



Justice of "Us" for Peace: From Memory to Utopia

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Justicia nosótrica para la paz: desde la memoria hacia la utopía

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ABSTRACT

This article is the result of a research project on current Latin American philosophy within the lines of Amerindian philosophies that through a hermeneutical analysis on indigenous world views –especially regarding community justice thought and administration– makes a comparison to justice as a positive right. We argue that it is not the same to say “One of us committed a crime” to say “june ja ke”nitiki jta”atik jmul” (We committed a crime) in Maya-tojolabal because even though both phrases refer to the same event, their experience is very different. The analysis of this “justice of us” as a contribution to peace is framed within the context of a violent, unfair, and unequal world with an invisible past and a deceiving future.

Keywords: Right, indigenous justice, peace, victims, community.



RESUMEN

El presente artículo es resultado del proyecto de investigación Filosofía latinoamericana actual, en la línea de filosofías amerindias, el cual desde un análisis hermenéutico sobre cosmovisiones indígenas, en especial respecto de su pensamiento y administración de la justicia comunitaria, se hace un parangón con la vivencia de la justicia desde el derecho positivo. Se arguye que no es equivalente decir “uno de nosotros cometió un delito” a decir “june ja ke”nitiki jta”atik jmul (uno de nosotros cometimos el delito) en idioma maya-tojolabal, pues, si bien ambas frases se refieren al mismo acontecimiento, su vivencia es muy distinta. La mirada a esta “justicia nosótrica” como un aporte para la paz está enmarcada en el contexto de un mundo violento, injusto y desigual, como el que vivimos, con un pasado que se ha invisibilizado y un futuro engañador.

Palabras clave: Derecho, justicia indígena, paz, víctimas, comunidad.



RESUMO

O presente artigo é o resultado do projeto de pesquisa Filosofia latino-americana atual, na linha de filosofias nativo-americanas, o qual desde uma análise hermenéutica sobre cosmovisões indígenas, em especial no que se refere ao seu pensamento e administração da justiça comunitária, se faz um paralelo com a vivência da justiça desde o direito positivo. Argumenta-se que não é equivalente dizer “um de nós cometeu um delito” a dizer “june ja ke”nitiki jta”atik jmul (um de nós cometemos o delito) em idioma maia-tojolabal, pois, embora ambas frases se referem ao mesmo acontecimento, a sua vivência é muito diferente. O olhar a esta “justiça nosótrica” como um aporte para a paz está enquadrada no contexto de um mundo violento, injusto e desigual, como o que vivemos, com um passado que tem-se invisibilizado e um futuro enganador.

Palavras chave: Direito, justiça indígena, paz, vítimas, comunidade.

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THE RECONSTRUCTION OF THE HISTORICAL MEMORY OF UNIÓN PATRIÓTICA

We can all agree that we live-coexist in a “global village” comprised of technological, computer-based, economic and political, but not very human relations that are born of the “ego” and are therefore exclusive subject-to-object relations that have more to do with ownership, possession and conquest, rather than subject-to-subject relations in terms of reciprocity. In fact, we live with others on a daily basis in one and the same world from diametrically opposite universes to the extent individualism prevails in most modern societies based on the so-called global worldview, while ancestral peoples live under the logic of us, of community.

This same reality is found in the legal field, where different worldviews substantiate a particular experience of justice and law. The concerns raised in this document only intend to be a brief overview beyond indigenous justice from the standpoint of those who see and hope for other practices of justice, or rather an extraordinary justice, in lieu of the “ordinary justice” of statutory law that owes a large debt to society in terms of the context of injustice, social inequality, violence, conflict, etc.

The first part of this investigation has to do with the reality of injustice that Latin America has experienced and still experiences as a laboratory of violence in the context of an economy of sacrifice and a culture of oblivion; a scenario that enables justice from the perspective of the Amerindian peoples who still preserve and live based on the

logic of us. The second part refers to our-justice as community justice, which arises from the worldview and relational experience that characterizes the essence of the Amerindian peoples. Combining the ideas of several authors, there are five elements of the experience of justice among indigenous peoples that seem fundamental to favor peace in our Latin American societies. Finally, conclusions are provided as an invitation to continue investigating and inquiring about this rich reality of our-justice, as a horizon to travel through from our modern worldviews.

LATIN AMERICA, MEMORY OF INJUSTICE/POSSIBILITY OF JUSTICE

About a century ago, one of the main thinkers of the Mexican Revolution of 1911 described a situation of injustice, which is not very far from the reality that we are experiencing in most Latin American countries. Specifically, it referred to anarchism as follows:

There is no constant work; wages are petty; the working day is truly exhausting; the contempt of the landowning class for the proletarian class is irritating; [...] poor people sacrifice themselves in workshops, factories, mines, fields [...] Man lives in constant nervous excitement; misery, the uncertainty of earning the bread of tomorrow; the attacks of the authorities; the certainty that one is a victim of political tyranny and capitalist exploitation; the desperation of seeing children grow up without clothing, without instruction, without a future; the disheartening spectacle of the struggle of all against all (Flores, 1993, pp. 52-53).

Today, the experiences of the “lived world” have not changed much with respect to the situation described above: one only needs to see the victims (Bárceñas and Mélich, 2003) to realize how

injustice has become a fundamental component of citizenship in Latin American countries. Organized crime in these countries not only spreads but also continues to grow together with the illegal actions of arrogant armies and other repressive forces, which have become increasingly common. In these forces, political corruption has become like the hemoglobin in the blood: something inherent to our social body. Our societies are like a “vicious laboratory of the everyday nature of violence” (Bergmann, 2011, p.8), where we live – but most of us do not coexist – with thousands of victims excluded from justice and drowning in misery in the deepest levels of poverty, not only from an economic but also an existential standpoint. Institutional violence is everywhere in these countries and comes from a legal-institutional “system” that is also unjust and inhuman, as a

strange faceless dictatorship, hidden behind promises of well-being, wealth, progress, freedom, security and democracy while it continues sacrificing justice, solidarity and even the planet’s ecological balance in the bleeding altar of profit without limits or without a conscience (Michel, 2003, p.46).

It is a system based on a “economy of sacrifice” (Rabinovich, 2003), which has been imposed as the social, political and economic order at the expense of injustice or, according to Hinkelamert (1997) with respect to the hurricane of globalization and from the standpoint of a market economy, it is a system that has devastated the continent.

One of these realities of injustice is when laws are issued by a “social State based on the rule of law” in favor of the perpetrators so that they demobilize and return to society without assuming their responsibility for the crimes they committed, often against humanity; it is an injustice because the State

is not able to guarantee victims their rights in a timely and fair manner, as claimed by Pabón (2009) from the standpoint of the victims, who criticizes the Justice and Peace Law in his paper *Vivimos el reinado de la injusticia a nombre de la justicia y la paz*:

Latin America is a typical example of how, in the name of peace processes, there are continuous attempts to uphold the crudest impunity on the part of the holders of public power and their partners, all under the foolish proposal that there must be a certain degree of impunity for the sake of peace, which in reality is not just injustice but rather a victimization of the victims. Coincidentally, under the name of pardon and amnesty laws, States have placed the victims on the altar of sacrifice so that the impunity of the crimes committed by the perpetrators and suffered by the victims serves as fertilizer and foundation for a formal democracy, a democracy that is nothing more than a caricature (Pabón, 2009, pp. 147-148).

Because of the above, we must not forget that in order to analyze this reality, we need to allow ourselves be questioned by victims “to read the dark side of this moment” (Rabinovich, 2003, p.51). The reality of injustice that is experienced, is not, then, an “accident” of the system, but rather a consequence of it, as said by Adorno about Auschwitz. That is why our progress has become the way back to cruelty, because not only have we not stopped eating, but now we do it with a knife, fork and napkin (González, 2010, pp. 9-10).

Together with injustice, there is inequality, created – paradoxically – by the “culture of compulsory equalization” which stimulates violence in its school of crime with a culture of consumption, with social injustice and the impunity of power as described by Galeano:

The world has never been so unequal in the opportunities it offers, but it has never been so equal in the ideas and customs it imposes... In the soulless world that we are forced to accept as the only possible world,

there are no peoples but markets, there are no citizens but consumers, there are no nations but companies, there are no cities but agglomerations and there are no human relations but business abilities. The global economy has never been less democratic. The world has never been more outrageously unfair. Inequality has doubled in 30 years (Galeano, 1997, p.140).

This critical eye cast on this reality must help us look at the myth of modern progress and unmask it as a deceptive, linear and superficial progress characterized by the laws of techno-scientific advances and financial markets incapable of assuming justice in terms of the modern human being, and much less so of assuming the injustices against the victims of the past and the historical memory. This progress intends to forget, hide or made invisible this historical memory to the extent that it has been designed to march unbridled towards the future without caring about the past and the cultural traditions of different ancestral peoples. Progress and wellbeing that are built on forgetfulness and superficiality and where indifference is radically inhuman and therefore “unjust” because this world “forces the perpetual misunderstanding of the word and the act, empties the reality of memory, and makes each person a competitor and enemy of the others” (Galeano, 2004, p.216). It is obvious then that this civilizing chiaroscuro of history is barbaric at its core.

On the other hand, Western culture has been a culture of forgetting and a master at making crime invisible. In the field of theology, “bodies are killed to save souls”; from the standpoint of philosophy “progress involves trampling some flowers at the edge of the road”; in art, “the victims of torture by the Inquisition are painted with a smile. With forgetfulness we have to understand the invisible nature of victims or the deprivation of meaning.” (Reyes, 2011, p.478). Our societies are

experiencing something referred to by Metz (2002) as “cultural amnesia” in terms of indifference and silencing of pain, which must be eliminated from the cultural memory of man. In this sense, from the culture of forgetfulness, we move on to oblivion, to a “Alzheimer-stricken society”.

A society that only experiences disconnected moments as a person sick with Alzheimer’s Disease who does not suffer, or suffers only at the beginning of the process while realizing that he or she is losing his or her memory, but not when it is completely lost. Those who suffer are those who see that person as almost inhuman because of his or her inability to communicate. Because the price of this lack of suffering is the total loss of his or her status as a person, of the inability to recognize his or her present and past identity (González, 2010, p.12).

Today our world is still full of small holocausts, hailed one day as essential material for the cover of a newspaper and forgotten the next to give way to other stories that would make a good headline. But we also have a history full of victims who only make themselves present when they are remembered, when one investigates deep enough to discover or recognize them. It is enough to ask ourselves what holocausts of our Latin America we are aware of to realize our inability to speak of such reality because it is overwhelming. We know what is given to us by the “winds from above” or the “standpoint of winners”, but there are events that the “winds from below” preserve in their memory and through of their struggles, rebellions, they tell us there is also a history seen from the perspective of the defeated. From this viewpoint, referring to the struggles undertaken by the communities of victims to demand justice, one can think of the innumerable armed or unarmed struggles that have been

undertaken by the multiple communities of victims that demanded better living conditions. Dissent has become present and has spread when humanity has been at risk of losing itself and its dignity has been forgotten or ignored, or even literally buried: genocide, torture, violence, hunger, displacement, etc., continue to make a commitment to justice, even from the standpoint of an “i-legal justice”.

From Moses in ancient Egypt to Spartacus. From Spartacus to Che Guevara, from Che Guevara to the army made up of professionals of hope. Over and over again, throughout the centuries, riots, rebellions, revolutions, uprisings... take place again in history, [and referring to the Zapatista army] heirs, then, of other “transgressors of the law” that, from century to century, from decade to decade, and many times over the years, have struggled to change the relations between those who hold or usurp power -economic or political- and those who suffer it, who are always the majority (Michel, 2003, p.170).

What then is justice for people affected by injustice? The opinion of a law that fails to help? A norm that sanctions or punishes the victimizer or the agent of injustice? How to solve the question of justice without slipping in the muddy grounds of injustice? It is clearly evident that when one becomes aware of an instance of injustice it must open the horizon for justice to materialize in that specific reality. Justice must be born of injustice because otherwise it will never be justice. It will be theory, dogma, law or anything else, except for justice.

In Latin America, it seems that laws have been written with their backs to injustice and conflict and in a manner unconcerned with the pain, the needs and the desires of people who are experiencing such injustice. Therefore, in the face of these laws enacted with their backs to injustice we behave from different mentalities as rebels, as

living and even as arrogant being (Villegas, 2011), perhaps less convinced than Amerindians people for whom, in their legal conscience, State justice does not protect the interests of society nor those of the accused because “as long as the justice system does not encompass and work on social injustices, it serves to sustain them and preserve them, silence them and make them invisible” (Bergmann, 2011, p.34). For these reasons, in order to face the multiple instances of violence and injustice that affect daily life, it is crucial and inescapable to work in the development of community capabilities respond to conflicts. In fact, this would be one of the greatest hopes for a future different from the past.

OUR-JUSTICE AS MEMORY AND UTOPIA

Can one think about justice where the punishment for the homicide of a single mother or father is not a prison sentence but to bear the cost of supporting orphans, knowing that prison time would leave two families paying for an injustice that they did not commit and would make us all pay for the injustice to keeping the guilty person in prison?

In his book *Filosofar en clave tojolabal*, Lenkersdorf (2005) notes that the study of languages is a promising horizon to understand other worldviews, other ways of looking at and experiencing the world; it is not simply an approach to phonology, morphology and syntax of a certain language, but rather a contact with its own “global experience” of community, that is, with their way of seeing and experiencing the world. “The difference between languages is not sounds and signals, but rather their different worldviews” (Lenkersdorf, 2005, p.101). From this standpoint of language, Bauman (2009)

states that, in addition to meanings, words can produce “good feelings” in people. One of these words is *community*, which in expressions such as “being part of a community”, “living in a community”, “working in community” is valid in itself and endorses its members. When someone goes astray however, his behavior is explained by saying that “he keeps bad company”, but not that he is moving to another community, and society can even be accused of not having an organization capable of providing the elements to lead a dignified or human life.

So, delving into another language, setting foot in another country, or accessing other cultural worlds, changes the perception of the world or, at least calls upon one's worldview, and can also transform one's way of experiencing the world. The Mayan, Inca, Aymara, Muisca, Kuna, Wayu, Mapuche, and Guarani worlds, still unknown by many, have a worldview and an experience of the world that can be found in their language and above all in the way they live. This worldview is quite different from those proposed by current globalization processes, which “promote a worldview that privileges individualism, competitiveness, conformism or social and political non-criticism through the generation of passive citizens, workers or consumers who accept the state of things and their domination” (Ruiz, 2011, p.47).

According to a document issued by the ILO (2009), there are around 5000 indigenous and tribal peoples with characteristics that distinguish them as such in 70 different countries, with a total population of 370 million. This diversity cannot easily be captured in a universal definition, nor can it be homogenized in its practice of the law. Community justice cannot be understood from the

standpoint of universal logic or universal culture. There is no single community justice, but rather a group of community justices.

Just as in the Hellenic world, which is a relatively homogeneous cultural universe, there are clear differences between Spartan and Athenian rules. For this reason, it is necessary to recognize that community justice can only be understood from the perspective of diversity and with the logic that each community is different from all the others. In each culture, there are differentiated norms for production and reproduction, for access to goods and for relating to one another, and each culture has particular rules for conflicts and how to manage them. Each community has coercive and enforcement systems in place in accordance with its normative structures (Ardila, 2008).

Even though several countries such as Bolivia, Colombia, Ecuador, Mexico, Nicaragua, Paraguay, Peru and Venezuela recognize the multicultural-multietnic nature of their societies and already admit a legal pluralism in their constitutions, there is still a long way to go in other countries of the region. If we want to speak about a State based on the rule of law, we must claim plural, rather than universal rights, in plural States with plural legal systems where ordinary law does not have the last word in terms of the experience of the justice and customary-indigenous law is allowed to leave the territory and be assumed within our societies as a “community” justice experience. The following quote is relevant under these circumstances:

I always believed that there are basic principles of criminal law that are universal and essential in any legal system. I was convinced that a punitive system that was not structured based on these fundamental axioms could not be considered as consistent with the definition of

Criminal Law. Now I have to say that I was wrong
(Borja, 2009, p.13).

Just to briefly look as this horizon of our-justice, it is not the same to say “one of us committed a crime” to say *june ja ke "nitiki jta" atik jmul* (one of us [we] committed the crime), because, although both phrases refer to the same event, the experience is very different given that in the first there is a single responsible subject who is breaking that relationship with us through that crime and is therefore excluded him to the extent he no longer belongs to the group; there is an emphasis on the individual rather than the community. On the other hand, in the second *june ja ke "nitiki jta" atik jmul*, the emphasis is on the community as the responsible subject that assumes the actions one of its members as its own; it does not deny the individual mistake, but prevents the link with us from breaking, because, despite his behavior, the malefactor remains our brother (Lenkersdorf, 2005, pp. 175-176).

Now, when speaking about the our-justice, we want to assume the question of community justice from the standpoint of the world experience of ancestral peoples rather than from the community justice that has resurfaced in some modern societies, as reported by Karp and Clear (2010), who refer to said justice as all the actions carried out within justice which explicitly include the community both in its processes and in the different ways of preventing crimes to favor the quality of life of the community. However, in ancestral communities this justice is experienced from a logic that is very different from Western ways of thinking. Thus, for example, from the perspective of epistemology to the perspective of the law, it can be affirmed that indigenous people

struggle to claim their nature of solidarity, cooperation, mutual aid, protection of families, truth, work, respect for the Pachamama, [...] still conceive ideas, create songs and myths, choose their traditional authorities, organize themselves based on their wisdom, maintain the diversity of their languages, preserve a worldview centered on the feeling of collective identity with the Pachamama to which they are linked by umbilical cords, consider biodiversity as sacred because land, plants and animals are living beings and their traditional knowledge allows them to live in harmony with nature and thus recreate their worldview (Romero, 2007, p.20).

Based on the analysis of some authors such as Lenkersdorf (2005), Borja (2009), Albó (2103), De Alarcón (2009), Ardila (2002) and Estermann (2008), among others, which addresses indigenous justice and its relational worldview, we propose five utopian elements of our-justice to favor the experience of peace. An utopia that has nothing eschatological but simply wants to allude to the distance between what we are from a socio-historical standpoint and what we morally believe we should be in the here and the now and not at the end of times. It is about how justice should be in the face of an unjust reality and a justice that has been unable to be consistent with reality. Our-justice as utopia in the sense that it does not exist but it is still viable, or better yet, that it exists in the heart of those who envision a fair reality, and due to the fact it exists, it is already a reality in indigenous communities.

THE US-PRINCIPLE AS A PRINCIPLE OF SOCIAL PEACE

Following the approach of Estermann (2008), Mejía (2011) and Lenkersdorf (2005), among others, it can be inferred that Amerindian man cannot be understood except from the standpoint of relationality in a multiplicity of relationships of a political, economic, ethical or religious nature.

Man is what he is within the set of his social relations; he is a concrete being immersed among his fellows, he does not lose or dilute himself in a community like a drop of water in the sea, but rather retains his individual essence and gives himself to the community; he is a “being for oneself” and “being for others”. To be a subject means to be a relationalist, to be a *chakana* – a bridge, a “knot” – of multiple connections and relationships that materialize in the *ayllu*, which is the cardinal collective entity, and at the same time crucial for identity:

We [us] are a Community, the opposite of individuality, we are communal territory, not private property; we share, we do not compete; we believe in many gods, not just one; we are an exchange, not a business; diversity, not equality, even if we are oppressed in the name of equality. We are interdependent, not free. We have authorities, not monarchs (Martínez, 2010, p.17).

Therefore, the absence of agreements or rules in the community, even if they are understood from our point of view as private – adultery, idleness – still affect the community and break the communal balance-harmony as well as social peace (Borja, 2009, p.15).

THE ADMINISTRATION OF JUSTICE IS A COLLECTIVE ACT

At its various levels, the community is the highest instance of justice and it operates based on a oral tradition rather than written rules. There is no authority in particular, since the community itself passes judgment and applies punishment. In this sense, authorities are subordinated to collective decisions, to the extent justice is a collective responsibility (De Alarcón, 2010).

Thus, individuality is never denied to anyone within a community and, moreover, communities recognize the needs of each one of their members, who speak and act in the name of us and not themselves. This requires a different arrangement from the root of each of the participants in terms of the strengthening of the entire body, which gives meaning to each participant to the extent the separation from us is suicide (Lenkersdorf, 2005). The assembly that usually brings together the entire community entails coordination rather than subordination.

The predominance of US excludes, in our opinion, the superiority of the individual, regardless of whether it is I, YOU, HIM OR HER. Neither does it account for the social, political or economic status of the individual person. At first glance, US seems to be a great equalizer [...] whenever US prevails, the leader who is usually in charge of making decisions fail to stand out among the rest. The reason is that US means community, and it is in that context where decisions are made (Lenkersdorf, 2005, pp. 33-34).

This paradigm involves all members of the community in the justice process, where joint responsibility breaks with the centralization of power held by an individual or an elite that makes decisions which ultimately affect the entire community. Memory is fundamental among indigenous peoples given that the knowledge and principles that sustain their practice of justice are transmitted orally for the most part. Their collective wisdom has survived from generation to generation, where being part of a community has played a fundamental role. The memory that has made them a community is kept alive. “Without memory, the following generations will not have an idea of what happened; moreover, without memory it is as if injustice had never happened and the world could organize itself as if no barbaric acts had ever occurred” (Reyes, 2011, p.478). In addition,

without memory regarding the application of justice by ancestral communities, all alternatives for justice would be lost.

ACCESS AND RESOLUTION ARE DILIGENT, FREE AND RELIABLE

The our-justice is not a contest between the accused and the State, but rather the practice to solve specific and urgent problems. Hence the approach of a group of students facing a daily problem:

It is obvious that twenty-five heads think better than one, and fifty eyes see better than two. Which solutions can we reach if each member break apart from his neighbors and companions and attempts to solve the problem on his own? From the standpoint of US, we do not compete with each other. Problems in real life are so complex that they require the best solution, which can be provided by the assembled community instead of an isolated individual. Right? (Lenkersdorf, 2005, pp. 61-62).

Therefore, the sudden appearance of a problem, of a conflict or a failure within community harmony necessarily leads to the presence of us as an organizing principle for the solution, to a kind of “collective intelligence” which does not end only in that intelligence, but it assumes both the body and its feelings. For this reason, everyone spontaneously mobilizes in a us-based way founded on four fundamental principles: plurality, diversity, complementarity and anti-monism, and establish their behavior within the community, as well as towards other communities, based on those principles. Everyone feels that his or her ideas and opinions are taken into consideration in the US voice, as something that is born not from an individual but rather from diversity.

In addition to operating locally, that is, within the community, there is harmony with their idiosyncrasy – language, values, means, sanctions, conflict management strategies – which is legitimized from their traditions and customs, given that for most indigenous communities the official law not only remains incomprehensible, but costly in terms time and money, as it has also traditionally been (Ardila, 2002).

FLEXIBILITY ACCORDING TO THE CIRCUMSTANCES

The oral nature of legal practice in the community makes it not only much more agile and reliable, but also more flexible to the extent that, unlike written statutory law, indigenous law is not a fixed standard given once without the possibility of introducing changes. This plurality of cultures leads us to understand justice with a new moral sensitivity, which broadens the horizon of understanding of justice without limiting it, on the one hand, to time, and on the other, to space.

A stagnant justice is a dead justice. Justice well rooted in place and time cannot live apart from changing communities and societies. As people change, so do the communities and the societies made up by such communities. If justice does not change and lives with them, it stops making sense and dies (Bergmann, 2011, p.17).

PENALTIES TO REESTABLISH BALANCE IN THE COMMUNITY

“Recovering from the expulsion of the offender are the two aspects of the global, communal and flexible nature of IL (International Law)” (Albó, 2012, p. 213). Our-justice is essentially restorative

and restitutory and its fundamental purpose is to redirect behaviors to what is socially acceptable. Thus, the application of sanctions, fines and punishments -even physical ones- seeks to restore communal balance. Once both both victim and offender are recognized as people and have established relationships, inappropriate behavior, rather than violating the law, breaks the us-based system, which needs to be reconstructed as soon as possible.

By proposing to punish the criminal, the justice of dominant society could be considered punitive and vengeful. The OUR-JUSTICE, on the other hand, is restitutory in its attempt to reincorporate criminals into the community by showing them a path of recovery and expressing solidarity. The term 'restitutory justice' seems more suitable and explanatory than the term customary law. Because it is not a customary, unchanging justice, but rather a historically flexible justice (Lenkersdorf, 2005, p.168).

Justice should be measured not by the executioner with the purpose of repairing damage or punishing for a crime, but by the damages caused to the victims, but, above all, to the community, which must be recognized as outstanding debt. Hence, the punitive and vengeful nature of a justice that isolates criminals in prisons is not a viable alternative for these communities, since someone who breaks the rules can hardly change his ways if he is removed from his natural environment.

CONCLUSIONS

The following conclusions were drawn after having addressed some works by authors who have approached indigenous thought from the standpoint of hermeneutics, as well as their analysis regarding their experience of justice more as provocations rather than conclusions per se, to the

extent investigative work in this field has still a long way to go. Our-justice was defined through its components to open up another future to the past – to open up another future to injustice – and to discover the horizon of justice to justice. Thinking about justice beyond ordinary justice, beyond legal procedure, beyond indolent reason, beyond retribution or compensation and beyond unjust legality...

Modern theories of justice are based on the procedural or contractual approach, which has not been enough for the experience of justice and has often been counterproductive to justice itself. In that sense, it is about going beyond justice. A justice that does not remain in the consensus of the ideal community of communication, which does not remain in the exclusive knowledge of reason, which does not remain in the procedural reflection blind to historical injustices. In this regard, Valladolid points out that: "while the conventional model of justice, based on procedural or contractual theories, prevents the recovery of certain claims of validity that were unfairly excluded in the past, then there will be no way to incorporate into the present procedure what it was always denied in the past" (Valladolid, 2011, pp. 11-12).

Today justice must also look where others have sought answers, in the plurality of indigenous justice, in plural religious or artistic narratives; it is about bringing to the discussion a reason that has been forgotten by non-consensual procedure, a reason to remember – because it is painful – that makes forgotten arguments stand out. We need new institutions of justice that can answer to the demands of the victims of past injustices, which are also the demands of a community. The memory of the practices of justice of ancestral peoples, which is open to their imaginations and relational, reciprocal and complementary rationalities, is already a viable alternative of peace. Therefore, peace as a better *modus vivendi* in the midst of violent, exclusionary and competitive societies,

such as ours, will hardly have a place unless we can start applying other forms of justice.

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