

Война и примирение

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Оригинальная исследовательская статья

Guilt – Forgiveness – Reconciliation – and Recognition in Armed Conflict

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Abstract

The paper argues that in our usage of moral language we relate three concepts: guilt, forgiveness, and reconciliation. This assumes that we can distinguish between external actions and internal executions, because guilt as well as forgiveness and reconciliation are realities that first affect our inner humanity. When a relationship has been damaged by culpable actions (sometimes even by both sides), forgiveness is the precondition of reconciliation. As long as people accuse each other, there can be no talk of true reconciliation. Although these are attitudes, that is, inner engagements, reconciliation also becomes outwardly recognizable as peace. However, these relationships can only be explained well in the connections of individual persons to each other. When political communities confront each other, our moral sense becomes fuzzy, because it is not so easy to say how such collectives (e.g., peoples) are to be determined in their inside and outside. Who can and may forgive, if other persons have become victims of culpable actions, but cannot forgive themselves? Here, then, the difficulty of individuality and collectivity is added. The essay pleads for maintaining the conceptual conjunction between individual and collective forgiveness. However, this should not be done at the price of a complete socio-ontological dissolution of collectives. Therefore, one must also be cautious about rash universalistic appropriation of the Other or the other group, because this is usually accompanied by a failure to recognize and endure the selfhood of the Other. Before it comes to a “false” reconciliation in this way, it is better to at least recognize each other – also in diversity. This should also be reflected in the rules of conflict, which must above all be oriented toward ensuring that conflicts are not carried out in such a way that the manner in which the conflict is carried out makes reconciliation impossible. But in both collective and individual reconciliation, the person does not have the outcome of the process entirely in his or her own hands. Reconciliation is not a technique, but a relational event that is carried out in a “space of the open.”

Keywords: social philosophy, philosophy of war, ethics, theory of conflict, conflict resolution, peaceful resolution, individuality and collectivity.

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Вина – прощение – примирение – признание в вооруженном конфликте

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Аннотация

В статье обосновывается, что, размышляя о вопросах морали, мы связываем три понятия: вину, прощение и примирение. Это предполагает, что можно различать внешние действия и внутренние действия, т.к. вина, прощение и примирение – реальности, которые в первую очередь влияют на внутреннюю сторону человечности. Если отношения испорчены действиями, предполагающими вину (иногда даже с обеих сторон), прощение является предварительным условием примирения. Пока люди обвиняют друг друга, об истинном примирении не может быть и речи. Хотя и говорится о личных позициях, предполагающих внутреннюю вовлеченность, состояние примирения имеет и внешнюю составляющую – то, что мы называем миром. Однако это состояние можно объяснить только связями отдельных людей между собой. Если политические сообщества противостоят друг другу, наше понимание нравственного становится нечетким, потому что не вполне ясно, как границы таких социальных групп (например, народов) должны быть определены изнутри и снаружи. Возникает вопрос о том, кто может и имеет право простить, если люди, которые стали жертвами действий, предполагающими вину по отношению к ним, сами не могут даровать прощение. В данной ситуации проблема усложняется вопросами о личности и коллективе. В статье содержится призыв учитывать концептуальную связь между индивидуальным и коллективным прощением. Однако это не должно происходить ценой полного социоонтологического разложения коллективов. Нужно быть осто-

рожным и в отношении поспешного универсалистского присвоения Другого или другой группы, поскольку это обычно сопровождается неспособностью признать и выдержать самость Другого. Прежде чем таким образом произойдет «ложное» примирение, сторонам следует хотя бы признать непохожесть друг друга, что, соответственно, находит отражение в правилах ведения конфликта. В первую очередь они должны быть ориентированы на обеспечение возможности примирения. Но, как в коллективном, так и в индивидуальном примирении, результат процесса в полной мере не находится под контролем участников конфликта. Примирение – это не метод, а действие, связанное с отношениями и осуществляемое в «открытом пространстве».

Ключевые слова: социальная философия, философия войны, этика, теория конфликта, разрешение конфликтов, мирное разрешение, индивидуальное и коллективное.

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Introduction: The difference between the inner and outer world

The greatest difficulty for our ethical thinking lies in the difference of internal and external perspectives that we can take of ourselves. For such philosophers as Thomas Nagel, subjectivity – also in moral reflection – has become a life-long subject. Because we somehow cannot achieve a unified theory of the subjective and the objective in ourselves, it purportedly makes sense to simply reduce one of these two sides to the other or to completely eliminate one of the two. For example, one can pretend that for ethical consciousness only the inner, the subjective should count, and everything that happens in the world of external things is irrelevant to ethics. This was the way of numerous classical philosophers and theologians, e.g., the Stoics, or Peter Abelard in the High Middle Ages. Kant's thesis that nothing in the world can be called truly good, except a good will, also fits in here [Kant 1997]. Much more widespread today, however, is the position that reduces the moral “inner life” of people to external changes or completely deletes it from the list of objects of ethical thought. In its most radical form, this approach is always found wherever artificial devices and machines are granted

with capacities of moral thought and action. Such reductionism has the “advantage” that we can also transfer the familiar ways of scientific thinking to the sphere of ethics. We can proceed from observation, form a theory, and then question the same and either correct or refute it with arguments – which are themselves in a certain way external. But before rashly venturing on ontological reductions, one should perhaps first acknowledge that the different ways in which moral facts are given to us – whether internally, subjectively or externally, objectively – are due to the different ways in which we look at the object: whether from a point of view that is outside, or inside. Perhaps the reference to the grammatical mode of expression here is quite illustrative: the first person or the third person mode of discourse.

1. Peace: external but dependent on internal attitudes

Now our social coexistence is indeed an “external” thing: it is the people in their empirical forms (Kant would say: as *homo phaenomenon*) who form a social community. Therefore – at least to a certain extent – the behavior of empirical people can be coordinated by an external set of rules – we speak of “law.” When peace ethics says that “peace through law” is to be achieved (cf. [Justenhoven, O’Connell 2016]), it means that the norms of law can coordinate the behavior of people who interact with each other in such a way that there are no violent actions that occur between them. One of the Latin Church Fathers, St. Augustine, used the expression *concordia*, that is, concord, for this coordinated life of a social community. Thomas Aquinas pointed out (quite correctly, in my opinion) – that this concept of concord is not sufficient for a full concept of peace: “Peace includes concord and adds something thereto. Hence wherever peace is, there is concord, but there is not peace, wherever there is concord, if we give peace its proper meaning” (*S. Th.*, II–II, q. 29, a. 1 [Thomas Aquinas 1916, 382]). Today, peace science distinguishes between positive and negative peace: negative peace can be achieved through legal coordination of behavior, but positive peace demands more. For Thomas Aquinas, this is the common aspiration toward the highest good and, ultimately, toward God. However, this orientation is no longer empirical data, but belongs to the inner side of a person. People – at least the “Western people”¹ – take this inner side particularly important for assessment

¹ Since the author himself belongs to this group, it is difficult for him to assess how these things behave in other cultural traditions, toward which he cannot take an inside view. There is indeed talk of a difference between cul-

of their own actions, and of other people. The reactive moral feelings are very different in a person who is riding on a bus and accidentally steps on another passenger's foot because the bus has braked abruptly, or in the same person who intentionally kicks another person on the foot. The "quantum of pain" in the foot may be the same in both cases, but the indignation at the behavior of the other person is quite different. The inner attitude counts – even when it comes to compliance with external legal norms. Anyone who adheres to the law because he or she knows that the law conveys and secures the freedom of all people and therefore acts in accordance with the law out of respect for his fellow human beings behaves differently than someone who, fearing punishment but with great inner reluctance, adheres to the legal norms or follows the established patterns of his social role. If, in a social community, people accept the legal co-ordination of conduct only in the second sense, that is, with reluctance, but fear punishment – that is, living in a Hobbesian state – it is difficult to say that this is true peace. Violence is latently hanging over this community all the time, and as soon as the fear of punishment ceases, an outbreak of violence is to be expected.

2. Guilt and forgiveness (in terms of moral language)

Thus, the inner side of our moral life does matter. It is especially important in view of the peaceful coexistence of people, where it is important that no hostile, vindictive, or resentful moral feelings prevail against each other. People, despite all their efforts, repeatedly do wrong to other people, so it is no wonder if feelings of retribution prevail among victims of wrong-doing. Since retribution itself is often perceived as wrong by those against whom it is directed, there is also a new violent urge on this side. Thus, there is no escape from the eternal cycle of violence or from the unraveling spiral of violence. The alternative way of dealing with injustice and past violence lies in reconciliation. But reconciliation presupposes that the other is forgiven for his wrong-doing², through which – as we often say in moral lan-

tures of guilt and those of shame, and in the "West" they rather speak of the "cultures of guilt," while "cultures of shame" are supposed to be "Eastern." Cf. [Lotter 2012].

² Cécile Fabre denies this for a political reconciliation [Fabre 2016, 253–257]. In her view, reconciliation requires trust [Fabre 2016, 257–260], but not forgiveness. It seems to me that in two respects her considerations are different from those employed here. (1) Fabre has a political reconciliation in mind, and starts from the outset with collectives (which is not necessarily obvious, from a cos-

guage – guilt has arisen. Thus, the connection of these three concepts is marked: guilt – forgiveness – reconciliation. Reconciliation – that is how I define the terms here – requires forgiveness: forgiveness presupposes that a fault has occurred³.

In his work *On the Genealogy of Morality*, Friedrich Nietzsche subjected the moral concept of guilt to sharp criticism:

How, then, did that other ‘dismal thing’, the consciousness of guilt, the whole ‘bad conscience’, come into the world? [...] Have these genealogists of morality up to now ever remotely dreamt that, for example, the main moral concept ‘Schuld’ (‘guilt’) descends from the very material concept of ‘Schulden’ (‘debts’)? [...] The debtor, in order to inspire confidence that the promise of repayment will be honoured, in order to give a guarantee of the solemnity and sanctity of his promise, and in order to etch the duty and obligation of repayment into his conscience, pawns something to the creditor by

mopolitan point of view). However, since political forgiveness is usually vicarious, which is impossible, a dependency of reconciliation on forgiveness seems to lead to a situation where reconciliation can hardly occur. Fabre formulates a significant challenge, but does not the question of trust arise in a similar way? Can there be a vicarious trust? – (2) Fabre’s peace-ethical vanishing point is not an ideal positive peace, but Just Peace “all things considered,” i.e., a peace that is actually implementable. Thus, Fabre rather rejects the visionary or utopian moments of political ethics. This is different in these considerations here. A conceptual structure is sketched below, to which reality can probably approach at best.

³ If A and B are unreconciled, then A may have committed a moral error that B suffers from. So, for reconciliation, it would be necessary for B to forgive A for the mistake. It may also be that A has not committed a moral error, but B unjustly accuses him of a moral error. Then B commits a moral error, which A has to forgive if reconciliation is to take place. – The concept of “reconciliation” that I use here is therefore much more demanding than the concept of reconciliation that can be found in political or political-ethical debates. A very broad concept of this reconciliation can be described as “improvement in the relationship between two or more parties who were previously in conflict” [Radzik & Murphy 2015] but a good part of the point of reconciliation is lost with such a “functional” definition. In addition, one would have to ask what can be considered an “improvement” at all. When is a relationship “good”? – From this determination that is used here and goes even more into the ontological, also follow other controversial things in the current discussions, e.g., that reconciliation is only possible between parties who know each other, who share a common history in which culpable action has taken place, etc. “Reconciliation” in its basic sense does not express a “scalar concept” here either, but a perfection. So one is not “more or less” reconciled, but only “reconciled” or not. But conceptual perfection, of course, does not mean that reality lags behind the conceptual ideal. It is similar with the concept of peace, which is also a concept of perfection.

means of the contract in case he does not pay, something that he still ‘possesses’ and controls, for example, his body, or his wife, or his freedom, or his life... But in particular, the creditor could inflict all kinds of dishonour and torture on the body of the debtor, for example, cutting as much flesh off as seemed appropriate for the debt: [...] Let’s be quite clear about the logic of this whole matter of compensation: it is strange enough. The equivalence is provided by the fact that instead of an advantage directly making up for the wrong [...] a sort of pleasure is given to the creditor as repayment and compensation, – the pleasure of having the right to exercise power over the powerless without a thought. (...) So, then, compensation is made up of a warrant for and entitlement to cruelty [Nietzsche 2006, 39–41].

For Nietzsche, the concept of guilt serves to legitimize cruelty. By using the concept of guilt, one can legitimately injure others, even cut flesh out of their bodies, as it is presupposed in Shakespeare’s *The Merchant of Venice*. Thus, the use of the concept of guilt ultimately serves to subjugate others and exercise power over them.

In fact, the concept of guilt as such is not unproblematic. Nietzsche’s analysis can be enhanced even more psychologically (psychoanalytically): someone may use the concept of guilt to suppress another person and make their guilt clear to themselves. But the person subject to – supposed – guilt may also suppress it himself because he perceives the guilt in a sense of guilt and this may lower his self-esteem. It allows a non-determined external power (the “superego,” for example) to rule over one’s own consciousness and thinking – and this mostly happens unconsciously. The feeling of guilt can so oppress people in their self-esteem that they may harbor the will to self-destruction.

But an analytical consideration must distinguish between guilt (as a concept of our moral language that pretends to denote a moral fact) and the feeling of guilt as a psychological fact. The fact that the feeling of guilt can have destructive effects does not yet constitute an objection to the existence of guilt as such. As Nietzsche rightly points out, guilt represents a relational attitude that takes its starting point in an exchange relationship. Guilt indicates that the relationship between two subjects in an exchange is not balanced (yet). True, A has already given B something, but B has not yet returned it to A. B is A’s debtor. B can now pay the debt, that is, give A what he owes him, or A may waive his or her right to get from B what is still outstanding for payment. In the second case, the debt may be settled from a legal or economic point of view, but there may still be a moral grudge, because B cannot repay the debt waiver on his part.

3. The ontological consideration (speculation) on guilt

Humans very early developed an awareness that they are fundamentally in debt, namely that which has to do with their individual identity. That we are there, that there is us, and that there is me as an individual, I could not afford that out of myself, but it came from an exterior from where I received something without giving anything back. If we refer to this circumstance with the concept of guilt, then we can say that we stand here in a fundamental original guilt. However, we are only temporarily in this debt, because through our death we return to the de-individualized primordial mass and thus atone for our “misdemeanour” of ontological individualization. This would restore ontological justice. However, things are worse: as individuals, we become the cause of destruction of other individuals – in the worst case, by the intentional killing of another: Cain slays his brother Abel (Gen. 4:1–16). Here the question of guilt arises on a twofold level: (1) The one who destroys can no longer compensate for destruction in relation to the destroyed, because the destroyed (e.g., the murdered person) no longer exists. (2) He or she could destroy him- or herself, but would thereby be indebted to the one who first placed him in this individual existence; he would therefore have to be destroyed by another. (In Gen. 4:15, Cain therefore receives a sign placed on the body that protects him from destruction by others, but thereby condemns him to the permanent guilt-laden continuation of his life.) The murderer is indebted to the murdered person, but at the same time he is also indebted to the creator of the murdered person – and in the case of suicide he is indebted to his own creator.

These connections of the thoughts of guilt and atonement have strongly shaped man’s moral consciousness—especially the “inside” of moral consciousness. It obviously does not seem to be simply about an emotional state that could be clarified by therapeutic interventions, just as one treats a pathological anxiety disorder in psychological practice. Such a feeling of guilt is based on propositionally expressible thoughts, which can also be questionable. It is not irrational emotivism that forms the basis of the consciousness of moral guilt, but cognitivism. The connection between culpable acts of destruction, which are atoned for by other acts of destruction, i.e., the connection between violence and retribution, is therefore not irrationalism, which could simply be clarified by “correct thinking,” just as we have learned through more precise knowledge that it is not the sun that revolves around the earth, but the other way round. Yet this connection of violence and

retribution makes its account without the – enigmatic – freedom. We humans are able to desist from the guilt of another person toward us and to forgive it. In the religious perspective, where God is accepted, who in some way represents absolute freedom, this very God can also forgive *par excellence*.

Forgiveness is only conceivable as a free act and therefore an “inner” process in a person. Forgiveness loses its character when it is imposed or enforced from the outside. It is no longer forgiveness as such, even when it is phrased so. No act of atonement can compel a victim to forgive a wrongdoer, even if the victim may express such forgiveness for reasons of social conformity⁴. In this sense, forgiveness is like grace: it cannot be brought about by a mechanism. It is absolutely “non-technical,” even “anti-technical”⁵. The difficulty is that this inner act is never fully visible from the outside, so that even the person who has been forgiven can never be completely sure whether he or she has been forgiven, and this is not reversible⁶. We perceive physical reactions, linguistic expressions and gestures, relate them to our own internal circumstances, and generally get a very good sense of whether another person sincerely asks for forgiveness and sincerely forgives. Sometimes we also have a subjective certainty, but this cannot then be represented objectively to the same extent as, for example, the trajectory of an asteroid or chemical reactions.

4. Reconciliation between people

When people desist from the guilt of the other and forgive him, this becomes a prerequisite of reconciliation. Actually, forgiveness forms

⁴ The field of guilt, forgiveness and reconciliation is very subtle. Thus, punishment or the conviction for reparation payments may be desired by the offender because he hopes that the victim will now have to forgive him. But the external actions cannot force the consciousness.

⁵ So forgiveness in the sense of changing an inner attitude is not simply a waiver of rights toward another person. This would be a more “functional determination” of forgiveness, in which a meaningful distinction can also be made between conditioned and unconditioned forgiveness. With the “ontological definition” of forgiveness made here, forgiveness is always unconditioned. A consideration such as: “If he gives me \$ 300, I will forgive him” is meaningless: maybe he gives me \$ 300, and yet I am unable to forgive.

⁶ In this sense, forgiveness and trust are not alternatives, but complementary: forgiveness must also be trusted. However, trust can quickly be read purely functionally: in order for cooperation to be possible in the future, trust is instrumentally necessary. However, a purely functional view does not do justice to the connections here.

the basis for reconciliation. Law is a prerequisite for negative peace, in that the coordinated management of behavior – or the “balance of interests” – is achieved precisely by following the normative requirements of the law. If there is no law, the normative requirements cannot be followed. But the law is not the cause of negative peace, because the right itself does not guarantee its observance (except, perhaps, under sophisticated totalitarianism). Totalitarian law sanctions any deviation, and the sanctioning body itself is then subject to a threat of sanction if it fails to enforce a sanction. It is doubtful whether such a totalitarianism could be established at all. Perhaps one day ‘artificially intelligent’ robots could be subject to such a total system of law (total software technologies). In the case of robots, however, there is also no difference between the internal perspective and the external perspective, between the first and the third person. People, on the other hand, must once again decide to comply with the law themselves. The resolution to law-abidance is the (inner) cause of negative peace.

Reconciliation is not to be understood in the sense of a negative peace⁷. If people behave in such a coordinated way that there is no violence, this certainly does not mean that these people become reconciled. They are not reconciled even if they follow the norms that govern their coordinated behavior out of insight and consent. Reconciliation does not mean agreeing to behavioral norms, but bringing the other person to approve of his existence. In this sense, reconciliation is “more” than negative peace, but “less” than the positive peace presented by Thomas Aquinas, because according to him, different people look in the same direction to the supreme good, which for the Father of the Church is ultimately God. We would rather say today that joint “projects” are pursued in positive peace. Reconciliation does not require this harmonization of the line of sight, but it requires recognition of

⁷ It seems plausible to me what Cécile Fabre says about the graduality of political reconciliation (despite footnote 6): “There are lesser and greater modes of political reconciliation, of course – just as there are lesser and greater modes of reconciliation in interpersonal relationships” [Fabre 2016, 247]. However, I do not believe that the reconciliation effort increases proportionally with the level of violence of the conflict. Fabre says: “The bloodier, longer, and more encompassing the conflict was, the more do reconciliatory processes require attitudinal changes” [Fabre 2016, 250]. It seems to me that, under certain circumstances, a very violent conflict, in which both parties to the conflict experience their own abysses and are frightened by them, can facilitate reconciliation. For the knowledge of one’s own faults and limitations will facilitate forgiveness. – But of course this does not mean that the conflict should be as violent as possible.

the other as an equal. (In this, being reconciled is also something other than tolerance. Tolerance accepts [lat. *tolerare* “bear,” “endure”] the other, but nevertheless assumes its own primacy – e.g., the conviction that I know better. Through forgiveness, the asymmetry of being in debt is removed and different people can meet and acknowledge each other as equals. Since, as we have pointed out, the internal relations of people play a decisive role in forgiveness, and we can therefore never be completely sure of the status of forgiveness and then also of recognition, an advancement of trust is always necessary for reconciled relationships. So reconciliation here does not presuppose that people share the same opinion or value or strive for the same goals.

But reconciliation presupposes reciprocal goodwill – the Christian tradition speaks of “love” – which can also be manifested in the fact that one wants to win someone else over for a certain value conviction – nonviolently, e.g., through discussion – and in this sense is stronger than a mere *concordia*, which is about legally compliant and coordinated behavior of people. Reconciliation is a process, and being (factually) reconciled is probably not well to be understood as an absolute state, which is either completely fulfilled or not fulfilled at all, but which is realized partially.

5. Reconciliation in politics

This brief sketch of a connection between guilt, forgiveness and reconciliation first of all focuses on the relationship of individual people to one another⁸. We have seen that there is a significant difficulty in the fact that people can look at each other in their “inner view” from the “first-person perspective,” while they meet the other from the outside only in the “third-person perspective” – which does not exclude that someone distances from himself in such a way that he or she can also perceive him- or herself in the third person. If we now do not think about interpersonal guilt, which was generated, for example, by violent action, but take into account collective acts of violence, that is, war and the indebtedness arising from it, then we are faced with another huge methodological problem, namely the collectivization of individual people into a political community or a people. When it comes

⁸ Moreover, this sketch did not distinguish between the different relationships of people to each other: we can indeed relate to each other as colleagues at work or as friends. Sometimes one relationship distresses the other, so that, for example, one abandons a work relationship in order to save the friendship. But here the focus was initially placed on our personal relationship to each other.

to political reconciliation, there is also another difficulty – depending on the conceptual definition of the “political” – that communities are also formed (in part at least) from antagonisms, i.e. not only through inner unity or inner harmony but precisely out of opposition to others. In such an understanding of political reality, the universal social world can never be completely reconciled, because internal attachments presuppose external opposition (cf. [Mouffe 2007]). Perhaps Jews and Christians, who see themselves more as the chosen people of God and thus in a “special existence,” can cope more easily with this than Muslims or philosophers of cosmopolitan traditions⁹.

Thus, as we have approached the issue of reconciliation here, the central question is whether guilt, and therefore forgiveness, can be collectivized. Do Russians as such exist? Do Germans and Poles as such exist? Can Poles and Russians forgive Germans the injustices of the Second World War? Vladimir Jankélévitch could not forgive Germans the crimes of the Holocaust, which go beyond all dimensions [Jankélévitch 2003, 243–282], but could he forgive at all? The murdered people are dead; what presumption would it be for him, as a survivor, to forgive the murderers? Then, is there no forgiveness for killing? Or can collectives that still exist forgive each other, so that “the Jews” forgive “the Germans”? And how is this to be done? We understand how Eva Mozes Kor, who was used as a child by Joseph Mengele in heinous medical experiments, forgives another SS doctor, Hans Münch, during an encounter and can thus step out of the “shadow of the victim role into which alien will pushed her and which she herself assumed” [Gerl-Falkovitz 2016, 13]. We too recognize human greatness in this act and realize that forgiveness can be a “path of liberation for victims and executioners” [Gerl-Falkovitz 2016, 13]. But with collectives, the problem arises synchronously and diachronically: not all members (of course, far too many, but not all of them) wanted the crime to happen at the time of the crime, and not everybody in the group of victims wanted and want forgiveness. Over time, there are descendants of those who wanted the crimes, but these descendants themselves were not involved in the crimes. “The Germans” of 1940 are no longer “the Germans” of 2022. Migration has greatly changed the population of the country.

Many people who are Germans today no longer find a personal connection to the crimes because their families immigrated from other

⁹ In Germany, a “cosmopolitan” interpretation of Christianity has certainly dominated for decades.

countries or mixed with people from other countries. So if we see reconciliation as a process (and not just as a result of a process), it looks like there can be no reconciliation between collectives at all because these collectives constantly change and renew themselves. We seem to be dealing with a “collective non-identity problem”¹⁰.

On the other hand, the question at what pace to allow such internal changes in a political collective requires political decisions. Some states obviously place more emphasis on broad ethnic homogeneity or at least continuity in lineages, and others less so. However, it is difficult to see that it should be fundamentally inadmissible for a political community to attach some importance to a certain “biological” connectedness. The very open migration policy of certain “Western” states – especially Germany – does indeed carry the risk that the awareness of the common guilt resulting from the criminal wars of the past will fade away or be domestically transferred to a part of the population (the “indigenous people”). But “biological” continuity alone cannot secure awareness of the shared guilt. It seems to me that in collective reconciliation, the recognition of others as others plays a very decisive role. In this respect, individual and collective reconciliation may differ: while in individual reconciliation we can often fall back on the common, as awareness that both persons are human, and that the roles of victim and perpetrator perhaps could have been distributed differently in different historic conditions (a form of “moral luck,” as Thomas Nagel says), in collective reconciliation we must probably take greater account of diversity, because in political collectives there is higher probability of different self-constitutions. If you will, you can say: individuals also design themselves to some extent, but the proportion of “nature” that is given to them is greater than in political communities, which are predominantly based on a common setting as a community. But since reconciliation cannot be understood only functionally, but rather means that for reconciliation of A and B, A and B must also recognize each other as what they want to be recognized, if reconciliation is to take place at all. Reconciliation does not happen when A says to B: “If you were B*, I would reconcile with you or ask your forgiveness or grant you forgiveness.”

6. The problem of universalist appropriation

Today, especially in “Western” philosophy, the idea of reconciliation is often associated with universalism or cosmopolitanism. Usually, the

¹⁰ On the “non-identity problem” on the individual level see: [Parfit 1987, 351–379].

underlying idea is that only those who understand that they belong together can reconcile with each other. Then, if a political group still insists on its particular identity in contrast to other particular identities, it easily exposes itself to the reproach that it would delimit itself, divide and fail to reconcile. But this view of things is, first of all, conceptually wrong, and secondly, even dangerous. Conceptually, the Latin word *conciliare*, from which the English “reconciliation” takes its origin, means “to win for oneself,” “to win (to one’s friend),” “to unite,” “to connect.” Thus, it is about the connection of previously unconnected items, that is, separate or individual ones. The “re-conciliation” connects previously connected things, but the very fact that it can be reconnected shows that it could be for itself. So reconciliation presupposes two whole entities, not one whole, from which (unfortunately) parts are split off. Of course, even in families that are united and then quarrel, there can be a reconciliation that restores the unity of the family. But this reconciliation is also possible only because each member of the family also has his own existence for himself¹¹. Reconciliation is different from reunification¹². “The relationship should be resumed or healed.”

The material danger, which consists in the neglect of the particular self-status of persons and political communities, lies in the fact that it is precisely in the universalist appropriation that a radical exclusion exists. The Catholic philosopher Robert Spaemann, who died in 2018, showed this in his impressive speech entitled “Sarasro’s Hate”: at first, the enlightened speech of Sarasro in his aria in Mozart’s opera *The Magic Flute* looks impressive and filled with a great humanistic and universalist-Enlightenment ethos. But Sarasro goes on to say: “Those who do not enjoy such teachings do not deserve to be human.” At least in relation to non-universalists, the universalists also give up their universalism¹³. Spaemann delivered his lecture at a Wiesenthal conference in Vienna in 1998, in which the Holocaust and the situation

¹¹ That this own existence – as the Communitarians and more recently Judith Butler [Butler 2020] point out – is based to a large extent on social constitution does not refute this assertion, but it certainly does show the complex interweaving of levels that must be considered here.

¹² The old Federal Republic of Germany and the new federal states of the German Democratic Republic joined forces in 1990 in a reunification; but Germany and the Netherlands have quite successfully reconciled politically since the 1950s.

¹³ Boris Kashnikov puts forward a similar thought when he speaks of “humanitarian terrorism” [Kashnikov 2022].

of the Jews were particularly commemorated. The Enlightenment-universalist point of view urges the overcoming of particularity, but it is precisely in this way that it misses the particularity of persons and groups. This inability to recognize the other as another and to relativize oneself in it leads to total wars and makes reconciliation impossible. The others are either appropriated or radically excluded. The fight against the terrorists after the events of September 11, 2001, who were considered to be opponents of humanity, shows such traits of the urge to eliminate. It is little use to appeal to universal human rights when there is no fundamental recognition of those who reject them. At best, it stimulates hatred on both sides. “Saraastro, who humiliates the Queen of the Night, will not overcome her hatred by singing arias against the spirit of revenge” [Spaemann 2001, 192]. Part of the willingness to reconcile is to learn to live with the fact that one should not assume that everyone should recognize one’s own truth just as oneself recognizes it. It is part of the willingness to reconcile that one recognizes others in their concept of humanity, even if they consider something other than what one considers to be constitutive of humanity.

Of course, the complex issues of reconciliation and (moral) law are connected here, e.g., the problem of returning goods that have been wrongly taken, or of just compensation, when wrongfully taken goods can no longer be returned. Here, we should consider prerequisites of the right of ownership and also of fair acquisition of property [Waldron 1992, 4–28], which in turn can presuppose images of human beings and thus give rise to new conflicts. In any case, the willingness to reconcile presupposes immediate return or replacement of goods that have been unlawfully seized, in accordance with one’s own legal ideas, and at least the willingness to consider the reasons why other parties to the conflict may consider other goods to have been wrongly seized.

Conclusion: recognition in conflict

It is more important for reconciliation that the perpetrators acknowledge their guilt than that the victims can persuade others to condemn the perpetrators for their guilt. In many cases, this will mean admitting guilt of all parties to a conflict. Criminal law is a delicate instrument in the process of reconciliation. As long as an existing debt (possibly on all sides) is not recognized, the prospect of true reconciliation will probably remain meager. Guilt, forgiveness and reconciliation are neither technical characteristics nor technological processes. They

cannot be reproduced with functional algorithms¹⁴. Just as “peace through law” cannot be produced technically, certain explanations, gestures or language cannot force reconciliation. In wars, people make experiences, both individual and collective. They experience how to become a victim of violence, and also how to become a perpetrator. They also discover in themselves what theological language has called “evil.” They experience guilt, and if they are mindful, they discover this guilt not only in others, but also in themselves. Not every act of violence inside and outside of wars and armed conflicts can be healed by appealing for forgiveness and acts of forgiveness. But the fact that the violence of war takes place in a formalized framework can, under certain circumstances, significantly reduce the burden of guilt and also of the sacrifice. In this sense, International Humanitarian Law (IHL) provides such a regulatory framework for war, which does not from the outset qualify certain parties to the conflict as higher or lower ones, but first gives equal recognition to all parties to the conflict. The law itself can play a role conducive to reconciliation. In this sense, Kant’s requirement for the *ius in bello* is a very apt one:

The greatest difficulty in the Right of Nations has to do precisely with Right during a war; it is difficult even to form a concept of this or to think of law in this lawless state without contradicting oneself (*inter arma silent leges*). Right during a war would, then, have to be the waging of war in accordance with principles that always leave open the possibility of leaving the state of nature among states (in external relation to one another) and entering a rightful condition (*The Metaphysics of Morals* § 57 [Kant 1991, 153]).

No State at war with another shall adopt such modes of hostility as would necessarily render mutual confidence impossible in a future peace (*Eternal Peace*, 6th Preliminary Article [Kant 1914, 74]).

But International Humanitarian Law does not itself grant forgiveness or reconciliation. Reconciliation, like peace, is based on attitudes. It is

¹⁴ However, there seems to be one aspect that actually contains something “functional” or at least “teleological” in it: forgiveness and reconciliation should not demand “reparation” or “atonement” that only harms both sides. It actually seems archaic or irrational when, for example, Tristan and Isolde in Richard Wagner’s musical drama want to die together as a mutual atonement. (However, from the point of view of the protagonists, this is not a “damage,” but a liberation, i.e., a good.)

important to conduct war in such a way that not hatred, but recognition – be it the recognition of the opponent as an opponent – is the dominant “reactive attitude”¹⁵ toward the opponent. Sometimes hatred (ready for annihilation) can be avoided by the existence of formalized ways, even violent ones, in which opposition can be channeled and carried out according to rules that prevent the worst. Of course, it is always important to defuse such opposition in advance, so that the path of violence does not have to be taken at all. Here, too, processes that are subject to legal normativity and are formalized in this way will help. But the process does not ensure the attitude to the process or the attitude toward the other. In this respect, willingness to reconcile must be practiced as a virtue, and on the other hand, one should be careful about one’s own actions that they are not understood as hostile. Reconciliation is not completely “under control,” or easy to secure by mechanisms. We have to admit that reconciliation expresses perfection on the one hand, but reality must fall short of a purely static perfection for the very reason that reconciliation is not intended to drown historical injustice, but to preserve it in memory¹⁶. In this respect, one can use a body metaphor: Of course, the scars will remain there. We also have to put up with the fact that reconciliation-oriented action involves acting into an “open” space and verifiability is limited because of the weight of the inside of our moral action (“Did she really forgive me, or was it just her strategy?”). This is naturally difficult for a secular society that has abandoned the idea of a history-making power. In this sense, the “death of God” proclaimed by Nietzsche did not make man freer, but placed him under the dictate of reason constantly oriented toward control and optimization. But even here, as some political conflicts between “Eastern” communities shaped by religious values and “Western” communities linked to religious indifference show, there is a need for reconciliation.

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¹⁵ See the talk of “reactive attitudes” [Strawson 1962].

¹⁶ The question whether some events should simply be forgotten can be left open at this point. However, it is also questionable whether such forgetting is possible at all – or whether an attempt at deliberate forgetting is actually only postponed. The work of historians and truth commissions is also not entirely without ambivalence.

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