical origins of which is more in Redo (“The Relevance...”).

Looking at the access to justice from the contemporary systemic perspective of the Sustainable Goal 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”—“Peace, Justice and Strong Institutions” for short) this very title implies that according to the United Nations interpretative rules “peace” and “sustainable development” are over “justice” in one or another form.

The subsumed under “Peace, Justice and Strong Institutions” SDG 16.3 does not make the fine difference between the rule of law as a governance instrument which should be driven by the division of powers, and by making individual judgements without involving courts of law. For “[j]ust as the rule of law has historically and philosophically been considered a central component of a legitimate governmental system, so too procedural justice is a central component of how individuals make judgments about the legitimacy of authorities” (Hollander-Blumoff and Tyler 2011, p. 2).

2.5 Distributive Justice

The UDHR’s articles which deal with equality promote procedural justice, and those which deal with equity promote distributive justice. Wijngaarde, Vinanchiarachi, & Readman write about “Universal Basic Income (UBI) for Reducing Inequalities and Increasing Socio-economic Inclusion: A Proposal for a New Sustained Policy Perspective.” Their text inscribes itself into this latter form of justice. Basic income as a guaranteed, unconditional amount of money, regardless of employment or social position raises a fundamental question whether someone’s sustainable livelihood is acceptable when one does not have motivation to earn it, despite capacity and licit opportunities to do so. Moreover, the pandemic documents that a considerable part of people who lose jobs comes from the service sector. Since it is interconnected people of doux commerce (Montesquieu 2001), air transportation, tourism, sport, and recreation, just to name a few fields of service, are on the front line of redundancy. Preventing it in the post-pandemic time can only be successful when creative education and training opens for them new avenues for sustainable livelihood by giving them. That is the job of governments, educationists, educators, and
trainers of trainers. The authors recommend: “Give a man a fish, and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” Teach him better methods of fishing and you can ensure sustainability of livelihoods for generations. No longer this will be then distributive but economic justice. Their advice draws on the paradigm of the 2030 Agenda. UBI can facilitate people to move beyond day-to-day subsistence, giving them the full responsibility to develop their potential and creativity. It may help to effectively address the imminent redundancy and ensuing from it crime.

Redo (“The Relevance...”) deals with distributive justice as an instrument of the United Nations technical assistance structurally enabling countries to arrive at their own capacity to deliver justice—certainly crucial for the implementation of the 2030 Agenda. He refers to John Rawl’s “difference principle”, brilliantly interpreted in that text by Leila N. Sadat. Moreover, the “difference principle” suggests that the donor countries’ assessment of the receiving countries’ inequalities in justice delivery should be measured and compared with better off countries insofar receiving countries benefit from it more than, if that assistance were rendered under more generous egalitarian social justice goals. Applying this principle may better motivate to attain such goals than the assistance carried out only based on less precisely assessed reform needs of a recipient country.

2.6 Peace, Justice, and Sustainable Development

In the original blueprint by the UN Charter framers, peace and security depend on “principles of justice” (presumably “the rule of law”, cf. UN Doc. 1006; Art. 1 of the UN Charter). This relation was explained by Henri Rolin, the delegate of Belgium to the 1945 San Francisco conference. In an apparent reference to the 1938 British-French concessions made to Hitler, Rolin said:

With regard to peace, we felt the need to emphasize that our first objective was to be strong to maintain peace, to maintain peace by our common effort and at all cost, at all cost with one exception – not at the cost of justice. There the difficulty lay. Many of our delegations have repeatedly in our debates warned of the dangers of a repetition of the so called “appeasement policy.” Too often in the last years governments had hoped to maintain peace by sacrificing the interests of weaker countries to the greed of stronger ones, and all this on the altar of peace, with the rather deceiving result (UN Doc. 1006, p. 2).

This question was originally addressed by St. Augustine (1972, p. 139): “Remove justice, and what are kingdoms but gangs of criminals on a large scale?” As criminologists, we would like to respond to his question what justice means in peace time, in the United Nations terms. As of this writing, its currency regarding the meaning of justice is augmented by the mind-crunching conundrum involving thousands of ready for illegal entry refugees from Syria, but also immigrants from

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8Technically, this can be done through household/living standard surveys (HGS 2020).
Afghanistan, Iraq and Pakistan, some stalled in between Turkish and Greek border of the European Union.\(^9\)

There is no amount of humanitarian assistance by receiving countries which can stop migrants from coming to places where life is better than in their place of original departure. Migrants are needed, but feared. Indeed, the above developments are the test of what justice means in Greece, in the European Union and elsewhere; what it has been and what it will be in the world. Migrants constitute approximately 10% of the world’s population, out of which 3.5% are international migrants, including less than 1% of the world’s internal and international migrants forcibly displaced (cf. Kury and Redo 2018, p. XXXII). Three points immediately come to attention.

**First**, that there is a difference between “suspending” irregular migrants’ human and humanitarian rights for one month. Those latter apply only to Syrians, and less so, if at all to other irregulars, but to all of them apply human rights anytime anywhere. The way out is the “on spot” identification of Syrian-Arabic speaking refugees and granting them a temporary sojourn in the “safe” country other than Turkey. But this may be an act of EU’s humanitarian gesture, not an obligation, also for Germany—a major destination country. As mentioned elsewhere (see Kury and Redo 2018) over the past few years, the growing resentment of German society makes the reception of irregular migrants less and less acceptable, hence the potential for their integration dwindles. The turning point has been reached quite a time ago.

The side effects of the earlier happen-stance German “willkommen” policy vis à vis hosting irregular migrants have become politically very alerting, detrimental for the rule of law, victimization, and the fear of crime. As for other irregulars, resisting their EU entry—however odd but justified it is—the UN Member States must be more incisive in implementing the Global Compact on Safe, Orderly and Responsible Migration. Disorderly, unsafe, and irresponsible migration will have a devastating effect on the entire humankind. We should wake up and be more committed, pragmatic, and paradigmatic. Without “justice” beyond the EU and Western world in general, there cannot be orderly, safe, and regular migration globally. This matters for all UN Member States vis à vis the Global Compact, but especially for those States which withdrew either their commitment to implement it (cf. Kury and Redo 2018 in Prologue & Epilogue), or/and contest the rule of law promoted by the Organization.

Hence the **second** point: the strengthening and expansion of the rule of law within the European Union, in the Western world and beyond, i.e., the North/South rule of law through technical assistance. Throughout this book various issues calling for matching them with technical assistance are discussed by expert authors. Just to demonstrate that: a seemingly irrelevant to technical assistance text of *Marshall,*

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\(^9\)About the same time, the EU Commissioner for Home Affairs announced that seven EU Member States had agreed to take in at least 1600 unaccompanied children from the camps, seen as especially vulnerable. As for the rest of irregular migrants, a “voluntary return” scheme valid for one month to pay €2000 to each migrant who arrived to Greece at before 1 January 2020 and has been camped on its islands (BBC 2020).
Marshall, & Wills “Parents who hit, troubled families and children’s happiness: Do gender and national context make a difference?”, begs the answer whether, and if so, how to counter the corporal punishment of children, so as to meet the 2030 UN Sustainable Development Goal 16 target 16.2 “end abuse and violence against children.” The authors’ findings suggest that gender and national context indeed do matter. Consequently, there is the challenge of promoting a Culture of Lawfulness so the children of the next generation will be happier than the present one, including migrant children unattended by parents, and children deprived of their liberty.

Such turgid references, either to the “next generation”, to “Culture of Lawfulness”, to ending abuse and violence against children (even to the almost household words “the rule of law”) hardly make to the minds of parents, guardians, educators, etc. They must be operationalized, inculcated in the most technically pragmatic sense, either on the spot (camps), at the host country or at the country of a would be migrant.

This is done in the contribution by Manfred Nowak, former United Nations Special Rapporteur on Torture (2004–2010), since 2016 an Independent Expert leading the UN Global Study on Children Deprived of Liberty. The contribution co-written with his co-worker Manu Krishan of Ludwig Boltzmann Institute of Human Rights (Vienna, Austria) has the title “The UN Global Study on Children Deprived of Liberty – The Role of Academia in ‘Making the Invisible and Forgotten Visible’.” Their contribution which draws on the Global Study very well inscribes itself into the international process of mobilization of academic knowledge by/for bureaucracies, like the United Nations in this case. The authors highlight that more than 7 million children are in fact deprived of liberty in a broad variety of institutions, including police lockups, prisons, immigration, and other detention centers in all world regions. The research conducted for the Global Study also shows the enormous suffering of children who are exposed to inhuman conditions of detention, and the particular harmful effects of deprivation of liberty on the health and development of children. Cecilia Cannon who surveyed such scholarly advocacy which includes Nowak’s voluminous expertise, rightly notes that “scholars have shown that experts, through epistemic communities, can influence policy decision-makers’ preferences in the way they define and frame issues” (Cannon 2017).

This brings up the third point: making technical assistance work. Regarding especially countries receiving technical assistance, beyond the underutilized by donors household surveys, in our 2018 book we have advanced three constitutive rights and exemplified modalities of their implementation should be a Culture-of-Lawfulness priority: the rights to life, security and dignity of a person. Given current projections addressed there, this may be the most promising way to meet more effectively and successfully the SDG 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” It goes without saying that a “voluntary return” with €2000 payment is not meant to meet this goal, but...it prompts the idea, how to promote microfinancing and microcredits through technical assistance donors whose offices across the developing world may involve their local
counterparts in various projects indeed meant to promote SDG’s 16 sustainable development and access to justice.

Referring now back to St. Augustine and paraphrasing his credo that not helping when it is in man’s power, failure to love one’s neighbor sufficiently, refusal to put oneself to inconvenience and unwillingness to suffer to assist him is called by Augustine “criminal”—a word generally descriptive of unjust acts of major proportions—is an assault against the Golden Rule and the Rule of Law. Moreover, regarding “those who think that with the progress of justice, charity can be eliminated are unconsciously identifying charity with what is commonly associated with it - the material gift which expresses the love of the giver” (Clark 2015, pp. 5, 8), we think that when justice further universalizes, there will be less room for charity and more for technical cooperation for global sustainable development.

The current UN blueprint is: “there is no peace without sustainable development and justice.” This new trifecta is a paradigmatic shift: “sustainable development” is an intermediary transformative concept between “peace” and “justice.” As Fukuda-Parr quoted in this book by Chalkia suggests: “the 2030 Agenda reflects a new conception of development as ‘sustainable development,’ and an important evolution in normative ideas about the vision of ‘development.’”

From the standpoint of democracy and the rule of law, it would be interesting to observe, how the trifecta “peace-sustainable development-justice” will throw a new light on the UDHR drafters’ debate regarding the deprivation of rights as central cause of the Second World War (McGuiness 2011, p. 757). Will this still remain a casus belli, or in the name of sustainable development—a new casus belli, the UDHR eventually agreed sense of justice will be comprised through the Agenda’s new formula?

_Inkpen, Pitts, & Lattimore_ in “Crime, Victimization, and Intentions to Migrate in the Northern Triangle” take an extremely incisive very well statistically corroborated look into the criminological factors prompting decisions to migrate. They write: “The policy implications of this analysis, especially in light of the important affirmations in the 1948 Universal Declaration of Human Rights and the 2030 Agenda for Sustainable Development, point to the need for multidimensional interventions.”

This leads to the section below.

### 3 Common Language of Justice

Since “a different language is a different vision of life” (Fellini in Cardullo 2006, p. 178), how—metaphorically—the United Nations craftsmanship and leadership could enhance Member States’ common good? Essentially, this question asks, if a “common language of justice” may enlarge individual and collective freedom, in the time of considerable challenges to it.

This metaphoric expression, proposed to the Security Council by Kofi Annan in his report on “The rule of law and transitional justice in conflict and post-conflict
societies” (S/2004/616), postulated there the need for a greater UN intra-agency collaboration.

Given this book’s interregional coverage, a few other suggestions may be in place. First, a common language of justice has no “alphabet”, in the sense that neither Latin, Arabic, Chinese nor any other “script” may dominate the United Nations vocabulary and dictionary of terms. Second, it has its own political logic driven by the maintenance of peace and security in the world. Third, this language progressively evolves to enhance human rights safeguards despite recurrent challenges to their implementation.

Here we argue that the implementation of the 2030 Agenda requires a broader metaphor of a common language of justice that meets the integration challenges caused by migration augmented by poverty and climate change. As emphasized in this book’s introduction by Brigitte Bierlein, f. Chancellor of Austria and f. President of the Austrian Constitutional Court: “overcoming grinding poverty; healing and securing our planet; and establishing human rights, the rule-of-law, and universal peace and freedoms” are the major issues. This is a part of the United Nations vocabulary.

3.1 Food Security

With this vocabulary in mind the United Nations Security Council was alerted by the fact that the global spread of COVID-19 in 2020 doubled the number of people facing hunger in the Global South, estimated now to be ca. 230 million. This estimate was backed by the evidenced-based argument linking famine with conflicts: Widespread conflict and instability lead to food insecurity; reducing or preventing conflict reduces and prevents hunger (FAO 2020). According to another alarming estimate (Roberton et al. 2020), also known to the UN (UNICEF 2020), in as many as 118 low- and middle-income countries an additional 1.2 million children under-five may face death in just six months, due to reductions in routine health service coverage levels and an increase in child wasting (i.e., low weight for height).

In “The Grand Inquisitor” Fyodor Dostoevsky (1880/2002, p. 253) asked:

Do you know that centuries will pass and mankind will proclaim with the mouth of its wisdom and science that there is no crime, and therefore no sin, but only hungry men? “Feed them first, then ask virtue of them!”—that is what they will write on the banner they raise against you, and by which your temple will be destroyed. In place of your temple a new

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10These estimates were meant to seize the Security Council of “the worst humanitarian crisis since World War Two”, in time when more frequent natural disasters and changing weather caused, that “we’re already facing a perfect storm” (UN News 2020). France and Tunisia proposed to the Council a draft resolution, while the UN Secretary-General renewed the alert (UNSG 2020f). As of this writing, because of the conflict between China and the USA over the wording of resolution involving the origin and nomenclature of virus and the role of the WHO in its countering worldwide, the Council has not adopted any resolution.
edifice will be raised, the terrible Tower of Babel will be raised again, and though, like the former one, this one will not be completed either, still you could have avoided this new tower and shortened people’s suffering by a thousand years—for it is to us they will come after suffering for a thousand years with their tower! They will seek us out again, underground, in catacombs, hiding (for again we shall be persecuted and tortured), they will find us and cry out: “Feed us, for those who promised us fire from heaven did not give it.” And then we shall finish building their tower, for only he who feeds them will finish it, and only we shall feed them, in your name, for we shall lie that it is in your name. Oh, never, never will they feed themselves without us! No science will give them bread as long as they remain free, but in the end they will lay their freedom at our feet and say to us: ‘Better that you enslave us, but feed us.’

Century and a half later, past materialism and post-modernity, in the age demanding sustainable development by Mother Earth with millions of people victimized by hunger, crime, and calamities, do people still feel locked down by this dictum “Better that you enslave us, but feed us”? Were they not ready to unlock that dictum after Roosevelt’s proclamation of the Four Freedoms and of the Universal Declaration of Human Rights? Are we not ready now to respect the freedom from want and the freedom of expression as per the 2030 Agenda? After all, absolute poverty of Dostoevsky’s time has now been considerably reduced throughout the world, so populistic arguments no longer should sound so forcefully. There is more between “food” and “freedom” than he implies.

### 3.2 Global North-South Cooperation

Klemens Wenzel Fürst von Metternich, Austrian Empire’s Foreign Minister (1809–1848) and Chancellor (1821–1848) widely considered to be one of the most important statesmen and geo-political strategists of his time, quipped: “When Paris sneezes, the whole of Europe catches a cold” (Neumann 1949, p. 542). Ever since he said so, it has had literal and metaphorical variations.

Contemporary literary sense of his saying in the time of pandemic communicate the news, that “Unrest, hunger and hardship in France’s locked-down suburbs” (Borges 2020). Metaphorical sense has “When America sneezes, the world catches a cold” or “When China sneezes, the world catches a cold.” Not coincidentally with the latter modification stands “When white America sneezes, black America catches pneumonia.” In the pandemic it signals acute poverty problem, however not only in the USA but worldwide. Metternich’s quip should now rather be regarded as a bon mot which reads: “When Global North sneezes, Global South catches pneumonia.”

In the time of pandemic Metternich’s bon mot is also strikingly relevant because of the falling rule of law and democracy worldwide, and people’s yearning for larger freedom across the globe. In the present intellectual change and dominated by arguments about despotism and liberalism, Machiavelli, and Montesquieu—the two brilliant advocates of these two conflictive worldviews—seem to be on one page.
In “The Prince” Machiavelli regarded plague and disease as metaphors for what happens to the ruler whose conduct is not vigilantly held in check:

what physicians say about consumptive illness [tuberculosis] is applicable here: that at the beginning, such an illness is easy to cure but difficult to diagnose; but as time passes, not having been recognised or treated at the outset, it becomes easy to diagnose but difficult to cure (Machiavelli 2005, p. 68).

Vigilance is also Montesquieu’s priority and as it is widely known his idea of the separation of powers is its best example. For Montesquieu despotism was metaphorically also a “plague”—“a scourge of decency”:

He helped to convince many of his readers that despotism was a new and dangerous form of unlimited - concentrated and unaccountable - secular power. Guided by no ideals other than the blind pursuit of power for power’s sake and feeding upon the blind obedience of its subjects despotism, Montesquieu implied, is a half-crazed, violent, and self-contradictory form of governance. It crashes blindly through the world, leaving behind a trail of confusion, waste, and lawlessness, to the point where it tends to destroy its own omnipotence. It consequently undoes the fear upon which it otherwise thrives. Despotism becomes the scourge of decency. It shocks and repels those who are afraid, and it encourages those who yearn to live without fear. It inspires its opponents to seek alternatives, for instance republican government, representative parliamentary power-sharing arrangements, the cultivation of free public opinion within the rule of law, and the education of citizens into the ways of civic virtue (Keane 2018, pp. 412–413).

The desperation of the Global South residents to seek welfare and other life opportunities in the Global North is very understandable. In this book as well as in our 2018 book we have given considerable attention to the ensuing steps for orderly, safe, and responsible migration in time of climate change.

There are very tragic cases of hatred-driven assaults on immigrants. Across the world governments and citizens of host countries and communities, sometimes populistically representing “the will of sovereign”, urban mayors, spiritual leaders and authorities—all face an imminent re-adaptation challenge prompted by immigration. We focus here on the intercultural approach to pursue larger freedom which since the establishment of the United Nations drives its agenda, but now faces the unprecedented wave of new values, new lifestyles, and new challenges to justice.

We bring this issue up in the context of very disturbing arguments quoted by Chalkia. She writes: “Taking into consideration that the majority of refugees and immigrants come from countries that are classified as ‘waste’ (outcasts) in the context of contemporary international society and that the ideas of ‘western’ exceptionalism, the ‘inevitable’ clash of cultures, even xenophobia and racism, have spread throughout Europe, the successful integration of these people in European societies and the avoidance of ‘stigma’ […] is a complex challenge and also an urgent priority.”
4 Education and Inequality

Here, following on our previous book (Kury and Redo 2018), we would like to focus how this priority can, hopefully, be met in the sending countries. This question is motivated by the fact, that immigrants coming to Europe from African countries and some Asian countries, in comparison with most of other immigrants not only have weak or no knowledge of the host country official language(s), but also enter Europe with their shorter years of schooling. They are looking for better life chances than they have in their home countries. Since early twenty-first century, the mounting scientific evidence has been equivocally suggesting that an additional year of schooling generates considerable socio-economic outcomes. Methodologies in accounting for them differ. Most beneficial outcomes are in low-income countries, where the ratio of investment to return may be as high as 1 to 10 in the USD (BEC 2018, p. 5).

Educational outcomes elsewhere may involve greater technological innovations, provided that education itself is innovative enough to yield them (Kury and Redo 2018, p. XXXV). In any case, appropriately modelled quality education lifts out people of material poverty and the poverty of thought. It sets countries on trajectories for making the living of their residents sustainable, while making their country economically less dependent on outside assistance (cf. BEC 2018, p. 5).

By analogy with “health coding” one may grade public obedience to the law in general. There are people who duly accept the legitimacy of a State and its regime, but there are also those who are sceptical and accept it occasionally, and those who do not abide it in principle. In the time of pandemic education in new lifestyles implies not only learning new social contact rules, but—more importantly—rescaling consumption patterns ensuing from the emerging new income distribution. Thus innocuous as may read SDG 12 “Ensure sustainable consumption and production patterns”, in reality relative deprivation—the most powerful criminogenic factor—no doubt can demonstrate how its detrimental potential to law obedience will impact the implementation of the 2030 Agenda. Time will show how serious will indeed be the impulse of pandemic on culture of lawfulness, Agenda’s idea not to leave anyone behind, and on the kind of response of its stakeholders.

All this sounds as belabouring the obvious. Like in art (Fellini) so in science “[t]he limits of our language are the limits of our thoughts” (after Obenauer in Kury and Redo 2018, p. XVII). Consequently, what is needed in education is to give more thought to a shared sense of social reality pursued in the “language” of the 2030 Agenda, the “language” that takes account of the imminent descend caused by the pandemic. The Agenda recommends that “all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development” (SDG 4.7). As emphasized in the report on culture in the implementation of the 2030 Agenda, this involves translating the universal language of the
SDGs into the individual and collective lives of citizens inhabiting specific communities, cities and regions (Culture 2020, p. 6). Now comes the time to reconsider what SDG 4.7 and 16 mean in the time of pandemic and later.

4.1 Gender Justice

Rayejian Asli in the chapter “Incorporating the United Nations Norms into Iranian Post-Revolution Criminal Policy: A Criminological-Victimological Approach” devoted attention to double standards regarding the protection of victimized women in Iran. The newest scene in women’s humiliating treatment was highlighted by the UN Secretary General, who sensitized the global audience to their plight during the coronavirus pandemic. He compared its fury to the folly of war (UNSG 2020a) and added: “[m]any women under lockdown […] face violence where they should be safest: in their own homes” (UNSG 2020b).

Indeed, in terms of domestic violence there is a criminogenic potential in the quarantined households. This may extend to corporal punishment of children, especially in dysfunctional families whose offspring cannot go to school. Moreover, the post-quarantine effect may lead to more violent and property crime in households with more than one person per room (Barkan 2000). If to take only this measure into consideration (based only on the US data), then the number of people in one household may indeed matter in case of: “stay home” quarantine, and under the condition of the locked down cities’ public spaces, then, probably, the fuller the household is, the more intensive would be the conflicting behaviors.

In the realities of pandemic this is a very rough thesis. It would certainly yield confusing results in developing countries (e.g., India with high population density, relatively low homicide rate and high household occupancy) and in developed countries (e.g., Sweden with low population density population, low homicide rate and high individual household occupancy). Even more baffling may be the numbers of reported instances of domestic violence in heavily COVID-19 affected countries where access to firearm ownership is liberal (e.g., USA and Switzerland), while the respective levels of reported homicides are extremely high and low. Consequently, much may be learned about the freedom from fear and want, so about economic inequality, but also about racial discrimination and last, but not least, gender.

Anyway, it is undeniably true that:

- Women first fell victims of homicide by their intimate partners or by other family members;

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11How otherwise criminogenic effects ensue from “broken homes” had shortly after the Second World War been investigated in the World Health Organization’s study, prepared in response to what is now known as the United Nations Crime Prevention and Criminal Justice Programme (Kury and Redo 2018, p. 846).
Societies with pronounced gender inequality tend to be characterized by higher levels of interpersonal violence against women, including lethal violence. Conversely, the empowerment of women has been shown to be accompanied by a decrease in the level of intimate partner violence. Greater autonomy and independence, when also combined with a higher social status, help to protect women from the risk of homicide (UNODC 2019).

On the strength of these two findings, countering gender-related domestic violence certainly is a matter of larger freedom. A Culture of Lawfulness that responds favourably to the latter finding makes such a freedom a reality.

4.2 The Role of Education in the Time of Conventional and Artificial Justice

Unlike in natural science where each new rule generally complements the previous ones and does not invalidate a complete set of reasoning, legal rules do not automatically evolve in a linear progressive fashion (Council of Europe 2018, pp. 35–36). Hence, for better or worse, advancing the rule of law depends more on human reasoning.

It is this context in which we interpret even more than in SDG 4.7 expressively formulated educational objective of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Qatar, 2015). Its Doha Declaration (A/RES/70/174, OP 7) stated that “education for all children and youth, including the eradication of illiteracy, is fundamental to the prevention of crime and corruption and to the promotion of a culture of lawfulness that supports the rule of law and human rights while respecting cultural identities.”

The United Nations Secretariat’s respect of cultural identities may differ from its local understanding, and even intergovernmental understanding. Female genital mutilation still tolerated if not promoted in some legal cultures and occasionally backed by religious interpretation is a case in point (Kury and Redo 2018, pp. 866, 872–873). Regarding the rule of law, invasive governmental surveillance is a case in point.

In the light of both examples, so distant from one another, how then to educate in the Golden Rule spirit “Do not to impose on others what you do not desire”? Symbolically, this question stretches from secular to artificial justice. The major difference between secular and artificial justice is, that in case of traditional uncivil behavior countering it may less or more readily involve educationists, educators, community and spiritual leaders who with their visions and tools of trade are able to control and prevent their occurrence. Moreover, victims may not only have domestic tools of redress, but also benefit with offenders from restorative justice process.

In between secular and artificial there are many incongruent views and developments, but two recommendations should not be questioned: First, that victims of such abuses should be made aware of their rights to dignity and privacy; Second,
that there should be the independent judiciary to make those rights effectively protected.

Let us keep in mind, that like nature the United Nations is perishable. However, unlike nature, its evidence-based drive for knowledge and education, formal and informal, spiritual, but in any case progressive under its aegis makes them a salient growing global asset. Progressive education and inculcation of the UN “principles of justice” to use the Charter’s term should continue to be a common base for all its stakeholders. There is no “end of history” (Francis Fukuyama) when innovative thinking prevails over clichés. Hence in this book three chapters, by: Karstedt on “The Policy Relevance of Comparative Criminology: On Evidence-based Policies, Policy Learning and the Scales of the Discipline”, Waller “Ending Violent Crime with Science and Faith”, and by Redo “Is Socrates Mortal? On the Impact of Socratic Logic on Teaching and Learning the United Nations Crime Prevention Law.”

Enlightening education enabling critical judgement is pivotal to eradicate chronic poverty, to counter the poverty of thought and to facilitate the growth of freedom intergenerationally. Eradicating poverty in these both forms through education is the prerequisite for the institutionalization and exercise of more effective control and prevention of abuses, whether to the rights of dignity and privacy or—generally—to other human rights.

Therefore, we reemphasize the importance of findings (see the Prologue) that corruption is the Achilles’ heel of populists. However, this weakness is not enough to discredit them. It is necessary to demonstrate that this scourge is detrimental to democratic accountability that enables impunity of leaders. A decline in the rule of law, a dysfunctional bureaucracy hurts the majority and benefits only a few.

5 Justice Reconsidered

As pandemic unfolds, among its victims fall prison inmates. Since prisons are not the type of conveyances which offer better living accommodation than for the locked down COVID-infected passengers of luxury cruise ships, most prison systems across the world exceed maximum occupancy. Even more of them are overcrowded. In either case this is because of uneven living accommodation, subject only to domestic criteria, notwithstanding various international criteria (UNODC 2013, p. 8). If to apply them,—according to the Penal Reform International (2020, p. 10)—probably more than 124 prison systems which exceed maximum occupancy are

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12 I.e., the ratio of the number of inmates present on a given day to the number of places specified by the official capacity.
13 I.e., the number of inmates above the official 100% prison capacity.
14 I.e., minimum space per prisoner of no less than 3.4 sq m and area within the security perimeter of 20–30 sq m per person, with a minimum rate of air renewal between 0.1 and 0.2 m³/min/m² (Nembrini 2013, p. 23).
potential incubators of pandemic. Numerous recommendations appeared regarding early prison release, furlough, etc.

There are no recommendations regarding social re-integration, if at all there may be successfully formulated and effectively implemented. Selective release combined with electronic monitoring? After-care civic community support? Will “the tailor, soap maker, baker and every other one [...] convinced that the fate of State depends on his craftsmanship and skills” be ready to extend them to the convicts? Who may now undertake such learning for the sake of others? How “different language [in] a different vision of life” (Fellini in Cardullo 2006, p. 178) can deliver it?

This is a transition period in which crime and justice field experiences unforeseeable before changes. Because of the lockdown the level of non-domestic violence subsided, but other crime, e.g., “dark net” drug dealing, increased resort to the detrimental pornographic material by adults and kids alike may enjoy their hay day. In front of our eyes emerges a new crime, justice and victimization landscape and scene for the Day After. There will be inevitable changes in people’s lifestyles, and so in law enforcement, criminal justice, crime prevention, larger freedom, and the rule of law.

5.1 Justice in Horizon

Almost two centuries ago, in 1847, James Madison, one of the Founding Fathers of the USA, said:15

An attention to the judgment of other nations is important to every government for two reasons: the one is, that, independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is, that in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed (The Federalist 1961/63).

In that case, he clearly referred to the USA, and asked:

What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?

Two answers follow. First, the U.S. National Endowment for the Humanities through its “We the People” project offers Paul A. Rahe’s indirect response. “Rooted” in the “constitution” of all human beings—in our opinion—it applies to any country in the world:

15The authorship of this and other views ascribed here to James Madison had been a matter of dispute. Both James Madison and Alexander Hamilton have been ascribed authorship.
Montesquieu outlines the four most fundamental laws of human nature, the first two of which are caused by the desire for self-preservation [...]: 1) man seeks peace; 2) man seeks nourishment; 3) man is drawn into company with others; 4) man has an intellectual desire for the company of others (Rahe n.d.).

**Second,** we dare to say, that the least unbiased part of the mankind is represented now by the United Nations of “We the Peoples” where the company of others has been and should be most helpful to do good for the greatest number of people. The Organization’s view on transforming the world should be better heard, desired, and followed across the globe.

### 5.2 Justice the Day After

As of this writing, one may criminologically reflect on the Day After in two ways. **First,** in terms of situational crime prevention, that is about changing patterns and dynamics of crime and victimization due to considerable unemployment and excessive economic inequality. This involves violence, other assaults, robbery, burglary, theft; suicide; social unrest. **Second,** in terms of social crime prevention. In line with it, it makes sense to pursue avenues to strengthen the rule of law in this difficult time. But would indeed the old rule of law (alias UN Charter’s “principles of justice”) be applicable on the Day After?

Back in the 1990s—in the pre-SDGs age—William Gibson an influential and award-winning science fiction author, in a perceptive quotation suggested that “The future has arrived - it’s just not evenly distributed yet” (Quote Investigator n.d.). For a UN-minded reader of this book this would mean the seeds of socio-economic inequality growing into the future world. However, in this unprecedented global situation after the Second World War, old and new ethics, past and fresh justice concerns about socio-economic inequality, climate change and migration—they cumulatively augmented (and the pandemic accelerated) the reshaping of the priorities for the future.

Countering spatial exclusion and structural discrimination are the two SDGs—and criminologically relevant priorities for the Day After. **Spatial exclusion** in the time of pandemic has for decades been investigated by epidemiologists, and more recently by urban planners and criminologists. The most recent review of epidemiological studies (Kucharski 2020) show that outbreaks of epidemics and street/domestic interpersonal violence share one common denominator—the geolocation wherefrom they originate and spread, namely, the impoverished residence areas.

The first death in *favela* of Rio de Janeiro (Brazil) due to COVID-19 of a 63 year-old domestic worker may be emblematic to sensitize to four risks for any country with the impoverished residence areas, especially slums (Slattery and Gaiër 2020).

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16. “The Day After” is the title of the 1983 movie directed by Nicolas Meyer about the effects of a devastating nuclear holocaust on small-town residents of eastern Kansas (USA).
First, their proven function as incubators of epidemic, second, their function as cradles of inter-family and intergenerational violence (addressed above); third, as to the role of organized crime in bringing epidemic under control in lieu of the medical assistance by public health agencies; fourth, throughout humankind’s history these areas with young males who could not work legitimately or lost their jobs. Unemployed and disgruntled they have always been a natural reservoir of radicalization, tolerated in times “colloquially referred to as normal” (Czarnowski 1936/2016, p. 300).

Current time is not “normal” any longer. Hence the latter two points bring into picture the problem of structural discrimination driven to its hights by the 2030 Agenda (SDG 16.b). Related to the distribution of power and the rule of law, this public health and social justice concern in other words reads as who gets to write the future for years to come, beyond 2030.

If this will be done in “more of the same style”, then fascism—writes Czarnowski (1936/2016, p. 305)—offers “[t]he enormous, ever increasing, margin [...] of young people full of youthful temper [...] inclined to generate in themselves an ‘inferior value complex’” the avenue to satisfy their ambitions.17

Given more than 80 years after the tragic war with the ensuing intellectual legacy and accumulated post-war Nordic welfare and other good governance experience satisfying such ambitions must account for the sense of individual self-agency. The findings from 1981 to 2007 Word Values Surveys clearly prove that good governance facilitating economic development, anti-corruption, democratization, and social tolerance increase the sense of free choice, which in turn has led to higher levels of happiness around the world (Inglehart et al. 2008).

Whether happiness continues to grow only with the growing income is a matter of scientific dispute (Stevenson and Wolfers 2008). Less disputable is the imminent recession with the growing deprivation. This forceful criminogenic factor on the way to sustainable livelihood may be more in the order of the day than before when it comes to domestic and street violence. The more so important is in this adverse circumstance the trust in governmental institutions: wherefrom they derive their legitimacy, how they react to violence, how public awareness of the effects of recession translates into the domestic settings and culture of lawfulness in the streets, at schools and places of political power sharing: in villages, communities, cities and countries. Finally: in the regional and intergovernmental organizations, including the United Nations (Pływaczewski & Redo 2018).

17For a European review of the twentieth century developments in nationalism, see Borejsza et al. (2006).
5.3 Economic Justice

We see it in three ways. First, as per “writers’” guarantees to enjoy the aforementioned UBI may initially be a preventive response.

Second, more viable in a long run would first be a basic reordering and optimization of the domestic and international tax system. One may see in this context the chapter by Ling Zhou and Hanming Xu on “Money Laundering: China and its Evolving Criminal Policy Response”, had the matter not been nowadays even more pregnant in the ominous consequences than before the pandemic. The UN Secretary-General was worried that the ensuing illicit financial flow, such as tax evasion and money-laundering will undermine investments in sustainable development (UNSG 2020g). Indeed, current financial architecture enables the existence of offshore tax centers (“havens”). Hence the avoidance of paying taxes in countries where the payee should originally have the relevant tax account and benefit as an entrepreneur the entitled employees (jobs), rather than to leave this to a State affected by the collapsing economy. Paying for UBI or any other welfare benefit in situation of considerable financial shortages may then be appropriately addressed with the taxed entrepreneurial income. Eventually there should be new market mechanisms for data that would show how UBI functions within new tax structures. In the end of the day this is about accounts, returns, shared responsibility, shared benefits, and leaving no one behind rather than about “idle poor”, i.e., those who may seem not to want to work and stay put.

Third, in our view, the following opinion is therefore more pragmatic, more far-reaching, instrumental, and potentially globally transformative:

These decisions are often made by a particular section of society - typically [...] upper-middle class, and male. Although the demographics of decision makers are beginning to broaden, many of the organizational structures in which decisions are made limit the degree to which ideas from outside dominant mindsets can have traction. Additionally, incomes associated with decision-maker roles mean that when people from other class backgrounds take such jobs, they often become removed from the day-to-day experiences of those from similar situations. For example, believing that if they have “made good,” then it is possible for any and all. However, even when apparently benign, current differences in power have a strong impact on how the future is being written (Chatterton and Newmarch 2017, p. 44).

Relating this opinion to the transformative potential of the 2030 Agenda, the decision makers should write the future in a common language of justice. It aims at reducing excessive inequality, promotes gender mainstreaming, more inclusive power structures with access to justice (SDG 10 and 16). With and in it the future may be written by all concerned UN stakeholders. The Organization should be at the forefront of international developments where these written words will count.
5.4 Justice Philosophies in the Time of Pandemic

It is natural that the concerned State’s duty to counter comes first before any other States, including their consolidated response, if any. Past that, State’s duty should not be on a collision course with another State. If it so happens (as it does), then should not be misinterpreted as a failure of the world community, global civic education, etc.

It is this context in which we read the UN Secretary-General’s statement at the Security Council, that “the pandemic [. . . ] poses a significant threat to the maintenance of international peace and security - potentially leading to an increase in social unrest and violence that would greatly undermine our ability to fight the disease”, increase the potential of bioterrorism and exacerbate various human rights challenges, including democratic elections (UNSG 2020c).

It is also this context that prompts us to ask: Is the present global socio-economic system good enough, if in a couple of months, the unfolding pandemic brings it to a virtual halt? Has the present way of governance become anachronic as incapable to react to the pandemic? When, if not now “Transforming our world: the 2030 Agenda for Sustainable Development” should be more vigorously implemented? How long the moral dilemma whether an elderly or young coronavirus-infected patient should first be treated with a respirator will hold its currency? If the vaccine is eventually available, whom it may first be served?

In this book Rutkowski (already mentioned) considers the answer: “Either we behave in a human way, or we no longer deserve to be called human. Either the vaccination against the coronavirus is made available for free to all those in need, or humanity does not rise to the occasion and does not pass the exam in being human.” Whether or not we dress the answer into the gown of Hamletism or utilitarianism it would be more helpful if Member States could in line with the 2030 Agenda retool their policies to see together a better Day After by reprioritizing objectives of public health sector, of education and other objectives.

Now should be the opportune time to heal ourselves from a rather sickening condition in which we have found ourselves amid climate change and coronavirus. It is the time to embark on “co-immunism”, to use the phrase of Peter Sloterdijk, German philosopher and cultural theorist, or on more “solidarity.”

There is a deficit of solidarity, so much emphasized in the introduction to this book by H. E. Lech Wałęsa, the originator and leader of Solidarność, the first democratically-elected President of post-Second World War Poland (1990–1995), and Nobel Peace Prize laureate.

“Solidarity” and “co-immunism” have gained on their resonance in the time of pandemic. Both corroborate that “[n]ature kills weak people. Civilization is fragile. We learn about its strength when we know how many people we can protect” (Andrzej Stasiuk in Wodecka 2020).

Econometric research findings support the above argument. According to them, because of various epidemics which plagued the world in the past 60 years (1960–2019), the more democratic system the studied country had, the lower was
the number of lethal victims. Among countries with similar wealth, the lowest death 
 rates tend to be in places where most people can vote in free and fair elections. 
 Employing other definitions of democracy yields similar findings (Economist 2020). 
 If to add to them the evidence analyzed by the Freedom House (2020) that autocratic 
 governments tend to lower the death statistics and are less supportive of the 
 screening of potentially COVID 19-infected people, then there is a clear confirm- 
 ation of the importance of SDG 16.10: “Ensure public access to information and 
 protect fundamental freedoms, in accordance with national legislation and interna- 
 tional agreements.” 
 “Larger freedom” does not die because of one or another emergency. In the time 
 of populism, it still reacts to its vagaries. It has a potential to resurrect through civil 
 society’s vigorous organization, by releasing and channelling people’s social ener-
 gies supporting good governance with new standard-setting for larger freedom. 
 Individual sustainable livelihoods are in the bedrock of sustainable development. 
 People’s well-being, their own commitment; grass-roots abilities and people’s own 
 vision of successful future in communities and community of nations may secure 
 sustainable development worldwide. 
 Likewise, “solidarity” does not die because of one or another emergency. Soli-
 darity since 1989 has internationally gained much more popularity. Past its political 
 etymology, solidarity should really become a household word beyond the United 
 Nations. It should be further domesticated and internationalized. No magic is needed 
 to make solidarity work at home and internationally, but more good faith, trust, 
 transparency, accountability, and shared responsibility. 
 Such fundamentals should remain fundamentals. In the 2030 Agenda they are 
 pregnant with humanistic and pragmatic content. Neglecting, reducing, or inverting 
 its meaning is a challenge to fundamental freedoms advanced by the Agenda, and a 
 challenge to the UN social contract, originally constituted by the Charter.

5.5 Environmental and Climate Justice

A “Greenpeace” activist Paweł Szypulski (acknowledged earlier) rightly noted that 
 while the pre-Second World War Great Depression prompted the United States to 
 build and implement “The New Deal”, Europe of that time disintegrated and finished 
 itself by a mortal conflict, whose symptoms were so clearly observed before the 
 Second World War by the afore quoted Czarnowski. There is then the crucial lesson 
 learned, how to address the Day After in the European Union and elsewhere in the 
 world. The EU’s “Green Deal” should be the way to follow. The World Values 
 Surveys provide a credible evidence that all over the world the protection of 
 environment is a top concern of people (Kury and Redo 2018, pp. 889–891; Redo 
 2018a, b). It is immoral to sin against environment! Urban stewardship which
responds to that concern and redefines along with it other residential concerns allows mayors, civic society, FBO leaders, migrants, youth, and adults a common agenda on the Day After.

In other cases, since in the livelihoods consumption of wildlife markets products has for long been important for people (as food or an aphrodisiac), new endeavours are needed. In China there are good examples of massive campaigns on the city transportation and other local mass media, e.g., regarding the prevention of the ill treatment of elderly or the identification of forged Chinese banknotes. Certainly, raising in this way public awareness of the health perils of wild markets products may have a positive anti-pandemic impact. Awareness campaigns may decrease customary reverence of and demand for them, provided that the suppliers will likewise benefit through more legitimate alternative sustainable livelihood opportunities.18

As if was a premonition of pandemic, in the 2020 New Year Secretary-General’s visionary statement to the United Nations General Assembly he invoked the incoming “Apocalypse” (pestilence, war, famine and death) that will prevail in the world. He metaphorically meant to alert Member States to climate change, sinister technologies, mistrust, and global tensions as the current “four horsemen” jeopardizing our shared future (UNSG 2020d).

Compared to “Apocalypse” he did not allude to pandemic. Yet he could have done so. This is because at the time of his statement pandemic has been unfolding in Wuhan, while the 2019 report published at the initiative of the World Bank and the World Health Organization (GPMB 2019) provided ample scientific evidence that a high-impact respiratory pathogen pandemic is underway. Quite rightly the report discusses, how “the world” can address the pandemic threat and manage preparedness for disease outbreaks in complex, insecure contexts. The report recommends national and local leadership that drives progress, and regional and global support for it. In no place in the report there is a discussion on “discrimination.”

5.6 United Nations Spirit of Justice and Discrimination of Others

The 2030 Agenda is a unique legal instrument for just social progress in the world. The Agenda does not differentiate “us” from “Others.” There is no dichotomy “we-

18In 2020, city authorities in Wuhan (China) have reaffirmed the central government’s ban on the consumption, trade, and hunting of wild animals except for “scientific research, population regulation and monitoring of epidemic diseases.” A similar restriction applied to the breeding of non-domesticated animals, with exceptions for “species protection, scientific research and animal exhibitions [such as zoos and wildlife parks]” that had been approved by the government (Xie 2020). The ban is a custom-forming act legitimizing the creation of locally new “best practices.” It delegitimizes unique, culture specific culinary custom, which in a few decades may eventually disappear.
they”, no false dilemma “we or they.” Throughout the Agenda permeates the message that patriotism is love of own country without hatred of other nationalities.

Prejudice, hatred, denunciation—forms of discrimination about the countering of which is so much in the 2030 Agenda and this book (see, e.g., Sasitha’s “Youth Perception on Hate Crimes, Hate Speeches and Nationalism in Contemporary India”) in the context of various vulnerable groups—now includes sick homeless people, home-isolated senior and other residents, COVID-infected hospital patients and the concerned medical staff at their residences.

Before the nineteenth century the word “syphilis” became standard throughout the world, this venereal disease was called in China “the ulcer of Canton” (the chief seaport of contact with the West). The Japanese called it the Tang sore-Tang referring to China—or more to the point—the source of the disease—the Portuguese sailors. Indians called it the disease of the Franks (western Europeans). Middle Easterners called it the European pustules. The English called it the “Bordeaux disease”, and “the Spanish disease.” Italians called it “the French disease”, which proved to be the most popular title. The French called it “the disease of Naples.” Poles called it “the German disease.” Russians called it “the Polish disease”, and so on (Crosby 1969). Until the First World War the Spanish word “la polacca” had been the synonym of a prostitute (Polish women, partly of Jewish origin, emigrated to the Western hemisphere as bread winners), whereas “polacco” until that time implied a Jew—member of the strong ethically inhabited Poland, before and after its first partition in 1772. So, if to continue with “the Chinese virus” nowadays (called “white virus” in Africa because of its arrival from Europe, where by Germans is called “skier’s disease” which originated in Austria), what international standard it would be when compared with the recommendation to “Promote and enforce non-discriminatory laws and policies for sustainable development” (SDG 16.b)?

The United Nations developed and implements the Agenda in ecumenical spirit, in its own secular fashion. If for the majority of Member States, especially permanent members of the Security Council, that ground breaking instrument only enjoyed a happenstance unanimous support when in 2015 it was adopted by the General Assembly, then very little hope would be left for a better future. Paraphrasing Harari (2020), it looks as if there were no adults in the room to come up with a common plan of action.

In 2018 in novel “M. il figlio del secolo” by Antonio Scurati about Benito Mussolini, the author of this bestseller translated into German, Polish, Spanish among other languages conveyed the message that Mussolini’s march for fascist dictatorship in Italy was successful because of his ability to exploit the fear of the October Revolution downing on the impoverished post-First World War masses. In simple words repeated to thousands of disenchanted Italians Mussolini replaced that fear by hatred of the imminent future personalized by Lenin. “A great alchemic operation!”, exclaims Scurati in the interview (Nogaś 2020).

Climate change, migration and the pandemic that leads to recession is certainly a suitable medium to a new alchemic operation for hatred of the imminent future with “Others” as the front-line enemies. German Nazi theoretician Carl Schmitt
(1888–1985) rightly said: “Tell me who your enemy is, and I will tell you who you are” (Schmitt 2007, p. 85).

In reality, there is nothing specific in human behavior or of any country that cannot be found in others. Not a single person or country is “unique”, because uniqueness is universal. The UN is a normative institution based on universalism. It advances it through “twists & turns” slowly but steadily, so some adverse sides of local “uniqueness” may eventually disappear.

We need strong public power, globally and domestically. Good governance legitimizes itself not only by the mere virtue of the law of the land, but by effectively and humanely controlling the ambitions of rulers and subjects (Montesquieu 2001, SL 5.8, 8.2). Using contemporary terminology, good governance is in the limits of power, in the limits of growth, in the limits of inequality, in the United Nations spirit of laws.

SDG 16 advocates just that. It is a very thoughtful instrumental inventory of targets aiming at alleviation of concrete social inequalities, complimentary to sustainable development goal 10 addressed at reducing excessive economic inequality within and among countries. No wonder therefore that Montesquieu was hailed by the President of the United Nations Assembly when he admitted, that “[t]here is no nation so powerful as the one that obeys its laws, not from principles of fear or reason, but from passion (Redo in “The relevance . . .”).

Whether globally or domestically, institutional power must be controlled. A single person, whether a President of a country or a simple resident should not be above the law, nor should be its illegitimate victim.

This is an evergreen problem in the world conveniently ignored by power holders. But it is an illusion that the absence of control weakens achieving laudable goals for anyone, including power holders. As an Anonymous said, “Anyone who thinks that sky is the limit has a limited imagination.” It rather invites unwelcome consequences for them, including increasing unaccountability of state institutions eventually failing to discriminate between own harmful and corrupted practices and the practices of organized crime or actions of war lords.

“Legal impunity” is the result. A State loses then control over its own apparatus and fails to deliver on its laudable promises. Eventually, this may lead to loss of legitimacy—a “failed state.” At the interstate level, this involves the lack of credibility and trust. And so risk their credibility and trust the interstate organizations, including the United Nations.

We face the crisis of some forms of global cooperation, but not the end of globalization. “De-globalization” (Ivan Krastev) and the futility of the Agenda-inspired transformation may be a kiss of death only if countries do not revisit and consider themselves accountable for their commitments vis à vis others. If the United Nations can implement the 2030 Agenda unconditionally showing that this is a doomsdayish future, then there still is hope in it. Yet hardly in any public debate one hears that the United Nations has that common plan.

If in the political technology persists the binary division on friends and foes, then it means the intent to hurt others. UN Charter’s “good faith” (Art. 2.2) would be just a smokescreen behind which nationalism fuels hatred with religion that may again be
involved in the deadliest atrocities at war or peace time. Hence this “dilemma”: Whose music we appreciate more: Wagner’s “Rienzi” which so much impressed the young Hitler or Beethoven’s “Ode to Joy”? And what about Penderecki’s “Three Chinese Songs”? This “dilemma” is a pure nonsense.

So not to repeat the past errors, there is the need to strengthen the role of anti-discriminatory and other assistance mechanism by sound civic participation in the time of dramatically reduced quality of life for very many countries and people, euphemistically called “negative growth”—probably the most powerful criminogenic factor. This oxymoron should sensitize to critical understanding of the issues, and to legal recourse, in case of abusive right-conduct and social justice concerns imminent because of the lingering economic depression.

6 Independence Resuscitated

In this adverse circumstance, the mechanism recommended in SDG 16.b should enjoy guarantees of independence and impartiality—another contradictio in adiecto? Montesquieu’s institutional separation of powers which provides for both is not a panacea that exclusively can answer this question and prevent the malignant outcomes possible in the future, however it certainly is a case in point here.

Montesquieu’s corpse was removed from its tomb and thrown into the Paris Catacombs. There he rests with Georges-Jacques Danton—his revolutionary accolade, with Maximilien de Robespierre and Jean Paul Marat—their victimizers. Notwithstanding the French Revolution-time profanations we dare to say that Montesquieu’s concept of liberal democracy based on the separation of powers still will guide the Rule of Law. For it is true, that “[h]owever vaguely it may be perceived, however inarticulate may be the thought, there is an aspiration in the hearts of all men and women for the rule of law. That aspiration depends for its fulfilment on the competent and impartial application of the law by judges” (UNODC 2007, p. 17).

Because of the spread of digitization and predictive justice, we leave this statement with the following caveat from the book “Good-bye Montesquieu”:

[I]t is past time to rethink Montesquieu’s holy trinity. Despite its canonical status, it is blinding us to the world-wide rise of new institutional forms that cannot be neatly categorized as legislative, judicial or executive. Although the traditional tripartite formula fails to capture their distinctive modes of operation, these new and functionally independent units are playing an increasingly important role in modern government. A ‘new separation of powers’ is emerging in the twenty-first century (Ackerman 2010, p. 129).

However literally this separation may be inscribed in the new law of the land, it can be effectively exercised in many ways. When it comes to the oversight of governmental surveillance activities, including those augmented by AI, the aforementioned UN special report points to the insufficiency of judicial authorization of that surveillance. It suggests additional controls (A/HRC/41/35, para. 52). Audits and civilian control boards may be a democratic way to strengthen checks and
balances to counter infringements of independence. There is nothing wrong with them as long as they comply with democratic governance (transparency, accountability), including the privacy protection. Its lack is detrimental to larger freedom and alerts to the pitfall of that control. The independent civil service guarantees meeting standards of democratic governance. Indeed, dispersed oversight/control—this growing in importance form of good governance—if credibly implemented may show the way to other public affairs sectors how to address, control and regulate democratically their own justice issues.

6.1 Judicial Independence and Integrity

This prompts two observations at the juncture of traditional and artificial justice. First, with reference to traditional justice Forsthuber emphasized, that “[o]nly in a state based on the rule of law can there be a guarantee of democracy as well as an effective protection of human rights. The independence of the judiciary is a major pillar of any constitutional state based – within the framework of the separation of powers – on a balanced system of separation and control of powers.” He interprets the meaning of institutional independence through the statement of Anselm Feuerbach (1755–1833), German legal scholar and philosopher: “The judge receives his office from the king’s hand, but an office which has the duty to serve no other master other than justice, to obey no will other than the will of the law.”19

This is why are so important among the European judges and public the 1746–1791 court cases that took place during and after the reign of King Frederick II of Prussia. He and his successor lose them to their subjects—the weaker party. In particular, credible and very meaningful for the rule-of-law message was the 1770–1779 court case The King vs. the millers Arnold (Luebke 1999). The miller operated a water mill as a tenant on the landlord’s ground. Obliged to pay tenancy fees to him, this small mill manager declined to pay due to the reduced inflow of water to the mill, caused by the newly built fishpond, authorized by the district council. The case against the miller went to the court. The miller argued that he could not sustain his business. In three instances the miller lost. The mill was forcibly confiscated and acquired by the landlord.

The outraged miller wrote to the King. He ordered an investigation. Appalled by its result he wrote that the judiciary which practices injustice was:

more dangerous than a band of robbers; for one can protect himself from the latter, but the former are rascals wearing the mantle of justice, to exercise their own evil passions, from

19A complimentary statement referring to individual independence came from another German lawyer, Gustav Radbruch (1878–1949), in early 1920s the Minister of Justice in the Weimar Republic (1918–1933). He stated: “We despise the person who preaches in a sense contrary to his conviction, but we respect the judge who does not permit himself to be diverted from his loyalty to the law by his conflicting sense of the right” (quoted after Bjarup 2006, p. 296).
whom no man can protect himself, and they are the greatest scoundrels in the world, and deserve a double punishment (Dohm 1814, p. 537).

The King demanded the arrest of the chamber judge, but the Grand Chancellor refused. He was relieved of his duties and a new Grand Chancellor appointed. However, he also refused to arrest the recalcitrant judge from the original case. He also was dismissed by the King. He granted the audience to all judges who failed to prosecute cases speedily and who, by perpetrating injustices (Ungerechtigkeiten), profaned justice and the equality (égalité) of all social classes before the law. After their audience with the King, the district and provincial justices seized by the case were arrested and imprisoned. Finally, the King restored the mill to the Arnolds. He forced the imprisoned judges to compensate the miller and indemnify the widow after him. Although the landlord was spared imprisonment, royal antipathy continued to the end of the King’s life. He even refused his request for emergency relief when the landlord’s estate was flooded (Luebke 1999).

The King realized that he needed to reform the Prussian justice system. He was aware of corruption of judges, delays in judicial proceedings, irrational and counterproductive medieval penal policy. With this reformist aim in view, in 1779 the King authorized the new Grand Chancellor Samuel von Cocceji, and First Minister of the Justice Department Johann Henrich von Carmer to implement his ideas. In 1780, they delivered the drafts which greatly contributed to the unification and modernization of the Prussian law. Their work laid out the fundamental principles of a reform of the entire system of law.20

Second, with reference to traditional and artificial justice, if nowadays predictive justice by a “virtue” of its logical thinking and self-correcting capacity cuts short of the United Nations sense of justice, then this adds to the institutional vulnerability of the independence of judiciary in the world. Especially this is the case in Asian countries where human rights, including the freedom of thought, conscience and religion have traditionally been weakly protected (Neo 2017).

Summing up these two points, and seeking to address the last question, the ensuing common aim is more standardization and modernization of principles of justice across the world. If not fatality but reason moves the universe, the purpose of judicial and social justice reforms may be to bring more unification into dealing with the effects of global climate change and migration. Difficult as this transformative paradigm is, it should be pursued in the spirit of larger freedom. It has a double sense, namely: countering populistic calls for its limitation in the case of the independence of judiciary, and awakening the conscience of humankind to the

20In the execution of this order, they the like-minded jurists created the Corpus Juris Fridericianum, which replaced the General Land Law for the Prussian States. Carmer not only wrote parts of the Corpus himself, but also provided the necessary support for the projects established by the King and for their defence against any entrenched judicial resistance. In 1788, for his achievements in the unification and modernization of Prussian law he was awarded the Black Eagle Order by King Frederick William II. Cocceji’s and Carmer’s names were included in the inscriptions on the Equestrian statue of Frederick the Great among the founders of the modern Prussian state (Naworski 2016).
inherent rights, civic duties and shared responsibilities involved in the global climate change and migration.

On final reflection: Who deliberately practices injustice robs others of the right to larger freedom. St. Augustine, Montesquieu and Frederick the Great were correct pointing out that justice has been *conditio sine qua non* of progressive humanity—now and in the future.

### 7 Kudos

Twenty-five centuries ago, the illustrious Chinese thinker Lao Tzu first proposed to look at peace introspectively. The introspection starts in someone’s heart, then radiates in home, neighbors, cities, nations, and the world.

An eminent US twentieth-century psychologists Lawrence Kohlberg addressed peace in reverse sequence and different stages. He offered perhaps the most progressive intellectual scheme of the cognitive personal development towards higher-order standards and norms. Kohlberg’s standards and norms ranged from the most elementary (“pre-conventional punishment and obedience orientation”) for individual development to the most advanced (“post-conventional meta-ethical ontological orientation”). In other words, write Settelmaier and Nigam (2007, p. 22), moral development occurs in stages from wanting to please mum and dad, to being concerned about the relationships within a group, and to fairness at a level of moral maturity that is guided by self-chosen ethical principles. They conclude: “People at this highest level would include Mahatma Gandhi and Dag Hammarskjöld.”

Indeed, in 2007, on 2 October, the birthday of Mahatma Gandhi, leader of the Indian independence movement and pioneer of the philosophy and strategy of non-violence, the UN General Assembly in recognition of his vision established the “International Day of Non-Violence” (A/RES/61/271). On 2 October 2019, which marked the 150th anniversary of Gandhi’s birth, Guterres stated:

His vision continues to resonate across the world, including through the work of the United Nations for mutual understanding, equality, sustainable development, the empowerment of young people, and the peaceful resolution of disputes. In today’s turbulent times, violence takes many forms: from the destructive impact of the climate emergency to the devastation caused by armed conflict; from the indignities of poverty to the injustice of human rights violations to the brutalizing effects of hate speech (UNSG 2019).

Concerning Hammarskjöld, the second United Nations Secretary-General (1953–1961), he regarded himself as the man with “magnetic field in the soul” unable to express the reality in intellectual terms (Lipsey 2013, pp. 93–94). Understandable therefore was his interest in the work of the World Council of Churches—

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21 His theory was verified and proved workable across Western and Eastern legal cultures (Redo 2016, pp. 482–483).
the interfaith organization whose global assembly in 1954 he addressed with the moving statement “An instrument of faith”, quoted fuller by Walsh:

The United Nations stay outside - necessarily outside - all confessions but it is, nevertheless, an instrument of faith. As such it is inspired by what unites, not by what divides the great religions of the world (SG/SM/7520).

Hammarskjöld’s critics alleged his mysticism (Melber 2010, pp. 38–39). But Guterres, one of his successors quoted in the Prologue, said: “I firmly believe in the power of faith leaders to shape our world for good”, thus shared Settelmeier’ and Nigam’s admiration of Hammarskjöld’s understanding of the UN’s role in faith.

In this pantheon of the United Nations remarkable leaders, there also is Nelson Mandela. Guided by self-chosen higher-order ethical principles, he argued: “It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.” His moral stance inspired Kury & Hefele in this book to address the question of “Dealing with mental illness and violence in the (Youth-) Prison”, and Redo & Sawicki to write “On Nelson Mandela Rule 63, Prisoner’s Moral Vulnerability and Development in the Context of the 2030 United Nations Sustainable World.”

Finally, we feel that to this UN pantheon also belongs Kofi Annan. He is mentioned in this book in connection with the calls for larger freedom and a common language of justice. In this ecumenical United Nations spirit in 1999 he said, that:

[The Christian calendar no longer belongs exclusively to Christians. People of all faiths have taken to using it simply as a matter of convenience. There is so much interaction between people of different faiths and cultures – different civilizations, if you like – that some shared way of reckoning time is a necessity. And so the Christian Era has become the Common Era (Annan 1999).]

In 2000 Annan addressed the Millennium Summit of Religious and Spiritual Leaders. He invoked Hammarskjöld’s above quoted words.

Annan was the one most obviously influenced by Hammarskjöld's understanding of moral dimension of the efforts to be made by the United Nations. Unlike allegedly mystical Hammarskjöld he made clear to that summit:

As the world’s religious and spiritual leaders, you embody humanity’s deepest yearnings. You have travelled many paths to this time and place. Some of you have been imprisoned for your beliefs. Some have survived the Holocaust, or seen your people targeted for genocide. Still others have lived through other tribulations and indignities. Whatever your past, whatever your calling, and whatever the differences among you, your presence here at the United Nations signifies your commitment to our global mission of tolerance, development and peace. For that, we must all be profoundly grateful (SG/SM/7520).

In 2004, this most outspoken advocate of larger freedom was awarded the Nobel Peace Prize for having revitalized the UN and for having given priority to human rights. As of 2007, in Annan’s commemoration the location of the United Nations Office in the Vienna International Center carries his name (“Kofi Annan building”). Since 2018 the annual Kofi Annan Faith Briefings for Member States and UN entities have been the living example of his United Nations creed.
8 Pro Domo Sua

The Prologue to this book started with two Churchill’s Second World War Winston statements: “The farther backward you can look, the farther in the future you are likely to see”; “Contemplate that if Hitler falls into our hands we shall certainly put him to death [. . . ] This man is the mainspring of evil. Instrument – electric chair, for gangsters.”

Hitler’s-prompted war motivated Churchill’s ground-breaking contribution to the Atlantic Charter, and the U.S. President Franklin D. Roosevelt with the idea of creating the United Nations (see Redo in “The Relevance . . .”, and Walsh). Like nobody and nothing else, this highlights that human mind with its intellect and emotions indeed enables great transformative visions which created the United Nations with its own raison d’être and normativity. It is now up to the succeeding generations to continue in the United Nations spirit advancing the conscience of humankind, so much outraged by the Second World War.

The pandemic awakens us to realpolitik important for effective implementation of SDG 16: “Peace, justice and strong institutions.” The re-emerging ominous potential of nationalism may be felt more. Nationalism redefi

The latter can be corroborated by the 1950–2000 econometric findings (Martin et al. 2008). They suggest that multilateral openness increases the probability of local wars but affects the nature of war and deters global conflicts. In terms of human welfare this is not a small achievement. But it falls dramatically short of the declared goals of the 2030 Agenda and of the UN ideals at large. More optimistic findings concern bilateral wars (between the neighbors): Bilateral trade deters bilateral war because it increases its opportunity cost. Hence the lesson learned: Since the Second World War doux commerce has positively impacted neighboring countries, especially in the Western hemisphere.

The European trade integration process is a case in point. It started then to end the frequent and bloody wars between them, and to prevent wars from ever happening again. It works. The European Union is the most profound evidence of successful integration and the most committed advocate of esprit de liberté. Closing its borders may spell trouble for the world the Day After. But if so, then the reincarnation of the European Union as if it were the League of Nations is not a good option for the world. The United Nations should be at the moral root of a new world order the Day After with the European Union as a moral entrepreneur. Both are at the forefront of countering climate change.

In 2017, as if precipitating what is coming, Pope Francis spoke about “the winds of war [. . .] blowing in our world and an outdated model of development continues to produce human, societal and environmental decline” (Vatican News 2017).

In 2020, the United Nations Secretary-General wrote on the implementation of the 2030 Agenda: “The COVID-19 pandemic is potentially leading to an increase in social unrest and violence that would greatly undermine our ability to meet the targets of SDG 16” (E/2020, para. 24).
The “sanitary regime” all over the world makes wondering, whether this is a challenge to larger freedom or an opportunity. Is this an “Aqua Tofana”\footnote{See in this book Pływaczewski et al. “From wonders….”} or aqua vita?

Before answering this question, we recall from the earlier section of the Epilogue U.S. Justice Brandeis’ foresighted opinion from 1928. In it he claimed the imminent insidious techniques of behavior control.

Whether or not Brandeis’ opinion was known to Aldous Huxley, the author of the famous novel “Brave New World” (1932) was in the early 1960s alerted by “expertise-based governance” (Zakariya 2017, p. 199). By this innocuous term he meant a set of subtle techniques for inducing consensus and allowing people’s servitude. Widely credited to him is its comparing to “dictatorship without tears” and “painless concentration camp for entire societies” (Estulin 2015, pp. 92 & 106).

In a contemporary reflection on dictatorship, Harari (2020) writes that “[i]n this time of crisis, we face two particularly important choices. The first is between totalitarian surveillance and citizen empowerment. The second is between nationalist isolation and global solidarity.”

In the time of falling across the world democracy and rule-of-law ratings the “sanitary regime” may indeed lead to totalitarian surveillance, disempowerment of civil society, the reignition of nationalism, and crisis of solidarity. Yet rather than yielding to the darkest hour scenario for democracy and the rule of law, i.e., that “[n] ow this is not the end. It is not even the beginning of the end, but it is, perhaps, the end of the beginning” (Churchill 1942) we think that larger freedom advocates stand, both, before an unenviable challenge and an enviable opportunity.

Regarding the import of the challenge, it may be best appreciated by reinterpreting what Elizabeth Fry said to the French King and the British Prime Minister about the inhumane treatment of prisoners. Like her we want to say: When thee builds cyberspace, thee had better build with the thought ever in thy mind that thee and thy children may be occupied by it.

Regarding the import of the opportunity, we want to quote Peter Sloterdijk from his book “You must change your life”:

The history of the own that is grasped on too small a scale and the foreign that is treated too badly reaches an end at the moment when a global co-immunity structure is born, with a respectful inclusion of individual cultures, particular interests and local solidarities. This structure would take on planetary dimensions at the moment when the earth, spanned by networks and built over by foams, was conceived as the own, and the previously dominant exploitative excess as the foreign. With this turn, the concretely universal would become operational (Sloterdijk 2013, p. 545).

A Slovenian philosopher Slavoj Žižek asked, if every culture has its own tolerance limits replied: “There are things impossible to tolerate […]. What would happen if some magazine openly made fun of the Holocaust?” He then added that the European Union needs a dominating culture that regulates, how other cultures function (Leick 2015). The United Nations has the same tolerance limit, but—by
far—is less effective than the European Union. Thus, for the UN people and peoples only the 2030 Agenda may strongly motivate them to look into the future of larger freedom and justice as per its manifold incarnations, some of which are still to emerge on the Day After.

Recent scientific evidence on the Internet dynamics of the anti-vaccination movement suggests that the populistic interactions defy knowledge and opt for common sense. They demobilize reactions of civil society, but not of its regressive faction (Jalochowski 2020). This makes less viable the transmission of knowledge situationally. The more it may so happen intergenerationally (parents to offspring).

It would have been nowadays still unbelievable to contend Aristotle’s thesis that not even educators or historians but only poets can convey to the succeeding generations the universal moral values of the time they live in (Aristotle 2001, Poetics ch. 7.9), had since his time the concept of civil society not evolved to become autonomous from a State. Other scientific evidence on the impact of Internet on common sense and knowledge helpfully documents that moving ahead with progressive educational ideas for social change is possible when a 10% threshold of like-minded reformers act in concert with one another (Redo 2017, p. 733).

The civil society across the world and the UN as its patron should make the implementation of the UDHR rights harmonious, progressive, and accountable in the time of global transformation programed by the 2030 Agenda. As emphasized by the UN Secretary-General, this is an opportunity (UNSG 2020f). This should be the time of the Renaissance of the United Nations, i.e., after the darkest hour, on the Day After.

The goals of the 2030 Agenda are the most viable way to make the UNDHR rights more effective. Civil society should better orchestrate and advance its demands for peace and justice. The UN justice as “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs” should be vigorously pursued.

Madison very perversely and provocatively but perceptively and dramatically concluded: “[j]ustice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit” (Federalist 1961/51). Montesquieu said: “We receive three different or contrary educations; namely, of our parents, of our masters, and of the world” (Montesquieu 2001, SL IV, 3).

As for the natural world, Guterres was very candid: “Nature is angry. And we fool ourselves if we think we can fool nature. Because nature always strikes back. And around the world, nature is striking back with fury” (UNSG 2019).

Nature does not forgive. Pandemic, even if fortuitous, is an illustration how the course of history can be changed not by individual will, or by political acts and ideologies, but by environmental forces (Arnold 1996, p. 67).

The United Nations is not a world government. Yet global governance is at the core of transformation. Climate change and the pandemic document that the UN made up of an exceptionally large number of countries should be the Organization capable of global governance to a greater extent than nowadays. Good governance is about rising above the constraints imposed by calamities. Without the UN, the world
would have already ended with the Third World War with national governments in pieces. Does the world still remember the twentieth century legacy well?

We pay for the consequences of our own persistent neglect. At one time it is guised as “time-honored” cultural custom, at another time as evidently clear ignorance of other rules of human interaction and with Mother Earth. Rather than continuing to misinterpret them in egoistic manner dressed in populistic terms we must seriously answer the question, if the succeeding generations should pay for all the toxic effects—natural and ideological—produced in the second decade of the twenty-first century?

9 Conclusion

The 75-year old United Nations is the grandmaster and grandparent of social progress and justice in the world. It is the promoter of global civic education with credible moral reasoning that prevents foolishness and populism. The Organization fully deserves praise for its past-1945 accomplishment and the unwavering efforts to maintain and contribute to peace, justice, and strong institutions. Given that climate change—globally, the most pronounced challenge—requires them to be more perceptive, responsive, and forthcoming, their strengthening should not be limited to enhancing and enforcing a sanitary regime. In high demand is individual intellectual ferment and creativity, energy that transforms institutions and the world.

The United Nations deserves wishes to meet a higher than now benchmark. In spite the UN’s interfaith vision and “prophetic” statements, it neither has any metaphysical nature nor institutional power to make the 2030 Agenda a global success. Endemic as now is, it should become a strong institution in the next decades of the digital age anywhere people need it, but particularly in any impoverished place under the sun. There where domestic rule of law demonstrates its impotency to promote larger freedom and leaves people behind—in material poverty, poverty of spirit and thought, thus helpless about peace and justice and deprived of humanistic ideals of the United Nations.

The strength of global civilization will be demonstrated by a few people it can protect and let them enjoy life in larger freedom and dignity. For the succeeding generations, the United Nations should be like a theme park which with its democratic road map and drive may lead the way for their decent future in harmony with nature.

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24 October 2020, United Nations Day
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