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Reconciliation and Justice
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Abstracts

Ursula Baatz (University of Vienna, Austria)

Zen in Auschwitz. Reconciliation in intercultural and interreligious contexts (Lecture in English)

Auschwitz steht für das radikal Böse, mit dem es keine Versöhnung geben kann. Doch während die Täter wie Opfer langsam im Tod verschwinden, bleibt die Frage, wie andere nachkommende Generationen mit dem radikal Bösen, für das Auschwitz steht, umgehen sollen. Ein Beispiel sind die Retreats, die der US-amerikanische Soto-Zen-Meister Bernie Tetsugen Glassman, namhafter Vertreter des sozial engagierten Buddhismus, seit 1996 jährlich für sechs Tage in Auschwitz-Birkenau hält. Glassman, der als einer der wichtigen Erneuerer des Zen-Buddhismus im 20. Jhd. gelten kann, initiiert mit »bearing witness retreats« auch in Ruanda und anderen Orten Prozesse der Versöhnung.

Dies stellt einen Bruch mit der bisherigen westlichen Rezeption des Zen-Buddhismus dar, in der Schuld und Versöhnung kein Thema waren. Dies hängt zunächst mit der »kühlen Seele« Japans (J. Heise) zusammen – man kann im Ajase-Komplex (Kosawa 1932) eine Konstellation sehen, in der Versöhnung nicht befreiend wirkt, sondern bindet. Das »Samurai-Zen«, das durch D. T. Suzuki im Westen populär wurde, trug weiterhin dazu bei, dass Versöhnung im Kontext des Zen-Buddhismus keinen Platz hatte. Auch prägte dies die Wahrnehmung des Buddhismus insgesamt. Zwar wurde und wird in der westlichen Darstellung des Buddhismus die Nicht-Ich-Lehre betont, jedoch ist das »Ich«, das negiert wird, stark an neuzeitliche Subjekt-Positionen gebunden, in denen Versöhnung eine Leerstelle in der philosophischen Reflexion bleibt.

Glassman setzt bei der »Feldwahrnehmung« (Izutsu 1979 u.ö.) an, also bei der Aufhebung der Subjekt-Objekt-Struktur von Wahrnehmung und Denken in einen wahrnehmend-denkenden Prozess. Dies entspricht der Hua-Yen-Philosophie, die den chinesischen Ursprung des Zen stark geprägt hat. Dem dienen die »plunges«, so Glassman, also Situationen, in denen bisherige Routinen nicht mehr funktionieren. Nicht-Wissen (*hishiryo*) und »bearing witness« für das Eins-Sein der Wirklichkeit (*shikantaza*) sind für Glassman die Quellen des Handelns. Das Miteinander-in-abhängigem-Entstehen-Bezogenheit (*engi/pratitya samutpada*) wird in den *plunges* in Auschwitz oder auch Kigali zu persönlichen Tiefen- und Konversionserfahrungen und Versöhnung. Erst wenn erfahren und akzeptiert wird, dass es in uns einen Teil gibt, der andere Menschen dehumanisiert, sagt Glassman, ist Versöhnung möglich. Die Täter-Opfer-Dichotomie wird damit relativiert, was auch den Ablauf des Retreats bestimmt. Wichtige Schritte in den Retreats sind u.a. die Übung des Zazen und das »council«, ein dezentrales, strukturiertes Gruppengespräch, in dem alle in einer Atmosphäre von Vertrauen und Respekt hören und sprechen können.

In Arendts Überlegungen zu Versöhnung können philosophische Anknüpfungen und Weiterführungen zu diesem Prozess der »Bearing Witness-Retreats« gefunden werden.

Profile:

Wissenschafts- und Religionsjournalistin (langjährige Redakteurin bei ORF-Radio Ö1), Lehrbeauftragte am Institut für Philosophie der Universität Wien, Mitherausgeberin der Zeitschrift *polylog. Zeitschrift für interkulturelles Philosophieren*, Kuratorin von *Symposion Dürnstein: Politik Philosophie Religion*, Mitarbeiterin des Herbert C. Kelman Institute for Interactive Conflict Transformation (Wien/Jerusalem). Studienaufenthalte in Japan, Indien, Brasilien. Langjährige Zen-Praxis. Unter ihren Publikationen finden sich *Erleuchtung trifft Auferstehung, Zen-Buddhismus und Christentum. Eine Orientierung*, Berlin 2009, und *Hugo M. Enomiya-Lassalle. Leben zwischen den Welten. Eine Biographie*. Zürich 1998.

Najwa Belkiz (University of Melbourne, Australia)

Traditions of Transitional Justice in Islam

Recent years have seen an increased focus by scholars and practitioners on questions of transitional justice and peace building in conflict and post-conflict nations. The interest of institutions like the United Nations and the International Criminal Court stems from a desire to set critical factors and a common basis in international norms for a sustainable investment in peace through justice. This is even more true given the current situation in the Islamic world, where issues of transitional justice are not only shaped by domestic factors, but are also influenced by international practice. Now while much scholarship has been devoted to the study and analysis of transitional justice in the West, little has been paid to models of post-conflict reparations in the Middle East where Islam governs. This paper examines the concept of transitional justice and reconciliation in Islam drawn from the main sources of Islam: the Quran and the Hadith (prophetic traditions). It will also define theoretical framework on the basic concepts and classification of Islamic Shari'a and will discuss mechanisms of transitional justice in Islam and its restorative system of justice based on concepts of reconciliation and truth-telling.

Profile:

Najwa Belkiz is a Fulbright scholar and a PhD candidate at the University of Melbourne where she researches the transitional justice experience carried out in Morocco and teaches history classes on Islam and the Middle East. She has also completed a Master in International Affairs from Columbia University and a Bachelor in International Studies from Al Akhawayn University in Ifrane, Morocco. She has worked extensively on human rights issues in Morocco, Tunisia and Lebanon.

Bertold Bernreuter (National Autonomous University of Mexico, Mexico)

Versöhnung und Widerstand. Chancen und Grenzen indigener Gerechtigkeitskonzeptionen in Mexiko

Das Fundament indigener Weltanschauungen in Mesoamerika ist, trotz aller Unterschiede im Detail, ihr Streben nach Harmonie und Gleichgewicht aller Elemente der Natur. Der Mensch ist nur ein Element unter vielen, er ist ein Sohn, eine Tochter unter vielen, die die »Mutter Erde« hervorbringt. Die Seele des Menschen und aller Entitäten steht in einem symbiotischen Verhältnis zu ihrem Ursprung, der »Mutter Erde«, aber auch untereinander. Ein Konflikt bedeutet damit immer auch eine Störung dieses Gleichgewichts; Strategien zur Konfliktlösung laufen letztlich ins Leere, wenn sie nicht versuchen, die Seelen wieder miteinander in Einklang zu bringen, sie miteinander zu versöhnen. Gerechtigkeit besteht essentiell in der Versöhnung mit dem Anderen im Kosmos. Eine derartige Versöhnung kann auf verschiedene Weise erreicht werden. Immer ist dabei jedoch ein aufrichtiges Bemühen aller Beteiligten von Nöten. Ohne Bemühen um das rechte Wort und das rechte Maß ist keine Versöhnung möglich und das natürliche Gleichgewicht bleibt gestört.

Diese Situation ergibt sich besonders häufig in den Beziehungen nach außerhalb der indigenen Gemeinschaften, insbesondere im Verhältnis zu staatlichen Institutionen und nationalen und transnationalen Unternehmen. Versöhnung von Konflikten ist hier meist von vornherein nicht möglich, da der anderen Seite dafür die Voraussetzungen fehlen. Sie will nicht versöhnen, sondern im besten Fall beschwichtigen, um unter dem Mantel eines vordergründigen Friedens umso ungestörter ihre partikulären Interessen zu verfolgen. Wo Versöhnung nicht möglich ist, bedarf es eines lebendigen Widerstands gegen jene Bestrebungen, die häufig die Grundfesten des eigenen Seins in Frage stellen, sei es in kultureller oder ganz konkret in materieller Hinsicht. Versöhnung bleibt dabei stets das Ideal, auf das es hinzuwirken gilt, jedoch nicht um jeden Preis.

Ideologien verschiedener Provenienz haben sich seit langem diese Grundkonstellation zunutze gemacht. So zielt das mestizische Projekt der Mexikanität auf eine Versöhnung der Rassen und damit letztlich die Auslöschung der indigenen Völker und Kulturen im Mestizentum. Der staatliche Indigenismus sucht eine Versöhnung von westlichem Fortschritt und indigener Tradition und betreibt doch nur die Inkorporation der indigenen Bevölkerung in einen homogenen Nationalstaat und seine aggressive Wirtschaft. Der Neoliberalismus bemüht sich um eine Versöhnung der ökonomischen Interessen und kann dabei immer auf die Macht des Stärkeren bauen.

Der Vortrag versucht, der komplexen Verfasstheit von Versöhnung in indigenen Zusammenhängen nachzuspüren und die Vielschichtigkeit indigener Gerechtigkeitskonzeptionen im Spannungsfeld zwischen Versöhnung und Widerstand vornehmlich an Beispielen aus der mexikanischen Realität zu illustrieren. Vor diesem Hintergrund geht es um eine Kritik der ideologischen Verfänglichkeit von Versöhnung: der Vernebelung struktureller Gewalt, der Bestärkung bestehender Machthierarchien, der Moralisierung widerstreitender Epistemen, der Homogenisierung des Widerständigen, letztlich der Vereinnahmung des Anderen.

Profile:

Dozent für Philosophie an der Universidad Nacional Autónoma de México in Mexico City. Gründer und Chefredakteur von *polylog. Forum für interkulturelle Philosophie* (www.polylog.org). Forschungsinteressen: Politische und Sozialphilosophie in interkultureller Orientierung, mit einem regionalen Schwerpunkt auf Lateinamerika, insbesondere interkulturelle und indigene Philosophien in Mexiko.

Bernadette Casu (University of Innsbruck, Austria)

The aspect of forgiveness in reconciliation processes. A journey into the world of non-duality in Zen Buddhism

Framing the question about reconciliation and justice leads to the important preliminary question of forgiveness as an important and essential step within reconciliation processes. The importance of forgiveness within reconciliation processes has been widely acknowledged by previous truth and reconciliation commissions, however the academical discourse on forgiveness remains untapped and leaves space for discussion and development. So far the aspect of forgiveness has only been echoed by the field of psychology and needs further academic elaboration. Hence, my presentation will focus on new insights into the relevant aspects of forgiveness within previous truth commissions. In a next step of the presentation I will focus on the philosophical background of forgiveness within current truth commissions and how forgiveness can be seen from a perspective of Buddhist Zen philosophy. Going beyond the dichotomy of perpetrator and victim, the aspect of non-duality in Zen philosophy will play a prominent role approaching the topic of forgiveness. Finally, I will highlight the relevance and dimension of the Foucauldian concept of truth and the Buddhist concept of truth and the possible consequences in relation to final reports of truth commissions.

Profile:

Born 1985 in Germany, living and working in Austria since 2011. Masters Program of Peace Security, Development and International Conflict Transformation Innsbruck/ Austria. Current thesis proposal: »How can the energetic practice of Butoh contribute to the process of forgiveness in the current concept of truth commissions?« Studying Japanese expression dance Butoh since several years. Academic education in Law. Working experience related to the aspect of forgiveness within the frame of my work with juvenile perpetrators and within the Turkish-Kurdish conflict.

Jonathan Chimakonam (University of Calabar, Nigeria)

Reconciliation versus Justice in F. U. Okafor's Igbo-African Jurisprudence and its Relevance to Modern Political Theory: A Critical Reflection

The Igbo like justice (*ika ikpe*) but prefer reconciliation (*ikpe-udo*). They say »kama ehi m ga agbanarim, ka m beta odu ya« meaning »instead of losing my cattle that struggles to run away, let me cut off its tail and hold onto it« – this can be coined as the maxim of holding onto what one can possibly have. In other words, they cherish the idea of full retribution to the offender but instead of losing so much more in terms of social stability, progress and compensation in pursuit of this psychological desire, they prefer reparation to the injustice suffered which could come by way of reconciliation. Okafor is of the view that »generally, the Igbo seek and cherish justice in all spheres of human activities«. It is in fact a basic individual right to seek and obtain redress and punishment for an injustice suffered. But then again, Okafor makes allusion to the fact that even the offender has an inalienable right to make reparation for injustice caused to another and which cannot be denied him. This implies that the victim's right to justice is pursued only when the offender does not want to exercise his right to adequate reparation. This demonstrates the important place of reconciliation in Igbo jurisprudence.

The reason for this Okafor suggests is because although the Igbo jurisprudence seeks to promote social justice, it prioritizes social harmony and political stability in order to enhance peaceful co-existence among citizens. These individual rights to seek retribution and to make reparation, the latter of which takes precedence highlight the preference of reconciliation to justice in the Igbo thought. In fact, Okafor makes reference to an Igbo jurisprudential maxim

to adumbrates this point hence, »egbe belu ugo belu, nke si ibe ya ebena, nku ka ya« which translates to »let the kite perch and let the eagle perch too, whichever prevents the other from perching, let its wings break«. This is called the social doctrine of *Ofoism*. It seeks to maintain stability, justice/retribution, compensation/ reparation and social progress. The reference to kite and eagle is actually an analogical reference to humans in the society. *Ofoism* gives preference to the offender's right to reparation because the pursuit of justice/retribution is usually more costly and serves a petty psychological utility. Whereas reparation though not serving this important desire of the individual's ego, serves more human, societal and material needs. If the offender would not exercise his right to full reparation to harm done to another, then the victim's right to press for justice becomes the only option. Then again, if the victim would not agree to the offender's exercise of his right to reparation, he faces the danger of losing out entirely hence, the maxim of holding unto what one can possibly have (*nkemjika*). This maxim is re-enforced by the doctrine of *Ofoism* captured by the conditional »let its wings break«. In other words, as Okafor explains it »the doctrine of *Ofoism* charges all men to live in peaceful co-existence in their communities despite personal interests by mutual respect of each other's right...then the sanction follows: whoever should interfere with other's right...should himself lose the right to the same«.

Thus we shall attempt in this work to take a critical look at the Igbo-African ideas of justice and preference for reconciliation and their relevance in modern political theory. Our method shall chiefly consist in deduction to the effect that out of general observations, particular conclusions will be drawn.

Profile:

Jonathan Chimakonam teaches at the University of Calabar, Nigeria, where he is the convener of the intellectual forum, The Calabar School of Philosophy (CSP). He specializes in Logic and African Philosophy. He has published vastly on African philosophy and thought including his 2012 book *Introducing African Science: Systematic and Philosophical Approach*. He is currently leading a team of researchers that are working on the first Dictionary of African Philosophy project at the Calabar School of Philosophy. He is the current editor of *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions*.

Franziska Dübgen (University of Kassel, Germany)

Limits to Forgiveness?

Reconciliation and forgiveness promise to offer attractive alternatives to retribution, punishment and revenge. They focus on harmony and healing in place of guilt and expiation. However, there are some claims against forgiveness that I would like to critically engage with in my talk in order to evaluate its potential as an alternative to punishment.

On a conceptual level, Nietzsche claims that repressing one's vindictive feelings results into self-poisoning, acting against one's own desires. In line with this argument, Jeffrey Murphy, coming from a Marxist critique of retribution, argues in his book *Getting Even* (2003) that in light of self-respect and self-worth it might be important to satisfy a victim's vindictive passions. Moreover, since retribution is meant to defend important values, a »hasty forgiveness« might fail to do so and destabilize a given moral order. Finally, theorists of transformative justice argue that forgiveness conceives of crime as an interpersonal event and thereby responds to it mainly by means of personal virtues. However, this picture fails to see the structural causes that lead to violence and theft in the first place. Considered from this angle, forgiveness sets aside remedies based on considerations of social and historical justice.

Besides these theoretical concerns, there are also practical debates that highlight the limits or unintended side-effects of a politics of forgiveness. Amongst others, Antjie Krog launched a

very critical assessment of the Truth and Reconciliation Commission in South Africa in her compelling book *Country of My Skull* (1999). Recent scholarship on Ubuntu, a notion that embraces reconciliation and forgiveness and served as a philosophical justification for the TRC, discusses how Ubuntu in practice runs the risk of reiterating entrenched power mechanisms based on patriarchy, seniority, wealth or other strata of society.

Based on these theoretical and practical accounts, I would like to discuss the »dark sides of forgiveness« and explore how demands for social justice, the protection of victims and vulnerable groups, and the need for personal and collective harmony amongst other concerns need to be balanced in a nuanced intercultural debate on forgiveness.

Profile:

Franziska Dübgen did her PhD in philosophy at Frankfurt University on postcolonial theory, development policy and contemporary theories of justice. As a fellow, she visited the New School (New York), Institute for Advanced Sustainability Studies (Potsdam) and Lichtenberg-Kolleg (Göttingen) and is now taking up a position as a research group leader at the University of Kassel. Her research interests include critical theory, transnational feminism, post-development, African philosophy, philosophy of law and social philosophy.

Josefina Echavarría Alvarez (University of Innsbruck, Austria)

The Art of Social Healing in Colombia

What are the meaning, scope and possible content and direction of reconciliation strategies and mechanisms in (post)conflict settings of long and protracted violent conflict? Attending to the Colloquium call of considering these contemporary questions among the midst of conceptual blurriness, this presentation seeks to shed light on understandings of reconciliation as political strategies seen from the perspective of elicitive conflict transformation and using as example the case of Colombia.

The presentation aims at creating both a theoretical and an empirically based conversation around the question of reconciliation, how it can be thought metaphorically as spaces of encounter, with cyclical or circular movements (Lederach and Lederach 2010), which have been taking place in the country over decades (Rettberg 2012). These processes have frequently been called »social healing« (Lederach and Lederach 2010) as a »prelude« to reconciliation. Instead of using these theoretical caveats to »read« the Colombian (post)conflict setting, this presentation aims at creating a meaningful conversation that allows the practices on the ground and discussions happening around the peace negotiations between the government and the guerrillas FARC-EP in La Havana to pervade the theory (Gallego and González 2012). These efforts might be especially needed because a series of important attempts at social healing have already been set into place at the grassroots, middle-range and top levels of leadership, while simultaneously war strategies from different armed groups and political resistance are sustained (Echavarría 2010; CNMH 2013).

The presentation will map out some of those social healing initiatives and relations towards understanding how social healing is a process that might be elicited (evoked, catalyzed and facilitated), yet cannot be prescribed. As a paradigmatic example of the ideas of elicitive conflict transformation as an art (Dietrich 2013), the case of Colombia, then, further serves to illustrate the complexity of democratic reconciliation strategies, especially when they are presented at the national level as part of larger peace processes.

Profile:

Josefina Echavarría Alvarez is a peace researcher from Medellín (Colombia), who lives in Innsbruck (Austria), where she works at the MA Program and UNESCO Chair in Peace

Studies (University of Innsbruck) as Core Faculty and Research Projects and Publications Coordinator.

Francesco Ferrari (University of Bristol, United Kingdom)

Archeology and teleology of reconciliation. Perspectives from Paul Ricœur

In order to create a present that is open to the future, reconciliatory processes have to deal with a terrible past. Reconciliatory processes with oneself are concerned first of all with one's memory (*archeology of reconciliation*). My aim is showing how this is a necessary step towards reconciliation with the other (*teleology of reconciliation*). The French philosopher Paul Ricœur will support my assumption.

Ricœur makes clear how reconciliatory processes deal with an otherness that constitutes the deepest core of the Self: oneself is another, through the events of his/her own life that shake every identity as a »idem«. Narrative identity is his name for an identity that understands itself as a temporal, i.e. as a dynamic one. Through it our life can have a consistence, a unity: just like a tale, it can be read as a »synthesis of the heterogeneous« provided of a »narrative cohesion«, as a configuration (i.e. interpretation) of events in the course of time.

Memory plays a key role in the definition of a such identity, since is not something neutral: it is an active and transforming force. Since we cannot remember everything (some memories get lost, some are modified, and some cannot be forgotten), its nature is a selective one. Even if memories constantly change their aspect in the course of time, nevertheless memory guarantees the continuity and the persistence of the Self. This is a puzzling issue in reconciliatory processes. Not-reconciled identities are based on not-reconciled memories (nevertheless, memory is not merely an individual process, but has a collective dimension as well) and no reconciliation is possible without a »reconciled memory«. The sedimented heritage of the past is a condition of our way to create our future.

Vengeance, resentment, forgiveness are three basic forms of dealing with the past, but only forgiveness can heal a wounded memory. Several psychological studies demonstrate how rumination of the past – as trauma as well as sense of guilt – has a disempowering effect: it blocks the possibility of planning and acting the future. Ricoeur defines forgiveness as an active answer to the weight of the past as trauma (for the victim) and as guilt (for the perpetrator). According to his philosophical anthropology, the human being has a fallible nature as well as a capable one. Through his fallible nature he can provoke the evil and become guilty (if every guilt is a debt – cf. the German word *Guilt* – for-giving is giving), but through his capable nature he can assume his own guilt as responsibility. The capable human being is, according to Ricœur, the one can live the present, healed from the shadows of a traumatic past, and capable to decide the future through moral facts like promise and forgiveness.

Profile:

Francesco Ferrari (Genoa, Italy 1986) has written and discussed his Ph.D. with a thesis about Martin Buber's youth writings in a cotutelle form between the universities of Genoa and Tuebingen. Now he is post-doc researcher at the Jena Center for Reconciliation Studies (Friedrich Schiller University Jena) with a project about the role of forgiveness in reconciliatory processes. He has published a monograph and some papers on Martin Buber's thought, and translated some works of him from German to Italian.

Naoko Kumagai (International University of Japan, Japan)**The Absence of Guilt in Japan's Reconciliation with the Former Korean Comfort Women**

This research clarifies the conditions of reconciliation with the failed case of reconciliation between Japan and Korea over the issue of comfort women. Reconciliation has two stages, the perpetrator's sincere apologies to the victim and the perpetrator's reconciliation policy, such as compensation, which requires the victim's cooperation.

The research suggests that successful reconciliation requires the offender's clear sense of guilt. The sense of guilt, different from compassion for the victim, is a clear acknowledgement of wrongdoing. The sense of guilt at the first stage generates mutual trust between the offender and the victims and then the victim can collaborate with the offender toward reconciliation policy at the second stage.

The Japanese government apologized to former comfort women without a clear sense of guilt due to the difficulties in truth investigation, which led to failure in the second stage.

The research argues that behind the lack of the sense of guilt lie two elements: the gap in the understanding of the nature of the offense of the institution of comfort women and Japan's tradition of shame rather than guilt due to its little Christian tradition.

First, Japan understands the suffering of comfort women as the unintended tragedy of the voluntary prostitutes under the strategic needs of the military to prevent the spread of soldiers' sexual diseases, whereas former comfort women claim that they were forced to work against their will. Second, apologies are made out of a sense of shame under social pressure rather than a sense of guilt with moral judgment.

The Japanese government's apologies without a sense of guilt failed to build trust with the former comfort women, which failed their cooperation needed for the implementation of the compensation by the Japanese government. Out of frustration, some Japanese have come to argue that the victims should learn how to forgive and how to appreciate Japan's efforts for reconciliation.

Profile:

Naoko Kumagai has been teaching at International University of Japan as assistant professor since 2010. She earned a Ph.D. in Political Science at City University of New York. She specializes in international relations, covering particularly the issue of the relationship between humanitarianism and security. She has been recently working on the issue of comfort women with special attention to the meanings of moral and legal responsibility for reconciliation. She published a book on the issue, *Ianfu Mondai (The Issue of Comfort Women)*, in June 2014.

Thaddeus Metz (University of Johannesburg, South Africa)**An African Theory of National Reconciliation**

In my presentation, I would consider how best to construe the essential nature of an attractive sort of national reconciliation. Supposing that national reconciliation is something to be sought consequent to a period of intense social conflict, what are its necessary and sufficient conditions, or at least its salient recurrent properties, and how do they account for a variety of widely and firmly held views about the subject? An answer to this question is a theory of national reconciliation, something I would aim to articulate and defend.

Note that I would aim to capture not just anything that might be fairly called »national reconciliation«, but rather a desirable instance of it, one that particularly merits pursuit. In

addition, I would be interested in what a good form of national reconciliation is, not what is likely to bring it about.

In seeking a *theory* of national reconciliation, I would not spend much time reflecting on imprecise definitions of it that one commonly finds in the literature. For instance, I pass over, or rather intend to surpass, not only vague, first pass definitions, such as that national reconciliation is a matter of »rebuilding damaged relationships«, »establishing improved relationships«, or »achieving stable peace«, but also metaphorical characterizations about coming to »share the same symbolic and political space«, to »build bridges«, or to »renew damaged social capital«. In addition, taking a theoretical approach to the topic would mean considering neither one or two examples of it in detail, which already pepper the literature, nor one or two piecemeal facets of it, say, insofar as it bears on forgiveness, apology, or acknowledgment.

In contrast, my aim in my talk would to be clear and comprehensive; I would propose a basic principle capturing the »underlying structure« of an attractive sort of national reconciliation that entails and plausibly explains a wide array of disparate judgments about the subject. Such a theory would provide specific and systematic guidance about the myriad things that states, institutions and individuals should aim for when seeking to promote national reconciliation.

There are extant theories of national reconciliation in the literature, most of are which informed by Kantian, liberal-democratic and similar perspectives (e.g., A Gutmann and D Thompson; D Crocker 2002; D Moellendorf 2007). In contrast to those accounts, I would spell out one grounded on a comparatively underexplored sub-Saharan ethic. As I and others have been working to show recently, there are communal approaches to morality prominent in sub-Saharan worldviews that should be taken no less seriously than Kantianism, utilitarianism, contractualism and the like. My foremost aim would be to demonstrate how African ideals about communal relationships, still largely unfamiliar to an international audience, do a promising job of providing a unified foundation for the roles of truth-telling, apology, forgiveness, compensation, amnesty, and related practices often associated with national reconciliation. A systematic comparison and defence of the Afro-communitarian principle with competitors would have to wait for another occasion.

Profile:

Thaddeus Metz is Distinguished Research Professor of Philosophy at the University of Johannesburg and the author of more than 125 published works on a variety of topics in normative philosophy. His book *Relational Ethics: An African Moral Theory* is forthcoming with Oxford University Press in 2016.

James Ogude (University of Pretoria, South Africa)

Shards of Justice and Arrested Reconciliation in the Aftermath of the 2007 Post-Election Violence in Kenya

How to bring about restorative justice and reconciliation are some of the most urgent questions confronting Kenyans since the 2007 post-election violence. Drawing on a collection of narratives titled, *Healing the Wound: Personal Narratives about the 2007 post-Election Violence*, this paper argues that Kenya's failure to bring about restorative justice and reconciliation seems to point to the inability to arrive at a consensus on what justice and reconciliation means, especially for ordinary victims and perpetrators of violence. A close reading of the narratives point to a mistrust of institutionalised forms of justice and reconciliation, and instead draws attention to alternative forms of justice and forgiveness, embedded in the everyday practices of displaced communities, especially among the more vulnerable. The paper argues that a nuanced understanding of what justice and forgiveness

mean, at least to the victims and perpetrators, entails paying close attention to the language and register they deploy in framing these concepts as opposed to the way officialdom frame and invest these with meaning. But the grammar and register deployed by the perpetrators and victims, while pointing to the desire for some kind of coherence rooted in various national, communal and religious principles/ ethos, may also point to the multiple subject positions of the narrators (party-political, ethnic and at times class position all rolled into one). The paper concludes by suggesting that if reconciliation remains elusive among survivors, it is because justice is presented in shards and people have not found a cohesive framework within which to grieve and search for forgiveness. In such a context, the paper concludes, reconciliation remains arrested.

Profile:

James Ogude is a Research Fellow and the Deputy Director of the Centre for the Advancement of Scholarship at the University of Pretoria, South Africa. Until his recent appointment he was a Professor of African Literature and Cultures in the School of Literature and Language Studies at the University of the Witwatersrand. He is the author of *Ngugi's Novels and African History: Narrating the Nation* (1999). Ogude is the Principal Investigator of a research project on meaning and value of Ubuntu in human and social development in Africa.

Christoper Peys (University of St Andrews, United Kingdom)

Reconceptualizing Reconciliation and Justice: Repositioning the 'Self' on a Reconfigured Spectrum of Political Power

This paper reconceptualizes the notion of reconciliation through a renegotiation of the tensions which beset the relationship between self-reconciliation (what is termed here as ›self-conciliation‹) and the reconciliation of people. By necessity, this reconfiguration alters the way in which justice is interpreted in the political realm and how it is dependent upon the notion of reconciliation itself.

The historical conception of reconciliation is understood as the process by which one reconciles, or restores relationship, with a higher power, i.e. God or the Church. In a contemporary conception of this notion, however, the stewardship of reconciliation has shifted. The ›self‹ has become the ontological focal point of a new process that is defined in terms of bringing about harmony between peoples and parties through the reconciliation of the individual to him or herself. By recasting the notion of reconciliation in terms of the self, which one might argue is a product of liberalism and the move toward a liberal conception of the individual, one eradicates the need for the aforementioned higher power. Because the existence of a higher power implied a hierarchy of principles and obligations, the elimination of this authority consequently transforms the way in which one interacts with one's self, one's world and with others. In prioritizing or enshrining harmonized relationships with other people(s), this more contemporary conception of reconciliation emphasizes equality, which resultantly reformulates the dynamics of reconciliation within the political and legal spheres.

The process of reconciliation will here be understood in terms of reconciling one's self with the world, which initially involves reconciling one's self to the past (a process one might call *self-conciliation*), and then with others, who must also undergo the self-centric process of *self-conciliation*. In other words, reconciliation, according to a contemporary conception, begins with the reconciling of one's self to ›the world out there‹ and culminates with the reconciliation to others and the world shared with others. This understanding places the notion of reconciliation on a spectrum (one that exists between *self-conciliation* and the harmonizing of relationships between people). The existence of this spectrum affects how justice is

conceptualized (which also has a direct effect on the notion of forgiveness) in that justice merely becomes an ideal situated within the bounds of this greater framework. This shift has ramifications for the notion of justice. It posits that reconciliation begins with the self in order to realize the reconciliation of parties, which moves towards and through justice, whereby justice is the socio-political process by which society rebalances itself after a crime has taken place or a legal imbalance has been created.

This paper will ultimately illuminate the relationship between reconciliation and justice by presenting an alternative conception of the forces which are integral to the governing and maintaining of a harmonious society. According to this position, reconciliation is a fundamental value that supports and guides thought and action in a secular society.

Profile:

Christopher Peys is a Tutor and PhD candidate in the School of International Relations at the University of St Andrews. His PhD thesis focuses on the notions of forgiveness and cosmopolitanism as well as the interplay between these two ideas.

Gail M. Presbey (University of Detroit Mercy, USA)**Odera Oruka and Mohandas Gandhi on Reconciliation**

Odera Oruka of Kenya was inspired by his mentor Ingemar Hedenius' criticism of retribution and punishment, and chose the topic as his Master's thesis in philosophy at Wayne State University. Oruka's work was soon developed into his book, *Punishment and Terrorism in Africa*. To write his book, Oruka studied the practices of punishment throughout colonial and newly independent Africa. By applying insights that Hedenius had first thought of in the context of Sweden to the much larger and more complex African scene, Oruka wrote a work that up to then had been unprecedented in the field of philosophy. Oruka researched African practices of response to »crime« and disharmony through community efforts of reconciliation. Oruka read works that described other places in Africa where reconciliation was used even in some criminal cases. Surely reconciliation has a long pedigree in Africa, way before Desmond Tutu and independent from a Christian context.

One of the books Oruka consulted reported on the 1933 »Committee of Inquiry into the Administration of Justice in Kenya, Uganda and Tanganyika Territory in Criminal Matters.« That Commission claimed that the British penal code was not appropriately applied to the situations in Africa. The Commission concluded: »Revenge and retribution as methods of punishing criminals must go, and crime must be regarded first and foremost as an offence against the community,« and the commission advocated »the use of reconciliation and compensation for minor offences« as well as a host of other reforms. In my presentation I will give an account of the critics of colonial Kenyan practices, both Kenyan and British – reformers who charted an earlier chapter of debate on humane punishment. Despite independence, some African countries, Kenya included, continued the worst of past colonial practices rather than reviving African practices of reconciliation. Oruka dared to raise this uncomfortable issue, even while he lived in the country he (if indirectly) criticized. Oruka was a pioneer in this field in the context of the development of African ethics.

While *Punishment and Terrorism in Africa* was his first major publication, one of the last writings of Oruka's, presented at a conference in India just a few months prior to his death, was his paper »Mahatma Gandhi and Humanism in Africa.« I would like to look at that paper to judge the lifelong consistency as well as further development of Oruka's thought on humane punishment and reconciliation. I will also turn to Mohandas Gandhi for some intercultural philosophical reflections on similarities between Oruka's ideas and positions held by Gandhi on the topic of punishment and reconciliation.

Profile:

Gail M. Presbey is a Professor of Philosophy at the University of Detroit Mercy. Her research interests are in peace studies, social justice, and further questions in ethics, political and feminist philosophy. She has studied widely modern African philosophy, particularly the oeuvre of Henry Odera Oruka. Among her publications are *The Philosophical Quest: A Cross Cultural Reader* (1995), *Thought and Practice in African Philosophy* (2002), and *Philosophical Perspectives on the »War of Terrorism«* (2007).

Christine Schliesser (Zurich University, Switzerland)**The Case for Transformative Justice in Reconciliation Processes. An Argument in View of Post-Genocide Rwanda**

Twenty years after the 1994 Rwandan genocide against the Tutsi and moderate Hutu – resulting in the death of ca. 1.000.000 men, women, and children within mere 100 days – the questions surrounding justice and reconciliation are as virulent as ever before. With his »National Politics of Reconciliation«, Rwanda's current President Paul Kagame has made reconciliation a political target, promising to bring justice and reconciliation to his wounded country.

In my paper, I will argue that reconciliation is significantly shaped by the concept of justice underlying it. I will make the case that reconciliation processes like the one in Rwanda benefit from a transformative concept of justice supplementing our common understanding of justice as *iustitia retributiva*. I will develop this thesis by *first* exploring the concept of reconciliation. With theologian Stefanie van de Loo, I understand reconciliation as a relational term that refers to both a procedure and a result (van de Loo 2009:16). The process of reconciliation includes different aspects such as the confession of guilt, atonement, asking and granting of forgiveness up to a newly ordered relationship (Enns 2013:24). One of the most fundamental dimensions in reconciliation processes, however, is justice.

In a *second* part, I develop a specific understanding of justice as transformative justice. I utilize the work of sociologist Howard Zehr and his relational understanding of crime: »Crime violates people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a joint search for solutions which promote repair, reconciliation, and reassurance« (Zehr 2005:37). With its focus on the communal and relational aspects, the transformative approach is particularly well applicable for societies in transition after violent conflict. For in these contexts, the focus commonly is not on re-establishing the *status quo ante*, which was often permeated by injustice as well, but to transform relationships and communities towards sustainable reconciliation, justice, and peace.

A *third* part seeks to test the relevance of what my discussion has yielded against the reality of post-genocide Rwanda. Here, the so-called »gacaca« courts come into focus, traditional communal forms of alternative justice aiming at reconciliation. Due to the complete breakdown of the judicial system after the genocide, 11,000 gacacas were established throughout the country from 2001 until 2012, with well-respected people serving as lay-judges. They were to pursue a number of goals: accelerating the trials, finding the truth, assigning individual guilt and responsibility, and encouraging participation of the population (Friese 2010). A comparison of the gacaca courts with the concept of transformative justice yields striking similarities. Particularly by means of gacaca's emphasis on community, I will show how the transformative approach proves itself quite valuable in the Rwandan context. Yet I will also point to two problematic aspects of Rwanda's official policy of reconciliation: 1. The suppression of any kind of ethnicity discourse, including the critical examination of

stereotypes at the core of the enmity between Hutu and Tutsi. 2. A deeply problematic official culture of remembrance with the marginalization and repression of deviant narratives. Both aspects demonstrate the intrinsic relationship between reconciliation and (transformative) justice. As long as Rwanda's »National Politics of Reconciliation« continues to favor reconciliation over justice, it misses its goal: The establishment of sustainable peace that depends on both reconciliation *and* justice.

Profile:

Christine Schliesser is a theologian working at the interdisciplinary Ethics Center at Zurich University. Her research areas include conflict and genocide studies, African studies, bioethics, and the role of theology in the public sphere.

Sergej Seitz (University of Vienna, Austria)

Justice of the Other - Some Contemporary Levinasian Reflections

Die Begriffe der Gewalt, der Vergebung und der Gerechtigkeit werden im Werk von Emmanuel Levinas aufgegriffen, um unterschiedliche Weisen des Betroffenseins von der Andersheit des Anderen als konstitutiv für Subjektivität zu denken. Der Vortrag versucht zu zeigen, inwiefern mit diesen drei Begriffen bei Levinas nicht zuletzt drei unterschiedliche Strukturen der Temporalität angesprochen Die Analyse dieser verschiedenen Modi der Zeitlichkeit zielt im Weiteren darauf ab, Möglichkeiten eines anderen Umgangs mit vergangenen Gewaltakten jenseits der klassischen Alternative zwischen »gnädiger« Vergebung und »strenger« Gerechtigkeit ins Auge zu fassen.

Vergebung wird von Levinas als das „eigentliche Werk der Zeit“ bestimmt und als dasjenige, »was die Zeit selbst konstituiert«, insofern sie sich von der Gegenwart aus auf ein vergangenes Ereignis bezieht und – im Gegensatz zum Vergessen – die Gegenwart auf die vergebene Vergangenheit hin offenhält. Vergebung perforiert die *synchrone* Ordnung der Gegenwart unter Rekurs auf eine irreduzible *Diachronie*, die die Vergangenheit nicht vergegenwärtigend aufhebt, sondern ihre Andersheit in der Ordnung der Gegenwart bewahrt.

Gerechtigkeit, deren Anspruch sich aus der Überforderung der Verantwortung durch die irreduzible Pluralität der Anderen ergibt, weist bei Levinas demgegenüber eine genau entgegengesetzte temporale Struktur auf: Während Vergebung die Synchronie der Gegenwart auf die wesentliche Diachronie der Zeit hin öffnet, wird Gerechtigkeit als »Eintritt der Diachronie [...] in die Synchronie des Gesagten« verstanden, als »Bewusstseinsakt«, der zwar stets von der Diachronie ausgehen muss, seine Realisierung jedoch nur in der »Synchronisierung« finden kann, die die unvergleichlichen Anderen miteinander vergleicht.

Der Vortrag versucht für die These zu argumentieren, dass Gewalt im Ausgang von Levinas gerade am Kreuzungspunkt dieser beiden Zeitachsen zu lokalisieren ist: Gewalt kann für Levinas weder bloß als Aufhebung der diachronen Beziehung zum Anderen, noch einfachhin als Zerstörung der synchronen Ordnung der Gegenstände gefasst werden. Vielmehr überlagern sich in der Gewalt stets auf ambivalente Weise synchrone und diachrone Aspekte. Dadurch kann verständlich gemacht werden, inwiefern Akte der Gewalt sowohl einem Diskurs der Vergebung als auch einem Diskurs der Gerechtigkeit zugänglich sind. Davon ausgehend kann in weiterer Folge ebenfalls gezeigt werden, dass Vergebung und Gerechtigkeit keine einfachen Alternativen darstellen, sondern dass vielmehr jeder Akt der Vergebung sich immer der Frage nach Gerechtigkeit stellen muss, wie auch Gerechtigkeit stets Gefahr läuft, sich in Ungerechtigkeit zu verwandeln, wo sie die Möglichkeit der Vergebung von vorne herein ausschließt.

Profile:

Sergej Seitz ist Projektmitarbeiter im Rahmen des FWF-Forschungsprojekts *Language and Violence. The ethico-political turn to language after the Linguistic Turn* am Institut für Philosophie der Universität Wien. Studium der Philosophie und der Germanistik an den Universitäten Wien und Paris VIII. Forschungsschwerpunkte: Politische Philosophie, Sprachphilosophie, philosophische Theorien der Gewalt und der Alterität.

Niels Weidtmann (University of Tübingen, Germany)**Menschliche und kulturelle Würde als Voraussetzungen von interkultureller Versöhnung**

Versöhnung wird über einen die verschiedenen Konfliktparteien umgreifenden Horizont vermittelt. Die Konfliktparteien vergeben einander nicht einfach, sondern sie versöhnen sich angesichts eines solchen umgreifenden Horizonts, dem sie sich gemeinsam verpflichtet fühlen. Im Prozess der Versöhnung muss darum zunächst dieser Horizont geklärt und von jeder einzelnen Partei als verbindlich anerkannt werden. Der Konflikt stellt sich dann nachträglich als Verstoß gegen diesen Horizont durch mindestens eine der Parteien dar; bzw. richtiger als Verlust des Horizonts. Der gemeinsame Horizont macht es möglich, dass die Konfliktparteien das Geschehene gleichermaßen als Unrecht erkennen und anerkennen. Das ist der erste und entscheidende Schritt hin zu Gerechtigkeit. Damit Versöhnung gelingt, darf der gemeinsame Horizont freilich von keiner der Parteien einfach vorausgesetzt werden, sondern muss im Versöhnungsprozess gemeinsam gefunden werden. Das entscheidende Moment ist dabei, dass der Horizont von den Konfliktparteien auf die Weise als verbindlich erfahren wird, dass sich jede einzelne der Parteien von ihm her versteht und sie sich eben darin alle einig wissen. Es ist darum auch richtiger, statt von einem umgreifenden Horizont von einer gemeinsamen (Grund-)Erfahrung zu sprechen, die die Konfliktparteien im Versöhnungsprozess erneuern und als tragend erfahren. Versöhnung kann also dann gelingen, wenn die Konfliktparteien im Prozess der Versöhnung die gemeinsame Grundlage ihres Selbstverständnisses und damit eben auch ihrer Zusammengehörigkeit erneuern. Versöhnung ist in diesem Sinne Gemeinschaft stiftend. Das gilt für die christliche Tradition, in der die Versöhnung über die gemeinsame Gotteserfahrung vermittelt ist; das gilt aber ebenso für die prominenten Versöhnungsprozesse in der Gegenwart, bei denen zum Teil freilich ganz andere Horizonte und Grunderfahrungen aufgerufen werden.

Im interkulturellen Kontext stellt sich nun aber die Frage, ob Versöhnung auch dann möglich ist, wenn sie nicht innerhalb einer Gesellschaft stattfindet und folglich auch keine gemeinsamen Grunderfahrungen wachrufen kann. Dieser Frage möchte ich in meinem Beitrag nachgehen. Dabei werde ich ausgehen von der Praxis menschlicher Würde im Umgang miteinander, insofern diese eine kulturübergreifende Grunderfahrung und damit die entscheidende Grundlage sowohl für die Möglichkeit von Versöhnung als auch für die Rede von Gerechtigkeit zwischen einzelnen Personen ist; und von dort aus nach so etwas wie der Erfahrung einer kulturellen Würde als der Grundlage von Versöhnung und Gerechtigkeit zwischen Kulturen fragen.

Profile:

Wissenschaftlicher Leiter des Forum Scientiarum der Universität Tübingen. Redakteur von *polylog. Forum für interkulturelle Philosophie* (www.polylog.org). Studium der Philosophie, Politikwissenschaft und Biologie in Würzburg und Durham, NC. Promotion an der Universität Würzburg mit einer Arbeit zur Philosophie der Interkulturalität. Seine Arbeitsgebiete sind interkulturelle Philosophie, afrikanische Philosophie, Phänomenologie, Hermeneutik und Anthropologie.