Editorial

'Justice' is an issue which is of urgent significance for considering the nature of civil society and how a country deals with legacies from the past, problems of today, and threats for the future. While ideas about justice are most clearly developed in relation to law, this special issue also includes cultural analysis and undertakes a comparative perspective. The comparative approach is 'disruptive of what was assumed as logical and natural' and allows the reader to 'make discoveries through different ways of seeing things', and also to direct his or her 'attention to other contexts which on the surface might appear to have no connection' (Yengoyan 2006: 2, 4).

This special issue, entitled 'Justice in Comparative Perspective', is guest edited by Jerome A. Cohen of the Asia Law Institute at New York University. It marks the culmination of a series of events that took place throughout 2009 at the Taiwan Research Programme at the London School of Economics. A regular seminar series on the theme was held over spring and autumn, which allowed authors the chance to have a dialogue, and this was followed by a workshop in which scholars were paired and which further allowed for connections and contrasts to be explored. In this way all participants were able to get a wider cross-disciplinary and cross-cultural view. The events and this journal have brought together a range of regional and disciplinary specialists, enabling lawyers, historians, anthropologists, political scientists, journalists and artists to share and discuss not simply formal, legal and juridical procedures and mechanisms currently extant in Taiwan and other parts of the world (including the UK, China, Hong Kong, Iran and Germany), but to consider issues such as the meaning of justice – its culturally and historically shifting inflections as well as its contemporary representation in and refraction through various media – institutions charged with administering justice, case studies of in-justice, as well as questions of violence, power and forgiveness.

The multi-focal approach of the papers was conceived as a kind of 'thought experiment'. There are clear post-colonial and post-modern theoretical and methodological anticipations for this kind of experiment. From the writings of Thomas Kuhn, Edward Said and Michel Foucault can be gleaned the significance of discourses and paradigms for determining the constitution of 'objects' for scholarly enquiry, the methods appropriate to carrying out that enquiry, the form of the question to be asked and the 'truth' to which the question leads or points. Taiwan is one such 'object'. By thinking about Taiwan comparatively, these papers are a practical move in dialogic deconstruction, and constitute fragments from the conversations that took place at the seminar series and workshop. Critically, the

role of comparative analysis is not simply a search for and then the application of a ready-to-hand adhesive to glue the fragments together, but rather a strategy for fabricating new senses of strange-ness and familiarity firstly with regard to 'our' knowledge of Taiwan and, secondly, *vis-à-vis* 'justice'.

The first paper is Jaw-Perng Wang's clear and detailed overview of changes to Taiwan's Code of Criminal Procedure (CCP) from 1997 until the present ('The Evolution and Revolution of Taiwan's Criminal Justice System'). Wang alerts us to three significant areas in which Taiwan's CCP has been overhauled; firstly, the shift from an inquisitorial to an adversarial set of procedures in Taiwan's courts; secondly, improved safeguards surrounding the rights of the accused and, thirdly, the decline in the power of the prosecutor. A further point of note with regard to this paper is the extent to which these changes have been informed by legal and criminal justice procedures in the West, particularly the United States.

The next four papers deal with justice in relation to the state, in particular state agencies such as Police and immigration officers and they are usefully forwarded in a short introductory essay by Jeff Martin. The first three papers focus squarely on the Police; Jeff Martin's 'Volunteer Police and the Production of Social Order in a Taiwanese Village', Chris Williams' 'Police Governance: Community, Policing, and Justice in the Modern UK' and Michael Palmer's 'Changing Policing in the People's Republic of China'.

Firstly, it is clear from these papers that any consideration of the Police and of policing must include an historical perspective. Taking the long view allows for sustained analysis of the Police and the complex and shifting relationships between them, the State, the courts, the legal profession and other agencies including and perhaps especially the media and the public(s). Jeff Martin's paper presents Volunteer Police in Taiwan as an agency embedded in a certain (colonial) history of state-formation as well as cultural notions of authority and community with the Volunteer Police part of an uneasy series of relationships between the State and the public. Chris Williams positions the Police in the UK in an uneasy relationship between the State, the media and the public, and focuses on Police violence and the problem of Police accountability for their actions. Palmer's analysis presents a detailed account of different Police agencies in China and the tensions between them, the State, moves towards the professionalization of the Police which includes the problem of their legal accountability, an increasingly restless citizenry (especially in rural areas), an equally restless and growing body of defence lawyers as well as critical commentary on China's legal system by international agencies such as the UN Commission on Human Rights.

What is particularly striking about the papers – and this is perhaps something to be inferred from them rather than a point that they each make explicitly – is that 'justice' is not a pure concept or category which the Police are committed to uphold. Rather, policing is produced through particular historically and culturally embedded sets of relations between various agencies (which are themselves historically and culturally produced). As Williams points out, "policing is more than merely reactive, but also productive of social relations", while elsewhere Martin has pointed out that "ideas of community order supplying the ideological basis of 'public accountability' in policing are not in any way prior to the police-society interaction, but are rather built historically through this interaction". In other words, policing is not a neutral activity oriented to upholding abstract concepts such as

'law' and 'justice'. Rather policing is an embedded series of social practices through which law and justice are produced and which in turn feed, in circular fashion – and the circle is clearly vicious – to generate more policing.

The fourth paper in this section is Carol Jones' "Looking North': Hong Kong Images of Mainland Law and Order', which brings a cultural analysis to bear on a series of scandals and phantomatic representations of crime, prejudice, immigration and disappearing children. On the one hand it references widely reported problems with immigration officials policing the 'boundary' between Hong Kong and the 'Mainland'. On the other hand, the paper considers a cultural imaginary reproduced in films, newspapers, stories and rumours of a dangerous Mainland 'other' to Hong Kong sensibilities of civility. Focusing on the case of the disappeared boy Yu Man-hon and the difficulties his mother faced in trying to find him, salient to Jones' analysis is not simply justice and Mrs Yu's inability to attain it through Hong Kong's bureaucracy, but also the modes of address through which justice might be sought ("in the manner of subjects petitioning their Imperial Emperor, it was to Tung [Chee-Hwa] himself that Mrs Yu now turned for justice"), and justice as a notion embedded within an historically contingent cultural imaginary of the 'boundary'.

The next paper – Charlie Beckett's 'Justice and Media: Representations of Suffering in Networked Journalism' – explores the myriad ways in which "new media technologies" are "altering the relationship[s] between citizens and the idea of justice". In the UK, for example, policing has been transformed – and at times embarrassed – by the ubiquity of new, mobile media technologies which publics and citizenries have deployed to provide counter-narratives to 'official' representations of policing in relation to demonstrations, football matches and other, public order events. This paper takes as its point of departure the viral image of Neda, a protestor shot dead on the streets of Tehran whose final, bloody moments were captured on a mobile phone and picked up around the world by 'alternative' and 'mainstream' media outlets. Beckett's point is simple but vital; the new, media technologies are empowering global publics to hold governments, agencies and institutions to account for their actions. This has consequences for how justice as an idea is mobilized and as a social practice is enacted.

The next two papers – Fang-long Shih's 'Memory, Partial Truth and Reconciliation without Justice: The White Terror Luku Incident in Taiwan' and Stephan Feuchtwang's 'Compensation and Acknowledgement: Justice after Destiny in Germany' – both seek to explore issues of official and unofficial memory and responsibility in the aftermath of political violence. Fang-long Shih argues that despite the public recall of Taiwan's 'White Terror' through the construction of monuments, the publication of books, the production of films and authorized government compensation schemes for the recognized victims of state violence, this does not constitute 'justice' because the remembering of the Terror has, in her view, been distorted by political interests. For Shih, justice is tainted or distorted by closed door horse-trading and short-term political calculation. Stephan Feuchtwang's short essay is an extended answer to a question about reparations – in Germany – put to him by the person in charge of the compensation body that was set up in Taiwan in 1998 to compensate the victims of KMT violence. If Shih's primary focus is on memory, Feuchtwang's is on responsibility, but his conclusions are nuanced by the observation that nationalisms are often vehicles for violence

against 'others' and sites for transposing responsibility for that violence away from the 'self' through the articulation of narratives of victim-hood.

Lie Xie's paper deals with environmental justice in China, and focuses on the protests that surrounded plans to construct a waste incineration plant in Beijing. These protests included street demonstrations, media stories and legal challenges and, according to Xie, demonstrate the different but nevertheless inter-related dimensions of seeking environmental justice in China, namely, "procedure, recognition and participation". Xie's paper delicately points to the limits of these dimensions, and the importance of extra-legal mechanisms in China for people seeking redress against the government.

There can be no 'final word' on an issue such as 'justice'. But in the empirical materials each paper sets forth and the different perspectives they take, we can imagine a conversation between them and thereby begin to conceive of justice not as something objective in the head but rather something held, momentarily, failingly and in tension, between participants immersed in the social practice of dialogue. The idea that justice could still be justice if it ever were to be imposed or imagined as set in stone is, surely, too foolish to dwell on.

Bibliography

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