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JUSTICE-AS-HARMONY AND JUSTICE-AS-FAIRNESS

On first impression it might seem that the notion of justice-as-harmony, or as balance between parts of a single whole, fails to capture the contexts where the term "justice" is typically invoked as in conflicts between different parties. How could one invoke "harmony" when more than one "party" are under consideration, and when two parties as an instance of discourse seem locked in an irreconcilable struggle between them, as in life-and-death conflicts between terrorists and governments, whether in Iraq or in Afghanistan, or between Israelis and Palestinians?

The justice-as-harmony notion has its roots in the fact that whereas one normally associates justice with situations where *several* "subjects" (rather than one only) are considered, these "subjects" are nonetheless *viewed as being in some constitutive manner inter-related* or inter-dependent as parts of a *single* whole. Plato for example used an analogy between the harmony (or balance) that might "best" obtain between the different parts of the soul and that which might obtain between the different sectors of a body-politic- in each case the soul and the body-politic being regarded as single "wholes". One shortcoming of the analogy is that different "parts" of the soul are not *persons*, as these are commonly understood. Another shortcoming is the *fixity* of the functions associated with each part- reflected in a rigid or immobile social order. But the analogy is useful in that, by addressing the parts of the soul and, by extension, the parts of a body-politic, Plato tries to show how a best-suited balance between these inter-dependent parts would be one which allows each part to perform that function it is best fitted to perform in the context of a single whole, thus yielding a harmonious or balanced "whole" of which the different parts partake. Justice simply consists in the existence of this balance or harmony between the parts in the "whole".

One need not invoke a language of "rights" according to this picture in order to understand justice. A balanced or harmonious organism (whether an individual or a body-politic) speaks for itself, while one in contrast lacking balance or harmony is bound to be unstable and to malfunction (different "forces" would tug away at each other, making the whole dysfunctional in the long run).

This view of justice would probably be un-contentious (and the language of rights need not be invoked to explain or defend it) were it not for (at least) two "generic" complications arising from the manner in which we divide the world in our normal political discourse. The first has to do with defining what the "parts" or "*subjects*" or the units of discourse are in the model or "universe" being considered, while the second has to do with delineating the borders of "*the inter-relatedness-fields*" within which we view our units as operating (a "field" can be loosely defined as the *formal framework* or *space* or *body* of the whole, or as the *extension* within which a subject could in theory operate in or partake of, or to avail itself of, and can thus consist of the "functions" those subjects are thought of as performing, the "goods" they are thought of as sharing, or even the

ideologies they uphold. One can think of the distinction between subject and field tentatively as that between *substance* and *form*).

Let us now consider two examples. Let us first suppose that the parties being considered are what are viewed as *two* generically similar subjects, the Israelis and the Palestinians, (and not the different parts of the human soul, or the different professional sectors within one national group). Let us also suppose that the extension of the "inter-relatedness field" in this context can be exclusively defined by only one, or the *same* geographic space in contest between them—each subject or party wishes to express itself physically in the *same* area. Now, as one party manages through force or williness to come into control of that field or to appropriate it, justice as seen by the second party comes to be viewed as the retrieval of that "field" to itself, by force if necessary. An injunction at this point to "share" that field between the two contestants (whether through "goods" being shared among individuals regardless of national identification or being shared between national groups), may now be proposed as a means of a *fair* resolution between *two* contesting subjects, as opposed to being a means for achieving harmony or balance between two complimentary components in the *same* subject (person or body-politic). Justice-as-fairness, in other words, here seems to recommend itself as a replacement for justice-as-harmony. We can see how Justice-as-Fairness also informs, e.g., our view of fishing rights of two contiguous maritime nations, or our view of water rights of two countries bordering a common river, or indeed, even our view of how relations between different citizens in one state should be governed.

Leaving aside the problem of what precisely to consider as "fair" in such contexts, the introduction of Justice-as-fairness might here seem to undermine or replace the notion of justice-as-harmony, requiring perhaps altogether different models for its explanation, including, as it has been proposed in the relevant literature, a model formulated in terms of rights. But the "jump" (from harmony to fairness, and, likewise, from one way of defining the basic terms or units of discourse—subjects and fields—to another) may be too perfunctory to begin with, revealing a seeming "contradiction" between what one might view as *international* justice as opposed to what one might view as *global* justice, and making the moral observer skeptical of the first kind of justice. Thus let us consider this *second* example: in terms of formal international justice, no infringement is made when one people in a heavily-populated African country starve to death while another in a sparsely-populated oil-rich nation enjoy spending-sprees whose ceiling is defined only by "their" natural resource and their spending capability. In this picture, not only is each people considered to be an "independent" subject, rather than as a component or a part of a larger "whole"; but equally significantly, and unlike the Israeli-Palestinian case where only one field is contested, in this case the fields relating to the two separate subjects are also considered to be totally separate from one another. An oil-field in one country is viewed as a field belonging to that independent country alone, rather than as a field (such as the contested geographic space between Israelis and Palestinians, or the contested choice for action between two different parts of the human soul) "belonging" to or to be availed of by two or more inter-dependent parts of humanity, and to be "best made use of" by such a common humanity. In the case of the Israeli-Palestinian conflict, the "parts" being considered as subjects are viewed as being independent of one another, but the one

field of operations is contested by choice. In the case of the oil-field and the poor nation, the subjects are once again viewed as independent, but it is not considered that there is a "common field" between them, or for them. In this case the most that can be expected of the oil-rich nation in all due propriety would be an act of charity to the starved (as per aid programs instituted by developed or rich nations). Any number of self-centered reasons can be dug out to justify such acts of charity, as they are all predicated on a preemptory division of the world between oneself and others, and likewise on an associated division of the world's properties between one's own "natural" possessions which are viewed as existing in one's extension and those of the others.

However, returning to Justice-as-harmony, and a re-definition of the units of discourse, there is no necessary "reason" (in addition to contingent historical circumstances and the force of passion accompanying them), to view one particular distribution or division of subjects and fields as being preferential to another: we might well find a political model to be more suitable which will allow us to see the human world as a single "whole", and its groups and individuals as components, such that the whole could be viewed as best surviving if harmony between its various components is achieved. We could then explain recalcitrant frictions in terms of the absence of this harmony, and an efficient redistribution of resources with a view to complementarity a more rational pursuit of self-interest. The failure to achieve such harmony can clearly only result in malfunctions, or instabilities caused as one part acts unilaterally seeking to impose its supremacy in any one of different ways (territorially, economically or ideologically) over another; or as another part resorts to the use of whatever force is at its disposal to fend off or to contest such efforts at supremacy.

One obvious weakness of the "Justice-as-Harmony" as opposed to the "Justice-as-Fairness" model has already been pointed out, but with some adjustments it can probably be fixed: Plato's "parts of the soul" (and sectors of the body-politic) are assigned with specific functions suited respectively to their different *natures*. While this fixity in an order-ladder might not be contentious when parts of the human body are being considered (unless we think in terms of stem cells, for example), differentiating analogously between *persons*, *nations* or *religions* is clearly a moral affront, often avoided or circumvented by a resort to the language of rights: each human being or group is regarded as *having the same right* by virtue of being human, or as belonging to the same order in the ladder by the same token. This (non-Platonic perspective) is of course a worthy position to take if it did not, standing by itself, leave much to be desired, and much of the world living in sub-standard conditions: The notion of "others having the same rights as myself" has not unfortunately proven sufficient to *bind* me to alleviate their poverty, or to seek to enhance their capability or developmental capacity. But the model of a common humanity as a single subject (its geographic extension being global) need not be constructed on the assumption of fixity as per Plato. While it makes perfectly good sense to claim that different parts may be best fitted to perform certain functions rather than others, it is equally good sense to claim that, in fulfillment of the first claim, each part should be so maximally capacitated as to discover the particular function to which it may be best suited. Thus, simply with a view to maximum efficiency with best returns to each part, equality between parts is guaranteed as being that free space in

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which to develop their different capabilities. From a rational point of view, such a model might induce the sense of being bound to others in tangible and genuine ways much more than a model of individual rights has proven to be: an equitable distribution of world resources (whether natural or human) comes to be viewed as being a necessary act of self-interest rather than as an act of charity (or short-sighted self-interest, such as paying off Qaddafi to curb Libyan migration to Italy).

In the Israeli-Palestinian case as a paradigm, an effort towards the establishment of harmony (whether by two states dividing the field between them but at the same time maximizing each other's capacities, or by individuals in a common state embodied in the entire field) would not only presuppose *fairness*, but would more importantly imply a "healthy" constitution sustaining a development trajectory with comparatively better "returns" to the parts. More generally, a more balanced re-investment and re-distribution of resources in the human community would guarantee overall stability, and yield a more efficient and productive development trajectory. In short, global justice as Justice-in-harmony, in being founded on the model of viewing the human race as a single unit of discourse (*subject*), and the earth's resources as a common good (*field*), would maximize the chances for a best human developmental trajectory, and would simultaneously minimize disorderliness and instability even in, or especially in the "strongest" organs "belonging" to the system.

It may also be humanity's best answer to the looming threat of global terrorism.

SARI NUSSEIBEH

AI-QUDS UNIVERSITY
PALESTINE