

**From = to  $\approx$  and  $\cong$**

*a Consideration on Justice after Quantum Mechanics*

Raqs Media Collective

An allegorical figure of justice had lost its head in a museum basement. We brought it out and placed it in a vitrine, lit it, looked at it carefully, and invited others to offer it their consideration as well.

A figure of 'headless justice' might lead one to surmise that this is what happens to 'justice' when it loses its capacity to reason. What if one presumed a different possibility, of a 'headless' kind of reason? Could 'headless' justice have gained something in return for losing her head?

### **Is equal to?**

Ordinarily, when the idea of justice is invoked in any conversation, it presupposes a relationship between an action and a consequence, or an equation of contending claims - to attention, to significance, or to resource.

How, ordinarily, does justice 'reason'?

Every time the idea of justice is invoked, it presupposes a relationship between an action and a consequence, or an equation between more than one claim (to attention, to significance, to resources). Justice is indexed by the appropriateness, or commensurability, of that relationship or equation.

This concept may be expressed by the arithmetical symbol of *is equal to* = sign. The expressions, entities, claims, and quantities that stand on either side of *is equal to* are taken to be of equivalence. They need not be identical, but ideally, they need to be 'equal' in a 'counting' sort of way. Justice is indexed by the appropriateness, or commensurability, of that relationship or equation.

Over millennia, ever since Hammurabi's code specified the 'eye for an eye' principle, we have been accustomed to an understanding of justice which is quantitative, based on metrics, and in part, on the = sign. If a person has blinded another in one eye, then, the blinding man's eye must also be taken away. Not two eyes, but one eye, because the taking away of two eyes of a one-eye-blinder would be 'unjust'. At the same time, it means that there is no way by which any idea of mercy, or compassion, can be entertained. One cannot say, 'all right, let's not blind the blinder, not even in one eye'.

Perhaps this mode of thinking has even influenced what we consider to be a 'Newtonian' framework - of 'every action' having 'an *equal* and *opposite* reaction'. This presumes that we can measure the action and the reaction, and see that they are 'equal, and opposite'. This 'Newtonian' principle has become the bedrock of the vengeful mode of justice. Harm must be answered by another harm, only then can things be restored to a 'baseline' state that they existed in, before being 'disturbed' by the first harm that set the

spiral of consequential harm into motion. Again, this presumes an ability to measure harm, and to divide harm into discrete packets that can be weighed against each other, as they spin and spiral.

### **Justice = Revenge?**

The narrative of popular cinema too tends to be deeply committed to this modus operandi. This is how things turn out: first, a peaceful world is established, with nice, peaceful people going about their business. Then a terrible wrong committed by a vengeful oppressor, unkind power for its own selfish ends, disturbs the tranquil equilibrium of this peaceful world. The institutions of justice fail to deliver a sense of recompense. A hero, perhaps in hiding, nursing past injustice, in stoic solitude, is called upon to do what he can. He acts, at first reluctantly, or hesitantly, or ineptly (~~because he is out of practice~~) and then heroically, to exact an exact revenge. Or maybe he goes overboard, just a little, as if he were only paying harm back to compensate for harm, with interest. In any case, crime must be recompensed by punishment, because there is no other way, in this universe, of dealing with harm.

That's the Newtonian Mechanics of Justice as 'revenge'. Predicated on a measure of injury, it fuels not just the heroics of mainstream cinema, but also the rhetoric of politics, representative or not. First, this grammar of politics has to recognise harm, then it has to identify a perpetrator, then it has to promise to punish the perpetrator, and finally, it has to amplify what it undertakes in order to propagate the violence of the harm, and the justification of revenge through which justice is 'shown' to be done.

### **How can one measure pain, or humiliation?**

Following the problem of observation in quantum mechanics, one could say that the very act of observing pain leads to a change in the circumstances in which pain is perceived. In quantum mechanics, physicists tend to approximate and conjecture, and can never abstract themselves away from the problem they are engaged with. The observer is part of the experimental reality that she is observing.

In the 'Newtonian' model of justice, justice is external to what it judges, which is why it is able to objectively 'measure' harm or injury and settle on a 'just' recompense. The quantum model does not allow for this 'objective' Archimedean point of external reference. It includes the judge and the judged, the witnesses and the advocates, in an entangled meshwork. This means that there is no 'all seeing' eye, located in a 'head' that stands, outside, and above, the 'scene of the crime'.

### **A glimmer of possibility?**

In a departure from the narrative norm of offense and revenge recompensed for by retributive punishment, the Tamil language film *'Natchathiram Nagargiradhu'* (*'Wandering Star'*, 2022) directed by Pa Ranjith, complicates the question of how justice can be attained in the aftermath of injury. The film is set within

the dynamics of an amateur theatre group that is developing a play on the theme of love and how it is bound by social restrictions of caste, religious identity, and gender norms. A male actor, whose controlling misogyny and homophobia is made evident through the film, aggressively molests and harasses a female actor during a party while under the influence of excessive intoxication. The other members of the diverse theatre group who include, besides heterosexual men and women, a gay male couple, a lesbian couple, an inter-racial couple, an interfaith couple, and a man in a relationship with a transwoman, express sympathy and solidarity with the complainant. They decide, at the urging of the head of the group, to ask the molester to leave the group. This decision is communicated to him on the morning after the party where this incident took place.

While the ‘molester’, after expressing remorse and apologies to the group, as well as to the woman he had molested, is about to leave, it is the woman who asks him to stay back, and argues that the group should give him a chance to prove that he can change his aggressive, homophobic, and misogynistic behaviour. The group changes its mind, and the aggressor is asked to stay and prove that he can change. He does so and, eventually, even argues for a change in the patriarchal nature of the character he is portraying in the play, based on the fact that people can and do change, just like he himself has done.

The woman’s insistence on letting the aggressor ‘stay’ and prove that he can change shows that it is not ‘punishment’ - to be meted out by an entity that stands for the collective will of the group and yet abstracts itself ‘away’ from the interpersonal dynamics of the group - that she is looking for. The film frames the woman’s stance on an Ambedkarite sensibility that emerges from her Dalit identity, in which it is impossible to ‘separate’ the crime from its context in the matrix of caste and patriarchy. We could read this as an argument that recognizes that it is simplistic to assume that violence emerges only from an individual’s action, and not from an overarching structure of normative behaviour that teaches the aggressor how to be an aggressor. In that sense she is able to distinguish the person from his action, and posit a model where he too might be able to separate himself from his behaviour. It is within this framework of what justice could mean that the complainant asks, not for punishment, but for acknowledgment, remorse, reparation, and transformation, which are different from restricted punitive measures.

What do we have here? A glimmer of possibility that the arithmetic of justice need not be reducible to a zero-sum game, where one harm, equal in virulence and intensity, cancels out another - the ‘original’ harm - so that some mythical equilibrium is restored?

### **Is equilibrium a state of justice?**

To combat revenge justice, take the = sign, introduce a wave form to queer its straight edges, the double tilde sign  $\approx$  an orthographic innovation designed to denote approximation. A single tilde sign  $\sim$  and layering it above an = sign also produces an interesting result  $\cong$  the sign for congruence or alignment.

Approximation, congruence, alignments are estimates of relationality, they are signs that remain open to discussion, they occupy, not distinct points, but a spectrum, a gradient; they are not claims to exact measurements of identity that can be used to put an end to a conversation.

### **What kind of conversation do we have in mind?**

Imagine a conversation between bones, between scrambled heaps of disinterred human remains from mass graves, some arranged to form nearly complete, notionally discrete, skeletons, for the benefit of a war photographer, to illustrate casualties, long after the fact of war, on a battlefield. The photograph, *Scene at Secundrabagh* is dated 1858, and staged for and taken by the photographer Felice Beato.



Albumen silver print, Felice Beato, 1858, Wikimedia Commons

An imagined conversation between bones, a cadaverous cacophony -

*...if each of the two hundred and six bones of the adult human body could speak, they would all sing the body's praises. Ossuaries would be operas.*

*The sternum, or the breastbone would testify to its owner's pride, the ribs would act as a sentimental chorus, singing an elegy to the fluttering heart-bird, the fibula, tibia and femur, would drum up anthems to strength and vigour, the tarsals and metatarsals, carpals and metacarpals, radius and ulna would praise poise and dexterity, the coccyx would hit a base complaining note, the frontal bone of the cranium would worry. Bones of every function and description would whisper, scream, speak in tongues and measured tones, laugh, cry, sing in tune, off key and off kilter. Only the lonesome hyoid, the unarticulated bone of the tongue, might choose silence in jest at the excess of*

*cadaverous cacophony. The hyoid would hold its tongue, knowing that every life is deserving of only as much noise, or silence, as every other life.*

The noise, speech, song, and silence of bones multiply the attributes of what it means to be human in a way that defies the imperative of measurement. They enable comparisons between different states of life and death, but disable exact computations of the value of life and death. If one were to pay attention and practice listening to the arias, duets, choruses, and recitatives from an ossuary-opera, one might find reason to revise ideas of how the living and the dead may receive justice. Despite the impossibility of measure, each life is '*as deserving of noise, or silence, as every other life*'.

To enable this act of listening, justice might have to 'lose' her head, and find her ears close to the ground, so as to listen better to matters that may be as intimate as they are subterranean.

#### Notes

'Opera of the bones', in *The Surface of Each Day is a Different Planet*, 2009, Film (38 minutes) <https://works.raqsmediacollective.net/index.php/2009/10/26/the-surface-of-each-day-is-a-different-planet/3815/>