



Editorial

Justice and Ethics in Modern Times

As social beings, we live in communities. While each of our actions has implications for our communities and families, often, in the constructions of our moral universe, we overlook the continuum of individual actions and their social implications. Unless the implications touch us directly, the events, trivial, common-place or grotesque, seem like distant occurrences, images with absent agencies which provides consolation for our indifference. Even death is unable to perturb us. This emphasis is essential because of the nature of our times. There is an unimaginable and unabashed thirst for violence. We are showing tolerance for unsurpassable aggression and hostility.

We live in a land of myriad voices. The understanding of justice and morality becomes foundational pillars of our social existence. The question of a moral dimension, in a normative sense, serves as a fabric that weaves together any conduct, its ethicality and its implications on society. The normative code goes on to create identities, build relations, communities and societies. But societies, their histories, their evolution reflect different trajectories. Therefore, the possibility of a respectful intercultural communication can be successful if we acknowledge the variation. Even within societies, the culturally embedded moral codes reflect a varying contour including codes that range from being static and ritualized to codes that reflect the transitions of time.

We have witnessed and are still witnessing a failed attempt to construct a universal moral lexicon, each word of which should be true for all communities, times and contexts. A standardized moral lexicon fails to respect the difference in the histories of the communities. The impossibility of producing a homogenous normative account owes its origin to the complexity of the nature of individuals in the society and their relations with other community members, their belief systems, the religion they adhere to, the cultural norms to which they adhere to, the ideologies they believe in, the political climate in which they are embedded, the ends which they expect.

However, there is a need for us to be concerned about basic human rights to ensure that at least each one of us deserve to live and have access to a fair and accountable system of transacting justice. While basic fundamental rights can be spelled out for each context, we need to show resilience to people who have a different moral lexicon. When basic human rights are compromised, the world, irrespective of its context should respond. At times we have responded with angst whereas in other times we have remained silent.

What role do we have in the entire act of negotiating the transactions of justice in a society? What role does reconciliation and forgiveness have in the transactions of justice? Arendt (1958) points out that retribution and forgiveness can break the cycle of vengeance. In expressing the relationship between retribution and power Nietzsche argued that, "it goes without saying that mercy remains the privilege of the most powerful man" (Nietzsche 1967, p. 72-3). Mercy or forgiveness in the processes of reconciliation is the call of the hour. Reconciliation affords peace, stability and suspension of vengeance after prolonged periods of conflict and war where normal social life is grossly disturbed. However the process, nature and need of reconciliation depend on the moral fabric of the society. The process of experiencing justice and reconciliation is forged and lived locally, and state policies can either facilitate or hinder these processes. Akhavan (1998, 738) suggests that "beyond a mere recital of objective facts, however, reconciliation requires a shared truth—a moral or interpretive account —that appeals to a common bond of humanity." It is the shared, common bond of humanity that is the point of emphasis and a matter of deep concern. The cycle of life succumbs to the cycle of vengeance. We halt.

Theidon (2004) states that "reconciliation is multidimensional: the individual with his or herself, members of a community with one another, between communities and states, between individuals and his or her Gods, and between civil society sectors and states. He argues for a need of "a process of replacing antagonistic memories of previous social bonds and replacing a recent history of fratricidal violence with a history that recalls longstanding practices that condemned the taking of human life" (Theidon, 2006). What is of

utmost importance is the need to work for social reconstruction at the local level. The emphasis on local level marks the necessity to distinguish it from the processes of other state level reconciliation which includes reconfiguration of elite's pacts of domination or governability but excludes the local social reconstruction. But for ensuring peaceful governance and social life by the community members who were involved in the conflicts, transitional justice needs to be looked at as not a monopoly of the international tribunals or of states: but as a process undertaken by the community to mobilize the ritual and the symbolic elements of the transitional processes to deal with the deep cleavages left-or accentuated - by civil conflicts. In this time and hour, what we need is a sincere attempt to bridge the cleavages with care, concern and justice.

Questions of justice have been studied by sociologists, anthropologists and philosophers. While we are being more vigilant of the evidences of how justice is operating in specific contexts, whether they are being flouted and so forth, questions of what constitutes justice require a more detailed philosophical attention to investigate further what the lexemes such as utilitarianism, equal justice, "fundamental axioms" denote today.

Tattva, Journal of Philosophy seeks to facilitate critical study and in-depth reflection and analysis of issues, problems and concerns of human life, in order to further the directions and transformations human society needs to evolve into. This issue of *Tattva* brings together research articles that seek to address questions ranging from consciousness to questions of constitutional freedom. In the article, Symbolic Conscious Experience, Venkata Rayudu Posina, very carefully delineates the implications of the cocneptualisation of the nature of conscious experience "as a measurement or photocopy of given stimulus". He argues that analogous to the symbolic nature of reasoning, there could be a symbolic dimension of the nature of conscious experience, wherein the experience could be language like, the relationship between the experience and its object could be arbitrary and systematic. He goes on to argue that "The notions of place-value notation and grammar, which organize quantitative measurements and conscious experiences in the medium of numbers and language, respectively, are suggested as

model systems for putting together a comprehensive theory of conscious experience.”

Christian A. Bauer and Dr. Harald J. Bolsinger, in their article, *The Value of Constitutional Values: An exploratory study of the constitutions of Bavaria and India*, critically examine the gaps between codified normative principles and their executions in a real political context. They describe the social, economic and political conditions and argue that the world is lagging behind and therefore, a successful implementation of constitutionally guaranteed rights and duties do not become possible and eventually face devaluation. Comparing the genesis of Bavarian constitution in Germany and the possibilities of the ethical principles entrenched in them, and the genesis of Indian constitution, an attempt has been made to propose an alternative model of ethical practice in contexts of contestations of values.

In the article, *Grotesque Realism in O V Vijayan's "The Saga of Dharmapuri"*, Maria Rajan Thaliath, provides us a layered analysis of O.V Vijayan's *The Saga of Dharmapuri*. The article studies the emergence and construction of a 'nation', Dharmapuri in a fictional context and examines the nature of the governance in the nation. She uses Mikhail Bakhtin's arguments from *Rabelais and his World* (1965), his use of Grotesque Realism and dystopian fantasy to depict the real, political turmoil any nation and her citizens face in the time of change. Acknowledging the relation between reality and literature, this analysis possibly offers a way to understand the political upheavals a country, state or nation faces and the degradation or dehumanization of the values that emerge thereafter.

Philip Ogo Ujomu and Felix O Olatunji provide an analysis of the nature of our understanding of security, freedom and the value of human life in current times. They offer an alternative conceptual analysis of the role of government, state agencies, institutions accountable for the same in ensuring peace and well being of the citizens. Using Jeremy Bentham's analysis of security, they argue in favour of a more humane foundation for the principles of national and human security.

As a commentary, citing individual and personal reflections, Thomas Menampampil in the essay, Ethical wisdom in Asia, documents various ethical practices and aims to provide an understanding of harmonious living.

We invite our readers to read, examine and deliberate!

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References

- Akhavan, P. (1998) Justice in the The Hague, peace in the former Yugoslavia? A commentary on the United National War Crimes Tribunal. *Human Right's Quarterly*, 20 (4): 737-816.
- Arendt, H. (1958) *The Human Condition*. Chicago: Chicago University Press.
- Nietzsche, F. (1967) *On The Geneology of Morals*. New York: Random House.
- Kelly, P. J. (1990). *Utilitarianism and Distributive Justice: Jeremy Bentham and the Civil Law*. UK: Clarendon Press.
- Theidon, K. (2004) *Entre projimos: el conflict armado interno y la politica de la reconciliacion en el Peru*. Lima: Instituto de Esudios Peruanos.
- Theidon, K. (2006) Justice In Transition: The Micro Politics of Reconciliation in Post-War Peru. *The Journal of Conflict Resolution, Transitional Justice*, 50 (3): 433-457.

