

Justice pénale, justice réparatrice. Perspectives en droit international

Université Paris Diderot – Paris 7 et Collège International de Philosophie
(avec la collaboration de l'Université Paris 1 – NoSoPhi et de l'ENS-LSH – Triangle)

Raphaëlle Nollez-Goldbach et Julie Saada

27 janvier (Cours, Salle 04, 16h-18h)

Le système international : fondements, acteurs et limites

Raphaëlle Nollez-Goldbach (Droit, Université Paris 12, CSPRP)

3 février (Cours, Salle 04, 16h-18h)

La justice internationale : juridictions pénales internationales, responsabilité pénale de l'individu et crimes internationaux

Raphaëlle Nollez-Goldbach (Droit, Université Paris 12, CSPRP)

10 février (Cours, Salle 04, 16h-18h)

Approche historique et enjeux de la justice pénale internationale

Julie Saada (Philosophie, Université d'Artois)

17 février : (Cours, Salle 04, 16h-18h)

La justice pénale internationale et ses formes alternatives

Julie Saada (Philosophie, Université d'Artois)

24 février (Séminaire, Amphi 50, 16h-19h)

Justice transitionnelle, justice pénale, justice réparatrice

Sandrine Lefranc (sciences politiques, CNRS)

Christian Nadeau (philosophie, Université de Montréal)

10 mars (Séminaire, Amphi 50, 16h-19h)

Justice et réparations

Antoine Garapon (droit, IHEJ)

Jean-Baptiste Jeangene Vilmer (sciences politiques, EHESS)

17 mars (Séminaire, Amphi 50, 16h-19h)

Le tribunal pénal international pour l'ex-Yougoslavie et la réception de la justice pénale

Isabelle Delpla (philosophie, Université Montpellier 3)

Joseph Krulic (droit, Université Marne la Vallée)

24 mars (Séminaire, Amphi 50, 16h-19h)

Justice pénale et justice réparatrice au Rwanda. TPIR et gacaca.

Andre Guichaoua (sociologie, Université Paris 1)

Benoît Guillou (sociologie, EHESS)

31 mars (Séminaire, Amphi 50, 16h-19h)

Conférence de **Judith BUTLER**

(Philosophie, Université de Berkeley)

"From Eichmann to Goldstone: Judgment and Obligation Reconsidered"

(Résumé au verso)

Résumé :

In this text, I propose to consider the problem for judgement that Hannah Arendt saw as posed by historically unprecedented crimes of war. In the end, she proposed that certain kinds of obligations of co-existence and co-habitation were prior to any existing legal code, and implicitly argued that they should form the moral framework within which international law is formulated. Although she understood in the 1960s that the binding character of international law was questionable, she nevertheless argued that legal judgments must be grounded in moral judgments, and that the latter must affirm and protect the social condition of plurality. Although nearly 60 years have passed since the publication of Eichmann in Jerusalem, Arendt's views remain pertinent and controversial since they implied both (a) support for a binational federal authority in the Middle East and (b) the prosecution of war crimes as crimes against plurality. Although Arendt was accused of failing to understand the traumatic character of the Nazi genocide on the Jewish people and, hence, their reasons for establishing a state on the basis of Jewish sovereignty and demographic advantage, she was actually working from another collective memory: that of the refugee and the rights of the stateless. She did not contract legal with moral solutions, but thought that any legitimate law - whether one that founded the state or prosecuted war crimes - ought to be based on a social ontology of plurality that had concrete moral implications. She criticized the Eichmann trial as an act of nation-building, suggesting that the prosecution of war crimes was linked illegitimately to the act of nation-building and establishing legitimacy for the State of Israel. In the recent rejection of the Goldstone report by the Israeli Government, the issue of the "legitimacy" of the state is raised again. If Israel committed war crimes, does that imply that the legitimacy of the state is called into question? My argument is that it is only on the condition that the grounds of legitimation encode and enshrine victimization as an exclusive prerogative of Israel in the region that the allegation of war crimes strikes at the legitimacy claims of the state. One can see this foundation built in the Eichman trial, but it is reaffirmed in the response to Goldstone. Is there another memory, the memory of the stateless, that could establish another basis for both the prosecution of war crimes and the establishment of state legitimacy?

7 avril (Journée d'études, Amphi 50, 14h-19h)

Juger les crimes de masse, écrire l'histoire. Autour de Mark Osiel.

- Mark Osiel (droit, University of Iowa)
- Isabelle Delpla (philosophie, Université Montpellier 3)
- Liora Israel (sociologie, EHESS)
- Martine Leibovici (philosophie, Université Paris 7)
- Christian Nadeau (philosophie, Université de Montréal)
- Hélène Tigroudja (droit, Université d'Artois)