

## Three Challenges for the Upcoming Society: Justice, Democracy, Plurality - Luis Villoro

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### Justice

In recent decades we have witnessed an effervescence of philosophical reflections on justice, its foundation and characteristics, part of, perhaps, a renewed interest in political ethics. In the Anglo-Saxon philosophical tradition, John Rawls' *A Theory of Justice* stands out, along with its discussion in an ample and diverse trend of political and juridical thought, which tends to be characterized as "social democrat." In contemporary European philosophy, a parallel and important trend discusses problems inherent to justice in line with Apel and Habermas.

Most of these reflections share a point of view: that of the developed societies that have overcome unbearable thresholds of economic and social injustice, as well as regimes of dictatorial domination. In those societies, especially after World War II, the establishment of political regimes based on procedures that regulate accords between citizens endowed with equal rights has been common. Philosophers, while focusing on themes of human society, can only reflect the historical environment to which they belong. For this reason, the theories most in vogue for establishing the foundations of justice tend to proceed from the idea of a rational consensus between equal subjects who relate to one another on terms that reproduce the characteristics of a well-ordered democracy.

However, for better or worse, there are those of us who must reflect on the same problems within very different mediums: societies where democracy is yet to be solidly established, where an inequality inconceivable for some developed countries reigns, where the index of those excluded from social and political benefits of the association to which they theoretically belong is high. Our point of view cannot be the same. In our social reality, consensual behaviors that have inclusive principles of justice for all subjects as a norm are not common; their absence is obvious. What strikes us most while contemplating the reality at hand is marginalization and injustice. If we want to proceed from our personal knowledge of the world around us – in my opinion, the starting point of all authentic ethical-reflection – we must consider the same problems that concern philosophers from developed Western countries but from a distinct perspective. We could, then, test an equally valid path for reflection. Instead of proceeding from the consensus for establishing justice, we proceed from its absence; rather than moving from the determination of universal principals of justice towards its realization in a specific society, we proceed from the perception of real injustice in order to project what could remedy it. For this, we would have to specify the principle of

injustice – understanding “principle” as the ultimate explanation of the distinct forms in which injustice may manifest itself, its necessary condition, assumed in all its variations. This would thus consist of determining the characteristics of one possible relation of justice from that principle of existing injustice – not the other way around.

This theoretical path would correspond to the point of view better suited for the situation of societies where the permanent conditions still do not exist for the realization of a rational consensus and whose perception of justice cannot help but be impacted by the everyday experience of its absence. Thus, in a real society, the idea of injustice assumes the inoperativeness of rational agreement upon which the idea of justice is established. Our situation in such societies invites us to counterpose the path of rational consensus to its negative design: instead of searching for the principles of justice in the possible accord to which free, rational and equal subjects would arrive, we must attempt to determine them from their inexistence in real society.

This theoretical path would be opposite to the one followed by Rawls, as well as, Habermas in the West. This is because for both Rawls and Habermas the principles of justice express, ultimately, the possibility for a rational consensus between free and equal subjects who communicate with each other. The concept of injustice can manifest itself as the negation of the possibility for that consensus. It would suffice to prove one fact: the reality of the existing injustice.

Let us, then, set out from a reality: the experience of suffering caused by injustice. Pain, physical or psychic, is a reality of our everyday experience, but there is a particular lived experience: pain caused by the other. Only when we are cognizant that the pain suffered in our relations with others is unjustified, do we have a clear perception of injustice. The experience of injustice expresses an original experience: the experience of an unjustified gratuitous evil.

An injury suffered can adduce various justifications: the means to prevent or combat a greater evil, the realization of a greater good, the project of a better life. But, if it lacks a justification, the experience of an unjustified harm is the experience of radical evil, and the unjustified evil brought about by others may be a consequence of a situation of power. Does justice involve escaping from power?

From the time various humans started living together, they realized they could not do so without establishing a bond between themselves. That bond was power. Let us, then, begin by inquiring into the relationship between power and injustice.

Power is the capacity to act in order to cause effects that alter reality. Men or women have power if they have the ability to satisfy their desires and achieve their goals, whatever they may be. A society has power if it has the capacity to expand in the natural environment, dominate it, and mark out its goals on it. Power is domination over the surrounding world, both natural and social, in order to reach what is desired. Society cannot be understood without the presence of power.

The first political philosopher of the modern era, Thomas Hobbes, understood the motive that propels us in life: desire. If the original impulse from which all others derives is desire, then its negative facet is the fear of death. Desire for life and fear of death is the original principle, the simplest of all human actions. From there, emerges the desire for power. Power to secure the preservation of life, power to protect us from death. There is, says Hobbes, “a general inclination of all mankind a perpetual and restless desire for power after power, that ceaseth only in death.”[2]

What escapes the desire for power are the actions contrary to the search for it. A well-ordered city would be able to manage without the desire for power. Were it governed by good men – warns Socrates –, “they would maneuver to escape from power as they maneuver to achieve it today.”[3]

There is only one option opposing the universal desire for power: the search for not-power. The attitude of a human who would be liberated from the passion for power, of which Hobbes spoke, would be precisely that person who would strive to maneuver, not to reach power, but instead, to escape from it.

The opposite of the human anxious for power is not one who is impotent, it is not the one who lacks power, according to Socrates, but rather, it is the one who refuses to make the will to power his goal. Searching for life not marked by power, but instead life free of all will to power: that is the goal that, contrary to the thesis that Socrates attributed to Thrasymachus, would constitute the life of the good man. The good man is not a slave to the desire for power that moves other men; he is moved “to escape from power.” Hobbes’ statement has been inverted.[4]

Escaping from power is not equivalent to accepting impotence but is instead not allowing oneself to be dominated by the multiple maneuvers of power in order to prevail; it is to resist power. Power is thus opposed by a counter-power. We can refer to “counter-power” as the entire force of resistance facing domination. Counter-power manifests itself in all behavior that both defends itself and resists power.

The opposition to power can help explain the dynamics of any society. The “counter-power” can be exercised in many forms. It may be a passive resistance: groups within the society cease to participate, they keep to the margins, and they do not collaborate in common actions. Opposite the powerful, they prefer to absent themselves as a means of protection and tacit defense. The resistance to power may vary in degrees and adopt distinct social, political, and ideological attitudes. The same occurs in the varied forms of submitting to domination. One way to contemplate history is seeing it as an ongoing dispute between the will to power and the attempts to escape it.

Anti-power dynamics reveal themselves in common behaviors that neither obey a general goal nor have one sole outline. In the dynamics of many struggles and various forms of resistance against power, a varied current that nourishes a counter-power begins to form. Resistance against power can neither be attributed to a single subject

nor does it manifest the same character in all cases. Only through abstraction could we imagine it as a multiple force that has one common direction. Although it is formed by innumerable concrete actions, we could conjugate them under the same concept in the pursuit of a common goal. That common goal would be the abolition of domination. And given that the State exercises domination through various forms – political, juridical, ideological, military and police – the ultimate goal of counter-power could be understood as the abolition of the State.

It is naturally about an imaginary, ultimate objective. With the abolition of the State the will to power would be uprooted. That imaginary goal would be the ideal of a world opposed to power. The gradual realization that would lead to a world liberated from all its cracks of a universal desire for power would be a regulatory idea that would grant our actions an ethical meaning. That regulatory idea gives meaning to the course of history. All of history can be seen as a path in the constantly interrupted and diverted realization of a human society liberated from the anxiety of domination. Can human history not be seen as a path between its origins, the universal reality of power and the successive attempts to escape from it?

Liberating oneself from the world where injustice prevails is not the same as postulating the unjust world that Thrasymachus argued about with Socrates, but rather it consists of choosing the possibility to act in order to escape from that unjust reality. It is about initiating the impulse to purge oneself of a world where injustice reigns. This is why Socrates does not express that idea as “searching for justice,” but rather as “escaping from unjust power.” That is the beginning of a *negative path opposite power that is considered unjust*.

We could observe three stages in that path, which often overlap and coincide, but that we can nevertheless distinguish for the sake of clarity:

1. The experience of *exclusion caused by injustice*. This experience causes the consciousness of the sharp separation between the excluded subjects and the community of social consensus or the community resulting from the political pact. For example: the exclusion of the Indian, woman, etc.
2. The judgment of *exclusion as injustice*. The consideration of injustice forces the rejection of the aspiration for the objectivity of the notion and practice of the commonly accepted justice.
3. The projection of *a new model of justice*. This model implies both the characterization of moral subject opposite a “normal” subject of consensus and new valid principles of justice for that moral subject.

We could understand this process as *a negative path towards justice* starting from real injustice.

In fact, it is this negative path that, according to history, individuals and social groups have followed in order to reach an ever more rational conception of justice,

which is capable of being universalized and is based on the experience of forms of exclusion as forms of injustice. History offers us many concrete examples of injustice.

From the personal experience of the exclusion of the Indians/indigenous in America, an indignation against injustice is born in Bartolomé de Las Casas, and, from there, the postulation of an equitable treatment of the colonized as a new moral subject who would imply a superior idea of justice. The exclusion of the “Third State” regarding the political pact leads, in the French Revolution, to the revelation of injustice in the *Ancien Régime*; there is another side to that experience: the postulation of a rational order of justice including every autonomous moral agent, regardless of social class. And, in the past two centuries, only the painful experience of the exploitation of the dispossessed managed to lead towards the theoretical conception of an economic justice in the socialism that would encompass equity in the distribution of goods and social opportunities for all. In all these historical examples, the consciousness of exclusion leads towards a new idea of injustice.

Let us first see, in all of these cases, what the personal experience of the *exclusion* that gives rise to injustice consists of. I say “personal experience” because it concerns the individual’s direct knowledge, whether it would be the rejection of which she is personally the object, or the verification of the exclusion to which other individuals or groups, with whom the individual maintains contact, are subdued. It is not about a general rejection but is instead about a lived relationship in the bosom of a concrete society. It is about the perception of a harm suffered.

In each case, the community of consensus is constituted by people who have certain defined characteristics. These characteristics are the criteria for a person being accepted and, consequently, fully belonging in a community. The excluded, on the other hand, are excluded because they possess some difference separating them from “normal” subjects. In that precise respect, they cannot be accepted, even if they can be accepted in other aspects. Facing the community of “normal subjects,” the excluded are no longer considered subjects like them; they are perceived from outside, determined by the judgments of the others; they remain “objectified” by the characteristic that makes them dismissible. The difference that makes the excluded unacceptable for society varies in each historical context. In any case, it is this notable difference (race, gender, ancestry, class or ethnic belonging, etc.) that discards them from the effective consensus. The community of consensus cannot take the preferences of the excluded into consideration; by not considering them as equal subjects, it is also unable to admit them as interlocutors in the political pact, unless they do not touch upon that difference. “You cannot intervene in our accord,” seems to say to them, “You are not one of us.” The community of consensus “brushes them aside (*los ningunea*)” – if we may use the mexicanism – that is, it considers them a “nobody,” incompetent of agreeing with others. In this manner, injustice leads to a form of exclusion.

But, the idea of injustice parting from the experience of exclusion can be considered a real historical process in which the existing injustices can be progressively

eliminated, approaching a more just social order that would eliminate or, at the very least, reduce the existing exclusions and injustices. This process can have many phases.

In each phase, the historical meaning of justice approaches an idea in which the excluding differences are suppressed. Each phase approximates an idea of comprehensive justice in which excluded differences would be suppressed. Thus, the experience of exclusion can give rise to a new idea of justice. Let us remember some examples of those historical phases.

First phase: Las Casas experiences the *exclusion* in the oppression of his neighbors, the Indians, because they are different to the variations accepted in the consented community of Spaniards. A divided society permits the exclusion of the Indians, a condition of injustice. He understands, then, that the injustice of the colonial regime rests on *the particular, non-generalizable interest* of the dominators. Las Casas, then, *disagrees*: the Indian is as much a moral subject as the Spaniard; the Indian ought to demand the same recognition as an equal member in the association; that recognition would, therefore, make the Indian equal to the rest in one respect: as citizen of the sovereign with the same prerogatives, and as a devoted member of the same Church. Thus, the characteristics of this new moral subject are determined by the situation to which the subject responds; they are the negation of a specific exclusion. Las Casas and his followers incorporate racial difference, the origin of the exclusion, into the idea of the moral subject worthy of justice.

Second phase: later, Locke will experience another form of exclusion: religious intolerance. It will lead him to specify another aspect of injustice that had long remained obscured. Locke will then project a new moral subject that will include the virtue of tolerance, expand the circle of differences that cannot be the object of repudiation, and open the field of options and private beliefs between the differences that deserve to be accepted in the equitable agreement of justice. Furthermore, he will leave the possibility of a community of consensus that would exclude other discriminations in other aspects of social relation pending, for example, those that derive from property or, still, ancestry.

Third phase: regarding political power, the 18th century revolutionaries experience the exclusion of the Third State. That experience, in reflection, accompanies the construction of a new moral agent: the universal subject of "human rights," which include the demands for equity of that State. Their new idea of justice will encompass the individual rights of every citizen, with regards to aspects that were previously excluded; nevertheless, this new idea of justice will still allow the exclusion of groups with political, economic and social differences.

In short, a form of exclusion is given in every step: social exclusion of the Indians in the colony, religious exclusion of the Catholics in Protestantism, political exclusion of the proletariat in the ascending bourgeoisie. In every historical phase, a demand for rights, which could eliminate the existing exclusions, is correlatively manifested.

It is about a process that occurs in history. An idea of justice is elaborated through this process. In every phase, the idea of a moral subject that does not reject the differences previously excluded from justice is proposed. A comprehensive idea of justice is enriched with the progressive social consciousness of the existing injustices in the society. This is the path that could lead to a new idea of justice stemming from its negation. In every case, the validation of existing injustices approaches an idea of a more just social order. In all cases, they are justified through personal knowledge subject to criticism of a suffered injustice. But, from this personal knowledge, the possibility for a social order is projected in which the specific exclusion, which the divergent rebels against, would not exist. The new order would be constituted by the decision of moral subjects that would include the previously unacceptable differences.

We have mentioned the fact of the effective injustice on the level of existing societies, but injustice can obviously also manifest itself on the level of distinct cultures in history. On this level, the alternative also exists to accept the other culture, suppress it, or even eliminate it. This is the dilemma of every form of colonization. Moreover, many phases also manifest themselves in history. In every phase the possibility may open for a major approximation to a comprehensive idea of justice through the negation of the existing injustices in any aspect. In Western history, various forms of existing injustice could be signaled.

Las Casas points this out with regards to race; Locke indicates this in a religious dimension; Rousseau and Kant do so in a social and political dimension; Marx, in the economic dimension.

In every case, a comprehensive idea of justice can be made manifest through the acceptance of the Other constituted by the difference that seeks to exclude her.

Against that historical reality, what could be a path towards the future? There could only be one: to open the path that could lead towards the non-exclusion of the Other and accepts her otherness. It is what can occur, for example, between different cultures within a multiculturalism.

In conclusion:

1. Let us first see what the path travelled is. Let us first prove the reality of injustice caused by a power. Let us then ask ourselves: how can we escape a situation in which an unjust power prevails? Opposite a situation of an injustice caused by an unjust power, we examine the historical phases that could generate the exclusion that causes the existing injustices within the distinct forms of exclusion. We finally conclude by opening a path towards the elimination of the existing injustices. This would be a negative path for reaching a comprehensive justice stemming from the existing injustices.

2. The possibility for dissent is open against the existing injustices. The deserter departs from her perception of injustice and from the project for a different order where the injustice would cease existing.
3. The deserter can then construct a new moral community of subjects where no one would remain excluded.
4. The rational principles of justice are not derived from the consensus of the moral subjects; they are founded on a conversion of the subject's will, which moves from obeying particular foreign interests towards self-determination by her consciousness of the real injustice.
5. The construction of the moral subject is determined by the negation of a specific exclusion and by the recognition of a difference. These could vary from case to case. For this reason, the idea of justice reached in every historical moment of disruption carries the mark of the situation in which the disruption takes place, as in the previous cases. In a similar manner, the differences that the dissident accepts in her new idea of justice will depend on the type of differences that were the object of exclusion in the historical situation against which she rebels. The conceptions of the moral subject will be enriched as the margins of accepted differences are expanded and the possible exclusions are restricted.

Thus, the consciousness of existing injustice opens a negative path towards injustice.

The path that we have followed is not innocuous. It seeks to situate the characterization of justice within a historical process whose agents are real people, situated within a social context, who emanate from a given social morality in order to question it. I believe this responds to the path that humans have effectively travelled and continue to do so in history, in their perpetual rejection of social injustice.

The present text is a translation of Chapter One of Luis Villoro's book *Los Retos de la Sociedad por Venir* (Fondos de Cultura Economica, 2007). Our thanks to the Estate of Luis Villoro for the permission to publish this translation, especially Juan Villoro for his faith in our project.

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## Notes

[1] John Rawls, *A Theory of Justice*, 1971.

[2] Thomas Hobbes, *Leviathan* [chapter XI]

[3] Plato, *Republic*, 347d "they would vie with each other in order not to rule, not, as now, in order to be rulers"

[4] Is this not also the position that, in its essence, the popular Zapatista movement in Mexico proclaims? Here a quotation is worth it?: “What makes us different – they say – is our political proposal. Political organizations, parties of the right, center, left, and revolutionary seek power. Some through the electoral path, others through lies and fraud, others through the use of arms. We do not...We do not fight to take power, we fight for democracy, liberty and justice. Our political proposal is the most radical in Mexico (and perhaps in the world, but it is too early to tell). It is so radical that the entire traditional political spectrum (right, center, left and others from one extreme to the other) criticize us and distances itself from our ‘delirium” (“Libertad, democracia y justicia, delirio del EZLN”, *La Jornada*, Mexico, September 3, 1994).