

No Justice, No Peace?

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Walking the streets of Innsbruck on a rainy spring morning I encountered those words, which somebody had sprayed in large black letters on a graying wall: No justice, no peace! I remember reading the same slogan, incidentally in almost exactly the same black paint, on another wall, somewhere in Spain a couple of years ago. While the circumstances under which I encountered this phrase may be coincidence, its larger content and context, I think, are neither. Linking justice and peace is much rather a time-honored tradition in the European history of thought and political activism. In the context of the modern Western nation state and its legal orders, justice (1) is based in a frame of reference guided by ideals of neutrality and impartiality, of treating equal matters alike. The Western image embodying those principles is well known. As Roman goddess *Iustitia* her figure is famous, in statues she is usually represented in sublime pose, regal with sword and scales, blindfolded and often cast and clad in classic white. Justice, in this image, is above partisan interests, is indeed blind to them, she pronounces her verdicts solely based on the weight of the facts placed on her scales.

Importantly, she has the power to implement her verdicts, hence the sword and the capacity for punishment. Punishment, for the prevention of future infractions, is the flip side and consequence of justice at work. In light of the initial slogan, it thus seems reasonable that the absence of justice would lead to peacelessness. As political ideal, justice became relevant in Europe at the latest since the times of Karl Marx, who used it in reference to the distribution of material goods and means of production. For Marx it was clear that the structurally unjust conditions of capitalism would block any hopes for peace and that only a lifting of the class antagonism could in the future overcome this injustice and lead to peace. While this link between justice and peace here finds a clear expression, this also shows its problematic grain. As concept, justice portends to be universal, yet at the same time can only appear as justice *for* somebody, *for* some group. As a political statement or legal claim, it is always formulated as demand arising from the own position.

This makes the call to neutrality and impartiality, to an abstract notion of justice valid beyond the individual context, problematic. If justice is to remain blind, it would imply that at least the values expressed in the call for justice are, in the

last instance, universally applicable. Yet, the basic human condition is marked by being inseparably immersed into contexts, which only enable the act of speaking and defining values.

The French philosopher Jean Francois Lyotard has pointed out that any justice first of all depends on the power to invent corresponding criteria out of such contexts. After Lyotard, one would thus need to speak not of one justice but of a multiplicity of competing justices, without overarching frame of reference.

The Mexican intellectual Gustavo Esteva stands for a type of discourse that challenges the prevalent Western image of *Iustitia*. Instead of a justice that is blindfolded, Esteva says with reference to the indigenous peoples of Oaxaca forming part of his own ancestry that "we want her with her eyes well open, to fully appreciate what is happening. Instead of neutrality or impartiality, we want compassion."

This is but one example, yet to exchange neutrality and impartiality for compassion is a far-reaching modification. Compassion is a value that arises exactly from the "judge" and equally the parties not perceiving themselves as neutral and above the individual case but, on the contrary, as part of the same context and situation. Those types of justice, for which I here use Esteva as example, are small and context bound, communal, he calls them. Realizing that no two situations are the same, they are adaptive to new conditions. Justice is then not neutral and absolute, but always immersed in the situation and contingent, deriving not from supposed universal values but from "unique cultural leitmotifs".

The difference between the two concepts is fundamental. A justice that moves away from the notion of impartiality, neutrality and universality, implies the acknowledgment of a multiplicity of justices in which all participants act as mutually interrelated and contingent parts within the same system. Compassion is a value that implies participation rather than adversity. It means, I have to act and take on responsibility myself. To call for a justice that actively takes part instead of being impartial may appear shocking to ears attuned to the West, but if so then this shock is nothing else but a phantom pain felt after the loss of universality.

In its modern Western context, justice is directed at the other, it implies, as Virginia Satir says, that everybody else should change before I do. Justice is then defined as redress of a grievance, which we demand from *them*. Politically

speaking, the mechanism of exclusion thus set into motion works the same on all sides of the spectrum, no matter how the positions are defined: *we* the grassroots organizations, against *them* the corporations and bankers; just as well as *we* the so-called true Austrians, against *them* the foreigners. Whoever speaks about justice in this context names its opposite, injustice. The statement “no justice, no peace” finally becomes the telltale expression of a particular manner of thinking in which peace is forever postponed to the future and the present traded away for dualistic antagonisms which feed upon and mutually reproduce each other.

(1) The distinction between the two types of justice drawn in this essay is based on Wolfgang Dietrich’s differentiation between *energetic* and *modern* worldviews. For a thorough discussion of the corresponding concepts and also of the modern notion of justice on which I subsequently rely, see Dietrich’s seminal book *Variationen über die vielen Frieden*.

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