

Processes of Justice in Community

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Isabelle Stengers and Ilya Prigogine conclude their influential book on complexity theories, *Order out of Chaos*, with the following:

The ideas to which we have devoted much space in this book - the ideas of instability, of fluctuation - diffuse into the social sciences. We know now that societies are immensely complex systems involving a potentially enormous number of bifurcations exemplified by the variety of cultures that have evolved in the relatively short span of human history. We know that such systems are highly sensitive to fluctuations. This leads both to hope and a threat: hope, since even small fluctuations may grow and change the overall structure. As a result, individual activity is not doomed to insignificance. On the other hand, this is also a threat, since in our universe the security of stable, permanent rules seems gone forever. We are living in a dangerous and uncertain world that inspires no blind confidence, but ...only a feeling of qualified hope" [p.313].

Since time and our perceptions of reality are constructions, not givens, we are bound likewise to an ethical responsibility for our participation in the invention of this world and of our inventions of ourselves in community.

Danah Zohar, toward the end of *The Quantum Society*, characterizes the conversation at the edge of order and chaos as indeterminate. Participants in such conversations are open to listening creatively to the other, to looking at the issues afresh with a willingness to place even the most cherished beliefs "on hold," to let go of familiar concepts and categories [p.330]. Within such an indeterminate state, in which the "meeting of our differences is our consensus," how are we to act righteously, with honesty and integrity, toward the multiple and widely diverse "we" communities in which we live out our potentialities?

Jane Flax, in *Disputed Subjects*, offers the concept of justice, viewed as a separate relatedness, as an approach to adequately engaging these complex differences within our multiple communities. Working within the twin discourses of postmodernism and feminism, she brings these two narratives, often considered competing and conflictual, into fruitful dialog with one another. In her construction, justice is not achieved by the application of a permanent set of laws or principles; rather as interrelated practices which are best sustained within transitional spaces as described by the psychologist D.W. Winnicott. For Winnicott the transitional space is a site of play and of attachment to special "not me" objects [e.g., a blanket, a teddy bear] that is always readily accessible. The child's engagement with play eventually expands into the capacity to live creatively within a cultural context. Hence, culture, like play, exists in the potential space between the individual's inner life and objective reality.

This theme of play similarly pervades Danah Zohar's thought, emerging as the play of our differences and our interrelatedness. People have different skills, styles, interests, points of view, cultural experiences, etc. We have various claims on each other and our communities - children on parents, workers on bosses, citizens on elected officials, students on teachers, consumers on merchants. We are none of us self-sufficient but rather must find ways of living together and maintaining mutually enriching relationships. Differences must be accommodated and honored, as we construct communities within which relations of domination are minimized. As the philosopher Richard Rorty puts it, we must expand our "we" communities as we contract those we think of as "other" [p.xvii]. We must allow the free play of differences - without being able to predict

outcomes - which views our diversity as pluralisms in a contingent and inconstant universe. In such a quantum universe we eschew the view of differences as oppositional, mutually exclusive, asymmetric dualisms situated on a binary, hierarchical scale.

Equality is not the answer either since it is grounded on an essentialism that implies necessarily an assimilation to a pre-existing, for the most part, male norm. Any “essential” quality shared by all is so abstract that it excludes and/or dismisses differences among peoples. Moreover, the very appearance of universality depends on its congruence with the dominant sites of power. Hence, in the West the qualities that are considered essential have a distinctively male character. However, feminists also struggle with the impulse to posit a single, unitary feminist standpoint, a single identity or standard for “woman” which often excludes women who have had divergent experiences and hold disparate values from the mostly well-educated white women who have constructed the models. We need to keep in mind that universally shared human qualities are dependent upon and in turn generate relations of domination, and with this domination, a justice that favors certain behaviors, groups, and activities over others.

Postmodernists, on the other hand, are intent on disrupting and depowering the grand narratives of traditional male philosophers and even of some contemporary feminist theorists. Deconstructive projects have as one of their purposes the clearing of existing public spaces and the creation of open, free transitional spaces within which diversity and all sorts of idiosyncratic, often unorthodox, modes of life flourish. [Vid. Flax, p. 114.]

Concepts of justice which dominate our Western practices are based on an abstracted reason which privileges the rational over all other human operations. Neglected or spurned are such factors as cultural practices; child rearing and schooling; social interaction; fantasy; compassion; materiality; imagination; passion. How can reason be independent of the contingencies of intersubjectivity, language, social relations, or the unconscious? And even if it could be so independent, what purpose might such independence serve? Flax suggests that “rationalistic approaches to justice are doomed to fail and are counterproductive. They block the development of other capacities, such as empathy and appreciation for otherness, which are required for the effective exercise of justice.” [p.117]

Justice can alternatively be construed as an ongoing process rather than an established set of precepts or a preordained prototype to which we must conform. These processes of justice, like the transitional spaces of Winnicott, can be intermediate sites of experience enacted within the contexts of public, social life. We can design and engage locally in just practices which offer the opportunity to relate creatively, compassionately with others. They do not make others or ourselves objects of law or necessity; rather necessity, e.g., of settling disputes, can become a source of pleasure, of creativity, of connection. Justice, as envisioned here, can also highlight the perpetual gaps between ourselves and others. Fear of multiplicity, ambivalence, uncertainty lures us into seeking the spurious security of conformity, standardization, the unitary. Just practices move us toward reconciliation and acceptance without domination. We are challenged to play with the restrictions of the outer world. Understood as a process, not as a product, justice helps us manage the tension of being simultaneously citizens and private persons, alone and in relation to others, autonomous and interdependent. Collectively, justice relieves the strain of mediating between individual needs and yearnings and the restraints of societal, civic life.

According to Flax, at least four features characterize justice as a process.

Reconciliation is a mindset that seeks to tolerate or accommodate differences, not to destroy or dominate the other [whatever form of life it is] because of differences. In reconciliation, diversities are incorporated into a new multiple unity, a kind of polyphonic symphony in which opposites and distinctions contribute to the richness of the whole. While conflicts are endemic to the human condition, we need not regard them as warring, destructive elements. We can learn together to tolerate ambiguity and ambivalence while nurturing our own individual identities and responsibilities. Winnicott suggests that we can seek to reconcile the tensions between inner needs and outer constraints in an “intermediate space” that is neutral and safe, that allows the free play of the imagination. He proposes the arts and religion as potential intermediate spaces [p.13].

In seeking reconciliation the goal is to extend, to embellish, to alter the play of differences rather than to impose a uniform standard. We thus can preserve our multiple worlds, move among them and live within

them, albeit with the tensions inherent in difference, as strangers perhaps, but not as enemies.

Reciprocity requires a willingness to share authority and responsibility for public policy and private actions. While it does not suggest that power is to be [or can be] shared equally, domination by one person or group over others is rejected. Domination occurs when a single standard is imposed or expected of all. Here again transitional phenomena, such as the arts, public forums, town meetings, church-sponsored discussions, salons, study groups, allow apparently oppositional positions to become the subject of dialog among the parties. They help manage the frustration and anger that arise from the gaps between divergent goals, styles, values, cultural mores. They make us aware of the dangers of false accommodation by surfacing the differences that separate us; however, they also open up unforeseen, surprising possibilities for authentic resolution of conflict, for new ways of living together differently and in harmony.

Recognition requires that we not merely acknowledge the differences among us, but recognize them as legitimate, as worthy of honor and consideration. Tensions naturally arise when differences seem to challenge the values and beliefs about behavior and action to which we cling, which we have been taught, by culture and education, to consider the foundation of decent, correct human becoming. However, we can consciously move ourselves to recognize that the distances that separate us from the other - however defined - do not negate the connections that sustain us in relation to each other, as individuals or as communities, both local and global. We can fruitfully think of differences as separating us not to abandon or dominate the other, but to offer the possibility of relating creatively in new and enabling ways. A sense of related separateness, in which we both identify with and differ from the other, obliges us to respect the individuality, the uniqueness of the other and the integrity of her/his inner world while acknowledging that we share space on a common planet. It is through the dynamic flux of distancing and interacting that we can achieve mutuality, cooperation, and respect.

Judgment is grounded as much on empathy and imagination as on reason and objectivity. Thus, making fair judgments requires that we are able to see situations from the point of view of the other. Judgment is established within the complex matrices of history and culture, of past actions and decisions, current factors, potential choices, all embedded within the specific and often competing needs and rights of individuals and collectivities. Flax describes justice as “dependent on a quality of care that arises out of a sense of attachment, connection, and obligation to others... able to imagine vividly the (potential) experiences of concrete others” [p.125].

Justice is inherently bound to concepts of active citizenship. As citizens, we have the ability to create and sustain public spaces that contain and nurture equitable public and private action. It is only as individuals in connection with other citizens that the transformational processes of justice arise, become established and endure. As active citizens we acknowledge that as members of multiple communities, not as detached monadic subjectivities, we can collectively act to change inappropriate or harmful practices. To take such collective responsibility we must have open, accessible communities of discourse that provide for transitional spaces for public dialog. These communities construct and negotiate and renegotiate their regulatory decrees, ever aware that the power of these rules lies solely in the collective agreement to be bound by them. A complex network of practices, beliefs and feelings enforces - or undermines - the bodies of law and systems of justice within the collectivities. We must be ever mindful that law alone can never replace community relationships and the connections that have generated it and that sustain it.

As active citizens we must endure as we seek reciprocity, as we recognize and act to reconcile differences, as we both yearn for and act on behalf of justice, as we persevere despite disappointment and frustration to struggle with the tensions of our interconnectedness and mutual dependence. We must seek out and often construct the public spaces that allow engagement without the promise of a guaranteed result, outcome or even a place of privilege within the collective. It must trouble us when dialog becomes static, monovocal or unitary. Ultimately, as Flax states, justice is dependent on our fragile, unstable, embodied, heterogeneous selves [p.128].

Euripides in the *Bacchae*, points out that we are all aspects of a larger whole in which “many are the shapes of things divine.” This relationship of composite diversity provides the primary motive for engaging in discourse which is characterized by shared respect and cooperation, arising from a philosophy of common belonging and responsibility.

REFERENCES

- Flax, Jane. *Disputed Subjects: Essays on Psychoanalysis, Politics and Philosophy*. NY: Routledge. 1993.
- Prigogine, Ilya and Isabelle Stengers. *Order out of Chaos: Man's Dialogue with Nature*. NY: Bantam. 1984.
- Rorty, Richard. *Contingency, Irony, and Solidarity*. Cambridge/NY: Cambridge University Press. 1989.
- Winnicott, D.W. *Playing and Reality*. NY: Basic Books. 1971.
- Zohar, Danah and Ian Marshall. *The Quantum Society: Mind, Physics, and a New Social Vision*. NY: Quill/Morrow. 1994.

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