



Dipartimento di Scienze Giuridiche – Department of Legal Studies

Antoine Garapon

Professor at Sciences Politiques, Paris

Visiting Researcher,

Department of Legal Sciences, University of Bologna

JUSTICE:

CAUGHT BETWEEN BEING AND HAVING

The philosophical grounds of regenerative justice

September 26th-30th 2022

17h00-19h00

Sala Armi

Department of Legal Studies

Via Zamboni, 22

40125 Bologna

[Link Teams](#)

JUSTICE: CAUGHT BETWEEN BEING AND HAVING

The philosophical grounds of regenerative justice

All forms of regenerative justice (i.e., restorative, transitional or reparative) share a common feature: they are generally concerned with *being*. Conventional justice, however, is implicitly focused on *having*. From a philosophical perspective, this seminar will examine the paradigm shift needed to recover regenerative conceptions of justice to restore our focus on *being*.

Monday 26 September 2022

Victim centred process: a major premise

Building the justice process around the victim, and not simply around the guilty, not only takes another view of the same event, it also considers another reality, and a different perception of evil. The triggering event is no longer the violation of a rule but the experience of human finitude and ontological divide. The criminal conduct is thus understood as an act of power against another; i.e., an extension of being, and victimhood as an obstacle to being.

Tuesday 27 September 2022

The violation of primordial relations

Law, like modern economics, tends to reduce human relations to a contractual model, i.e., to relations between rational actors. Regenerative justice, however, is concerned with other kinds of relations (e.g., familial, political, religious) that are *constitutive*, either of selfhood or of nationhood. A regenerative conception of justice takes into account our dependence on these constitutive relations, which Hegel speaks of as “universal without legality”.

Wednesday 28 September 2022

Re-enacting origins to make the past available

Whereas law is by its nature a-historical, regenerative justice has regard to the continuity of relations. Intended to provide access to 'foundational time' through specific ceremonies, regenerative justice works as a re-founding event both for nations and individuals.

Thursday 29 September 2022

Being as ability to speak

A justice system that is truly centred on the needs expressed by victims would aim to ‘restore their capacity to enter into relationships with others’. The purpose here is to enable the victim to speak again, to emerge from their silence through acts of ceremonial speech.

Friday 30 September 2022

A weakened self requires regeneration

If conventional justice aims to return victims to their original position, regenerative justice seeks to stimulate the power or the subject of the polity through confirmation of themselves. Through this lens, justice is no longer simply an institution among others. Instead, it becomes a category without which no ontology is possible. Indeed, the being of the individual and of the social group are dependent on the right distance put between them.

For any further information contact: Emanuela Fronza, emanuela.fronza@unibo.it