

Editorial: Resistance, Rights, and Justice

Editors

THIS ISSUE EXPLORES THE INTERPLAY BETWEEN ASCENDANT POLITICAL MOVEMENTS and the institutionalization of their demands for justice once a new society is constructed. Contributors on international issues analyze the notion of impunity *vis à vis* human-rights violations in Guatemala, the development of the people's courts in South Africa, and the nature of Palestinian resistance to Israel's system of repressive control over the West Bank and Gaza Strip. Domestic concerns are addressed in two subsequent articles. The first discusses implicit government corruption in its failure to uphold the Occupational Health and Safety Act, which mandates the protection of working people's health and safety rights. The second article details how the winning of voting rights failed to reduce the incidence of violence against women in Oregon — highlighting the limits of focusing on political rights at the expense of social and economic rights.

In their article on impunity in Guatemala, McSherry and Molina Mejía suggest that when impunity becomes integral to any society, it is a form of institutionalized crime and breeds corruption of the justice system in that country. This critique has taken on special relevance given the awarding of the Nobel Peace Prize to Rigoberta Menchú (see her article in the last issue, Vol. 19, No. 2) and the subsequent attention drawn to the assault on Guatemala's indigenous peoples (including the death threats that drove Menchú, a Quiché Indian leader, into exile in 1981). Further, the U.N.-brokered negotiations over a lasting peace in El Salvador have resolved that there will be no impunity for the worst abuses of human rights there: the Cristiani government was compelled to purge violators within the military for the process to proceed. How the tension between *reconciliation* (favored by military and state functionaries preferring to avoid responsibility) and *justice* is played out in this region has important implications for similar historical reckonings in Eastern Europe and South Africa, as noted in our introduction to *Social Justice* Vol. 19, No. 1 on the New World Order.

The contribution by Pavlich traces the emergence of people's courts in South Africa as one among many community-justice forums that filled the void left by the illegitimacy of the apartheid state's judicial institutions. These courts initially enjoyed popular support, but certain excesses led to their de-

cline. Though the article does not portray these courts as unqualified, positive contributions to social justice, it points to some lessons that may be of value to future attempts to restructure dispute-resolution arenas in a post-apartheid South Africa, a daunting task given the ongoing violence and social conflict confronting any transitional future government.

Fouad Moughrabi explores Israel's excessive use of force in the face of Palestinian resistance. Just as in Guatemala and South Africa, where ascending political movements have endured despite overwhelming state repression, the Palestinian uprising has succeeded in proving the futility of Israel's occupation of the Gaza Strip and West Bank and has shown the need for a negotiated political settlement. Although daily life is almost completely regulated by the authorities in an analog to "total institutions," there are still areas where the Palestinians can exercise their right to resist. Moughrabi compares this struggle with other frontier conflicts, such as the North American and the South African regions, where European immigrants carried with them ethnocentric attitudes deeply seated in Western culture. In the absence of international pressure such as that brought to bear on South Africa, Israel has been able to insist on justifying and legitimating itself internally, presenting itself as a democracy and refusing to be judged by what it does in the Occupied Territories, where its record of human-rights violations is widely criticized. Nonetheless, forging a Jewish-Arab coalition centered on peace and democracy is for the author perhaps the most hopeful development in this historic conflict.

Harry Brill's article points out that since corruption is the betrayal of the public trust by misusing public office to serve particular individuals or special interests (often those of big business), both scholars and the public widely assume that corrupt conduct is generally clandestine. This case study disproves this misconception by exposing open governmental corruption in its failure to uphold the Occupational Health and Safety Act, which mandates the protection of working people's health and safety rights. Brill argues that overt illegal conduct among enforcement agencies is endemic in liberal-democratic societies. Witness the feeble enforcement of the laws in the savings and loan scandals, the polluted environment, the myriad unsafe drugs, and widespread false advertising. Nonetheless, agencies cannot continually engage in a pattern of nonenforcement without violating the law; to do so is to abuse their discretion, which is illegal. Brill shows how OSHA, often with judicial support, has ignored its legal obligations both to enforce health and safety regulations and to adopt new standards.

Neil Websdale offers a ground-up historical analysis of the impact of women's voting rights on the incidence of domestic violence in Lane County, Oregon (between 1853 and 1960). This approach seeks to avoid an over-emphasis on political rights, which obscures the fact that social and economic rights are in many ways more meaningful and significant in the lives of most

people. In effect, Websdale attempts to measure the extent to which the power of the vote enabled formerly disenfranchised groups to participate in the political affairs of the state and thereby to undo past discrimination and disadvantage. It also measures the extent to which reforms of women's political and economic rights, while ostensibly eliminating the most egregious legal subordination of women in state law, were supported by business and elite interests since they preserved family economic stability.

We believe this issue of *Social Justice* offers a provocative variety of vantage points from which to gauge the effectiveness of the struggle for political, social, and human rights. Without resistance there will be no advances, but without vigilance, the gains can easily become illusory.