

## **Just Art. On Doing Justice in Art and Politics** **Sybrandt van Keulen**

During the scarce time we share and the expression 'doing justice' will occupy us, of particular interest seems to be the performative aspect of addressing and, inherent to this, the contextual element: when an agent, author or instance acts/writes in a certain way, and when this action makes '(in)justice happen' to someone or something. In 'doing justice' the emphasis seems not so much to be on the determined goal, call it 'justice', but rather on the doing: doing something or treating someone in a just, a respectful, right way. The most important thing of interest in this 'doing' lies for me in the fact that this act or performance seems not confined to any realm or discipline: It can happen and fail to happen, or someone can unnoticed being violated, in every conceivable context: Inside and outside the court of law, in politics and philosophy, and in arts. Not only in arts when it concerns 'portraits', biographies or hymns, or when it is a 'matter of rendering justice to' (*rendre justice à*) a work of art, or 'doing justice (*rendre justice à*) to the truth they [Heidegger and Shapiro] thought they owed in painting.<sup>1</sup>

The other part of 'doing justice' – otherwise it would never have to do anything with justice, or even 'right's or 'law' – is undeniably the idea or notion of 'justice'. When taken as an effective denominator of particulars – between individuals, subjects, or no matter what legal entities – the very 'concept' seems to depend on a *telos* and, perhaps even exclusively, on the felicity of the relationship, whether a certain way of performing works out as just (not necessarily a doing with words).

Already in "The Ends of Man" Derrida defines the coordinates, or the two parts of 'doing justice' – distinguished as two ends – in a most concise form, yet in an academic and abstract way, in terms of an irreducible relationship between on the one hand the finite, 'as factual anthropological limit' and 'the condition of mortality', and on the other hand as 'the infinity of a *telos*' and 'transcendental end':

The end of man (as factual anthropological limit) is announced to thought from the vantage of the end of man (as determined opening or the infinity of a *telos*). Man is that which is in relation to his end, in the fundamentally equivocal sense of the word. Since always. The transcendental end can appear to itself and be unfolded only on the condition of mortality, as the origin of ideality. The name of man has always been inscribed in metaphysics between these two ends.<sup>2</sup>

This 'fundamentally equivocal', bipolar or hybrid structure should be regarded as essentially determinative, conditioning the performative effectivity of 'doing justice'. Derrida seems to be right in elaborating, roughly two decades later, with regard to that 'transcendental end', that one cannot "thematize or objectivize justice, say "this is just" and

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<sup>1</sup> Derrida, Jacques (1987), 'Restitutions of the truth in pointing [pointure]' in *The truth in painting*, Chicago/Londen: The University of Chicago Press, resp. p. 301 and p.333.

<sup>2</sup> Derrida, Jacques (1972). "The Ends of Man" in *Margins of Philosophy*, tr. Alan Bass, Chicago, Il.: University of Chicago Press, p.123.

even “I am just,” without immediately betraying justice, if not law (*droit*)”.<sup>3</sup> The feeling, – even of doing just fine –, or the mere thought, perhaps the knowledge of an urgency, of ‘doing justice’, will most likely not be unfamiliar, to no one – if only as a negative experience of failure, as (even once) being treated unjust. So, the ‘two ends’ of the finite and the infinite, determine, at the same time, the absolute urgency (‘this desire for justice’; idem: 965) and the impossibility of doing fully right or just (it might be calculable and legal, the question remains whether that is the same as ‘doing justice’ on ‘the basis of an infinite “idea of justice” (idem: 965).

At the time that Derrida, in *Force of Law*, wrote that ‘justice is an experience of the impossible’ (idem: 947), Vaclav Havel was not only already inextricably involved in global politics, he also spent notable words on his local experiences, referring to a desire and a practice, a certain task he calls ‘education’. In his widely quoted ‘New Year’s Address to the Nation’ (Prague, January 1, 1990) he addressed his contemporaries in a memorable ceremony, and he maybe still addresses ‘us’ and our troubles with lines that unite and divide ‘our’ nationstate (Havel refers to ‘the community’, not the people or the proletariat), and their auto/hereto-poetic relation to the globe (‘the world’):

Let us teach ourselves and others that politics should be an expression of a desire to contribute to the happiness of the community rather than of a need to cheat or rape the community. Let us teach ourselves and others that politics can be *not only* the art of the possible, especially if “the possible” includes the art of speculation, calculation, intrigue, secret deals, and pragmatic maneuvering, but that it can *also* be the art of the impossible, namely, the art of improving ourselves and the world (italics added).<sup>4</sup>

The word ‘art’ Havel uses may be read as another word for deconstruction. His ‘teaching’ of ‘the impossible’ reminds me also of Walter Benjamin’s second notion of violence, distinguished from “mythic violence”: “divine violence”, that he miraculously relates to a variety of practices, among which diplomacy and educational. Benjamin’s crucial question in this context – ‘Is any nonviolent resolution of conflict possible?’ – brings him to the proposal of ‘the use of unalloyed means of agreement’.<sup>5</sup> He formulates what is at stake

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<sup>3</sup> Derrida, Jacques (1990). *Force of Law: The “Mystical Foundation of Authority”*, *Cardozo Law Review*, vol. 11, p. 935.

<sup>4</sup> Havel, Václav (1997). *The Art of the Impossible. Politics as Morality in Practice, Speeches and Writings, 1990-1996*, translated from the Czech by Paul Wilson and others, New York, Toronto: Alfred A. Knopf, p.7-8.

<sup>5</sup> In his *Critique of Violence*, transl. of *Zur Kritik der Gewalt*. Benjamin’s use of ‘zu’, like Kant’s use of ‘zu’ in ‘*Zum ewigen Frieden*, and Heidegger in *Unterwegs zur Sprache*, marks presumably the modesty of the author to express that his text is ‘towards’ an understanding and not exhaustive dealing with the matter. A full understanding of *Gewalt*, eo ipso a *Critique* of this violence/power, let alone a definition, of this atypical type of force is probably impossible, despite Agamben’s suggestion to make it ‘easier’ by putting divine violence ‘in relation with the state of exception’. Agamben, Giorgio (1998) *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, p. 64.

here in one sentence: 'Legal and illegal means of every kind that are all the same violent may be *confronted with* nonviolent ones as unalloyed means' (italics added).<sup>6</sup> The stricture which complicates Benjamin's distinction is that he appears not to be able to welcome those 'unalloyed' educational, artistic 'means' in terms of pure nonviolence, because they are, however indirectly, still projected in '*confrontation with*'. In other words, the task of the philosopher and the artist, is to rephrase the non-violent means in non-confrontational terms. In the meantime, indeed, not even nonviolent means can be thought without at least fictive violent (interventive) effects. Benjamin uses the expression 'manifestation', exemplifying a hybrid, divine violence/power with aporetic purity:

This divine power is attested *not only* by religious tradition but is *also* found in present-day life in at least one sanctioned manifestation. The educative power, which in its perfected form stands outside the law, is one of its manifestations. These are defined, therefore, not by miracles directly performed by God, but by the expiating moment in them that strikes without bloodshed and, finally, by the absence of all lawmaking (italics added)

In this passage Benjamin seems to anticipate his essay 'The Work of Art in the Age of Its Technological Reproducibility', that is, the critical thinking of a transformation of religious, 'auratic' (cultic) power into the secular/public educational power (education of the public with film). I would associate this notion of educative power to Havel's idea of art, both expressing and referring to emancipatory yet untimely, 'educational' temperaments and experiments. Benjamin's hybrid notion of education (inside and outside the law), 'not only ... but also ...' resonates in Havel's hybrid notion of politics, carefully using in one breath 'not only calculation ... but also...', expressing that a breach with the calculative past can not be settled in an absolutely progressive sense. The impossible – nonviolent resolution – is somehow rendered and compromised by the possible. That is, in Derrida's concise formulation: '(...) incalculable justice requires us to calculate' (idem: 971).

Just as infinite the idea of justice is, and just as finite and singular every breach or rupture has to be (in order to effectuate at least a bit lesser violent 'world' than before), the notion of one single "horizon of humanity" should also disseminate, *at infinitum*, in first,

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<sup>6</sup> The inventive translation in this context of 'rein' ('unalloyed'), where Benjamin has throughout his essay the adverb 'rein' (translated as 'pure') draws the attention not only to the exceptional status of divine power/violence, but also to the exceptional status of the other 'unalloyed means', such as 'education' (which seems to mean something different than just teaching). 'Unalloyed' seems to suggest that in these (rare) cases, the means are not –neither internally nor externally – related to an end. This pureness of the 'means' gives them an absolute (from *absolvere*) status – in Kantian terms: they are without end, not because the end is lacking, but because they have their 'ends' in themselves, without an external purpose, being purposeful in themselves ('Zweckmassigkeit ohne Zweck'). Only in this respect I think the (cultic and artistic) attachment to a 'ceremony', as educative divine performance, makes sense.

second, etc. emergencies, at least in the fields of 'art' and 'education'.<sup>7</sup> So, staying receptive for the classical emancipatory calls Wynter refers to, there is something about them, inside and outside them, that makes the most ordinary practices of 'doing justice' probably even more transient and trance-like than ever. Indeed, Wynter's proposal of "a new hybrid form" (SW: 209) is a hybridity that counts up our grim past in a critical and alarming way, and makes us also realize that there is no single clear cut 'form', neither a sphere beyond it – not in our time. In Derrida's phrasing, rendered by Wynter's 'global problematique', '(...) there was a time, not long ago and not yet over, in which "we, men" meant "we adult white male Europeans, carnivorous and capable of sacrifice."' (idem: 951).

'We' somehow have to face the fact that 'we' have to learn to live, for a while at least, with the idea that *différance* (limiting, bordering, thresholding etc.<sup>8</sup>) is most of the time experienced paradoxically (quoting a Dutch writer: 'I am happy being born in Amsterdam, and not in the Netherlands'). Yet legal limits are not easily to breach. Neither can borders of the nationstate be hermetically sealed, unless under pain of self-detention. Global migration – felt, observed and 'reported' by the daily news as a threat to 'our' state of exception – has been, and will be the 'law of laws' to which 'we' probably never become used to (indeed, who are we?). A force that should perhaps even be welcomed, so that we can reckon on this strange, incalculability, this impossible sort of hybrid certainty, that we cannot fully trust and yet have to calculate with and count on, sometimes like a Césaire who 'gambles' on 'the word' (SW: 209). Both ends of hybridity made Sven Lütticken rightly (or 'justly?') terrified of radical change (SW: 235), probably having Al Gore in mind who staked all his time and money on 'the truth' of climate change. Whoever reaches out for some absolute ideal ('The millennial empire') seems always to run into the flip side, that is, an apocalyptic overturn: the dark purpose or *telos* of a 'solution' (just a fraction different from the 'solution' of the *Judenfrage*). With a touch of black comedy: one week Trump claims U.S. sovereignty, the other week he's busy with messy things in Syria, Pakistan, Korea, Turkey (to be continued).

As an example of a view of *engagement* and concern, making an effort of 'doing justice', a recent action within the Dutch context recently drew my attention: 'Urgenda (...) victorious in the climate case today, forcing the Dutch government to adopt more stringent climate policies'.<sup>9</sup> Judging by its press release, this 'foundation' addresses the 'global problematique' from the level of the state. Nationstates as global agencies, addressed as machines of justice: 'states can no longer afford inaction. States are meant to protect their citizens, and if politicians will not do this of their own accord, then the courts are there to help' (The Hague, 24 June 2015). The (neo)liberal aim of Urgenda is 'doing justice' in terms of calculating fairness: 'The Netherlands cannot solve the climate crisis by

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<sup>7</sup> Wynter,, Sylvia (2015). 'The Ceremony Found: Towards the Autopoetic Turn/Overtturn, its Autonomy of Human Agency and Extraterritoriality of (Self-)Cognition' in *Black Knowledges/Black Struggles: Essays in Critical Epistemology*, p. 245.

<sup>8</sup> Geoffrey Bennington wrote a dazzling book about 'frontiers': *Frontières kantiennes, Galilée 2000*.

<sup>9</sup> <http://www.urgenda.nl/en/>

itself, but it certainly can do its fair share'.<sup>10</sup> This claim of what one might call a variation of calculative, legalistic politics mixed with 'Hollanditus', echo's the enlightened principle Pheng Cheah referred to, including the 'dogmatic faith' (PC: 308), about a decade ago: '(...) although contemporary globalization has complicated the nationstate form, it has not rendered it obsolete as a form of political organization'.<sup>11</sup>

In addition a question for discussion: presumed that it is possible, then how could this '(neo)Liberal-humanist, Western-bourgeois "paradigm of justice"' (SW: 223) – in a hybrid way, so within and without the form/frame of the nationstate – be explored further and made otherwise (cosmopolitically) useful in the light of an art of 'doing justice'? How would a 'divine power' in educative ceremonies look like if the nationstate could regard itself not as a monadic entity, but as some sort of platform, promoting the art of the impossible 'with and through' itself (Pheng Cheah: 312)? Another question springs from my efforts to translate and rephrase the famous formula that marks the end of Shelley's *Defence of Poetry*. It reads like an implicit indictment, maybe even as an overt call: 'Poets are the unacknowledged legislators of the world'. What would happen if artists indeed became acknowledged legislators (not necessarily or exclusively inspired by Bob Marley)? Or just legislators, perhaps even divine, in Benjamin's sense of creating 'incomparable effects'? What would happen next if the pivotal signifiers of that sentence merely changed places – for the sake of a thought experiment: Legislators just are the new artists of the world (Willem Witteveen, in memoriam)?

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<sup>10</sup> 'Fairness', a much debated nation-Europa issue also in the problematique of refugees, asylum seekers, economic migrants. Fairness would then be the ethical-economical (calculative) counterpart of the cosmopolitan ethos of (incalculable) hospitality. Out of 'fairness' the argument would then be that every member state of the EU should deal with a fair share of refugees – hence 'Brexit'. The political ends of the EU – the EU regarded as a rare amalgamation of two ends, that is, the finite end of nationstates and the infinite transnational-cosmopolitan end (formerly called 'justice').

<sup>11</sup> Cheah, Pheng (1998). 'Given Culture: Rethinking Cosmopolitical Freedom in Transnationalism' in *Cosmopolitics: Thinking and Feeling beyond the Nation*, editors: Pheng Cheah and Bruce Robbins, University of Minnesota Press, p. 291.