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An Approach to Justice From Subjective Experience

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Epistemic Communities, the Phenomenological Method for Analysis, Restorative Justice, Existential Expression, and the Pursuit of a Justice that Responds to Human Suffering

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INTRODUCTION

If we observe what is happening rather than what ought to happen, we will see that justice exercised from within patriarchy has served as the violent arm of supremacies. We could even argue that the most common historical method for addressing conflict has been imposition—whether from traditional supremacy (classes, groups, nations, races historically considered superior), by force (weapons, military or police dominance, economic superiority), or by the rational power of argument. Rarely do we find a form of justice that truly serves those who suffer and are in need, regardless of their position in the social hierarchy.

It is important to recognize that, at times, groups that uphold universal human rights have themselves acted as rational supremacists, accusing others—those who defend racial or other forms of supremacy—of being intellectually,

culturally, ethically, or morally inferior. These certainties of superiority may, in turn, fuel expressions of hatred.

This paper proposes that by drawing upon epistemic virtues, phenomenology, restorative justice, and existential expression, it is possible to escape the supremacist game and move toward a form of justice aligned with peace. This involves freeing ourselves from the historical pattern of violent imposition and colonization as primary tools for resolving disputes, and focusing instead on responding to human suffering.

In a historical moment where much of the supremacist imposition comes from groups that deny the inherent dignity of each human being, a peaceful response must become an alternative to hatred—an evolution of solidarity that prevents us from falling into anomie.

Patriarchy as the Imposition of Supremacies and Truths, and its Infiltration Into the Quest for Peace

In both premodern and modern times, patriarchy—understood as a social organization that prioritizes order, control, benefit, peace, and preservation of the regulatory system (Ávila-Pizzuto, 2023)—was protected by military and police surveillance under the leadership of an authority. In postmodernity, it protects itself through the imposition of truth by means of power and language (Foucault, 2009, 2023). The term dominant discourse refers to that which supremacies attempt to impose as absolute truth.

For a time, political correctness and cancel culture have occupied a place of dominant discourse. Peace education and inclusion may even have become cultural impositions. This recalls feminist Rita Laura Segato's invitation (Bailón-Gutiérrez & Sánchez-Mojica, 2021) for feminist women to look into the mirror that reflects dark truths—the mirror of the wicked queen—which can help them question their own certainties. The same invitation is extended here to peace educators and facilitators, for it is certainty that authorizes us to cancel what is opposed and to hate (Emcke, 2017).

We must recognize that canceling the other and hating are essential features of the state of war and patriarchal culture. If we are to seek a universal and just peace, we must stop finding reasons to remain at war.

Epistemic Vices and Virtues as Alternatives to the Deficit Discourse About the Other

When a person constructs their knowledge within a community (family, population, educational institutions, religion, historical period) that values, for example, peace and universal justice for every human being, they will develop a humanistic and liberal worldview—not based on rational evidence, but on the emotional experience of belonging to that community (Matute, 2019; Merleau-Ponty, 2012; Damasio, 2019).

By acknowledging that 'others'—those who do not share our epistemic community—develop their beliefs within their own contexts, we can understand that there is no intellectual or moral deficit in someone who believes, for example, in human rights but not in God, even if it may appear that way to someone who 'has experienced God.' Similarly, there is no need to assume a deficit in someone who believes in a God who rejects sexual diversity, even if it seems so to those raised in a humanist and liberal community.

An epistemic community is a group of people who identify with one another through shared beliefs and values. These communities can be seen as nations with a national identity. Within such communities, discourse, information, and beliefs circulate freely. However, values and information from other communities (other nations) encounter a kind of customs checkpoint. If that checkpoint belongs to a country with rigid borders, it may deny access in order to protect the community's identity. Between epistemic communities, information does not circulate as freely. Absolute flexibility can be risky, allowing harmful or manipulative information to enter the community (Alfano & Skorbur, 2016, 2018), while absolute inflexibility can create gaps that feed cognitive biases such as dissonance—believing that difference equals deficiency (Ovejero, 1993).

To face the challenges that epistemic communities pose in our efforts to communicate peacefully or pursue justice that cares for every human being, we propose epistemic virtues for both the sender and receiver of inter-community information:

Epistemic virtues (and vices) of the information sender: sincerity, reliability, and intellectual generosity (Roberts & Wood, 2007), as well as building social connection and considering the quantity and quality of information that benefits the other. It is not about unloading information but about understanding how that information serves the other (Sentis & Cordaro, 2002). When our words lack alignment with our actions, we damage our credibility. When we give unsolicited or irrelevant information, we risk imposing or even colonizing.

Epistemic virtues of the receiver: credibility, trust, skepticism, and testimonial

justice—the ability to assess credibility based on reasonable grounds such as lack of credentials or deception risk, but not unjust factors like race, religion, gender, or nationality (Fricker, 2007). The vices include uncritical sympathy from an idealized view of the other, ignoring their inconsistencies, or judging based on unfair standards.

Looking into the mirror of vices—like the queen's mirror—we must consider how often we fall short of these virtues in trying to understand those who do not share our beliefs, and how often we attempt to 'convince' others of the superiority of our own epistemic communities.

An Existential Proposal for Justice: From Reason to Solidarity

Traditional justice systems have sought to approach justice from the supremacy of reason. In the United States, for example, juries are instructed to declare someone guilty only when beyond reasonable doubt. Trials are held with evidence presented to support reasoned deliberation.

However, such processes tend to benefit those who can build rational arguments with greater skill and knowledge—which often comes at a high cost, tilting the scales of justice in favor of those with money, thereby reinforcing supremacy. Psychiatrist Claudio Naranjo noted that intelligence without love is a dangerous mutation, and that rational processes devoid of solidarity lead to anomie (Naranjo, 2011).

Moreover, justice rooted in Roman law views actions against the law as offenses against the state rather than against individuals. Only the state, then, holds the right to use violence (incarceration, punishment, or even execution) against offenders (Álvarez-Jiménez; Burgos, 2017; Zehr, 2002). In this logic, what justice protects is order and the integrity of the state—an intersubjective idea that does not suffer (Harari, 2023). It is not focused on protecting individuals or other beings capable of suffering, i.e., beings who experience pain when faced with undesired conditions contrary to well-being.

We propose that justice be understood not as a violent force that protects community order based solely on reason, but rather as a reflective and solidaristic response to suffering.

The Phenomenological Method To Transcend Epistemic Boundaries

Husserl's transcendental phenomenology aims to access the particular truth of a specific object, not of a class or category of objects. That is, the seeker of truth is interested in one rose—the rose they can touch, smell, hold—the rose that moves them, that holds particular meaning because it was a gift from someone specific. They are not looking for the essence of roses or the universal truth about roses. Husserl believed that in trying to know the truth about roses in general, we miss the truth of 'this rose' (Martínez-Robles, 2022; Spinelli, 2021). In the context of justice, we should focus on the suffering caused by a specific act and the responsibilities it entails, rather than on whether the act is generally unjust.

To analyze an event that causes suffering, we can use the phenomenological method, which requires us to move beyond the natural, hierarchical, and patriarchal mode of thinking through three rules:

Epoché Rule: We identify and suspend our preconceptions and prior knowledge about what is just or unjust. For example, an analyst might initially think: 'This happens too often to be meaningful; I believe person X is exaggerating their complaint.' According to this first rule, the analyst's task is to identify and suspend such thoughts, recognizing them as personal and not inherent to the event being analyzed.

Description Rule: The event must be described without interpretation or evaluation. The analyst may describe their own response to the event as personal. For example, 'X has been staying late at work because her supervisor says that giving extra time is a sign of commitment. X says she is upset but fears contradicting her supervisor. I tend to think this is normal and not very important, so I asked her why this feels important to report. X said it affects her commute, she gets home very late, and feels disconnected from her family. X insists that being asked to do more than agreed upon in order to prove commitment feels offensive to her.'

Horizontalization Rule: When analyzing the event, no absolute hierarchy is applied to its elements. In X's case, it is unnecessary to determine whether seeing her family is more or less important than feeling offended by being asked for extra work.

Exploring Suffering Through Different Existential Dimensions

In existential phenomenology (Van Deurzen & Arnold-Baker, 2025), we can analyze X's experience of suffering through four 'worlds of experience':

Biological World: How does the supervisor's behavior affect X's body and cause suffering? This includes routines of self-care, rest, nutrition, quality time with family, sleep, medical attention, etc.

Social World: How does the supervisor's behavior impact X's relationships with family, friends, neighbors, and her emotions?

Inner World: How does the supervisor's behavior affect X's internal dialogue, worldview, self-image, judgments, and self-esteem?

Spiritual World: How does the supervisor's behavior impact X's values, sense of purpose, ethics, and life meaning?

Such an analysis allows us to approach the existential suffering of the other without needing to share the same epistemic community or worldview.

Justice that Responds to Suffering and the Restoration of Solidarity

A peace process facilitator could conduct such an analysis through an interview with X, following the three rules and inquiring into her experience across the four existential worlds.

Even if X's supervisor (the person engaging in the questionable behavior) does not participate in a restorative process, the interview itself helps legitimize the suffering and recognize that her dignity and rights have been affected. The author of this work has conducted dozens of interviews with survivors of sexual abuse who received no consideration or restoration of dignity from official, community, or family justice systems. It has been found that creating an environment grounded in epistemic virtues and conducting an interview aimed at understanding how the person has suffered in their body, relationships, mind, and spirit—without imposing meanings or diagnoses—can lead to greater well-being and agency following traumatic experiences (Ávila-Pizzuto & Pérez-Pérez, 2017).

This analysis can be a first step toward a restorative meeting. The analyst and potential facilitator can use the same approach with each involved party: the one who performed the questionable act, the directly affected individual, and those indirectly impacted, such as X's family or the supervisor's team.

In a restorative meeting, each participant can share what they understood from their personal interviews and listen to others' experiences. Regardless of whether a practical restorative application follows, if we accept that hatred is born of certainty about the other's moral deficit (Emcke, 2017), the act of analyzing a specific event with suspended certainties allows peace facilitators to escape hatred and prejudice that isolate us within our own communities of certainty.

The Manifestation of Suffering and the Humanization of Those Seen as Useful or as Obstacles

When there is a true will to seek justice for every person based on a desire to respond to their suffering, we can turn to the method described above. But how can someone seek justice if they are not seen as capable of suffering?

Statements by leaders around the world reveal that they see human beings as obstacles who do not deserve compassion—based on their nationality, documentation, political affiliation, ethnicity, or religion. Humberto Maturana (2018) states that love is the emotional condition that allows coordination with another recognized as a genuine and equal other. He adds that love is a natural state that tends to emerge when we get to know the other and their experience, but it is also possible to abandon love and deny the other's humanity by reducing them to abstractions like: 'one more of the undocumented invaders,' 'the Muslim terrorists,' or 'the ignorant natives.'

Each individual also has the ability to dehumanize themselves or detach from the awareness that they, too, are a being who suffers. Anyone can accept being part of an abstraction and lose touch with their subjective experience.

Saying 'women are stronger' for example, is a generalization that may prevent some women from feeling compassion for their own exhaustion. A frequent example is someone who sees themselves as 'naturally generous' and takes on the responsibility of caring for aging parents. At first, they receive some gratitude from their siblings, but over time the siblings grow used to the generous sister being an tireless machine. When she becomes a machine in the minds of others, she is treated like any other machine—like an ATM: if it gives money, no thanks are offered; if it gives the wrong amount, one might feel like kicking it. So when this sister wants a vacation, gets tired, or falls ill, she is often criticized instead of understood—seen as a broken machine.

One way to protect our rights is to voice our suffering, and to understand how inconsiderate structures fuel suffering across our biological, social, inner, and spiritual worlds. Phenomenological analysis—whether done individually, in conversation groups, or in therapy—keeps us attuned to our pain and the possibilities for acting upon it.

In the early days of President Trump’s administration in 2025, many Mexican migrants expressed that they were hardworking, paid taxes, and were not criminals. In doing so, often unintentionally, they presented themselves as machines for labor who had earned the right to stay by doing work others would not. They did not present themselves as suffering human beings—as equals.

Dignity does not lie in working more than others only to deserve less. If a group is valued solely for its labor, and labor is soon to be replaced by machines, that group may be seen as useless—a hindrance to be displaced and contained.

That is why demonstrations can take the form of storytelling—sharing the lives of real, unique, and irreplaceable human beings who emerge from a common humanity.

Phenomenological analysis can provide tools for crafting narratives that bring us closer to one another as beings capable of forming bonds of solidarity.

Conclusion

Throughout this exploration, we have sought a form of justice that neither imposes absolute truths nor is rooted in structures of power but instead begins with the recognition of human suffering as a legitimate truth in itself. Through phenomenology, the other's experience becomes accessible without requiring shared ideological frameworks. From there, the possibility for real solidarity emerges—one that is not born of moral obligation, but of human encounter. Perhaps the kind of justice we need most today is not that which punishes, but that which listens, legitimizes, and responds to the pain of others with humanity.

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