



**International
Max Planck Research School on
Retaliation, Mediation and Punishment**

**Conference on
Retaliation**

26 -29 October 2011
Max Planck Institute for
Foreign and International Criminal Law
Building Fürstenbergstrasse 19/ 79100 Freiburg
Conference Room

Introduction

The Concept of Retaliation in the REMEP Research Design

In the research outline of the International Max Planck Research School on Retaliation, Mediation and Punishment (IMPRS-REMEP), the concept of retaliation, which is based on the overall principle of reciprocity, refers broadly to the full range of reactions to circumstances that are perceived to be deviant or socially transgressive. Such a constellation presupposes two opposed, nominally equal parties. Understood in this sense, retaliation occurs at all levels of socio-political organization, from nuclear families to nation states and transnational organizations. Retaliatory reactions run the whole gamut of conflict resolution procedures from consensual settlement via various forms of compensation to violent reprisal and escalation.

Taking this conception of retaliation as our point of departure, we have assumed in our shared research design that the propensity to react violently decreases as social proximity between the parties involved is established or becomes more pronounced. Further significant variables include power differentials among conflicting parties and the institutional arrangements balancing such differentials.

Hence, the propensity to regulate conflict through retaliation, without the intervention of central political authorities or other third parties endowed with power, appears to be characteristic of opposed or at least distinguishable groupings with an intermediate degree of socio-political proximity. The parties must be close enough to each other to share the desire to keep third parties out (this applies especially to “higher” levels of administrative or political organization) and distant enough from one another for violent retaliation to remain a viable option (because without this threat there is no incentive to opt for compensation).

The concept of retaliation, however, also materializes in various conflict scenarios in which central political authorities, states, global governance institutions, and transnational organizations of all kinds (social movements, faith-based organizations, INGOs, etc.) appear as active parties or are opposed to parties that are organized according to different, less complex principles. In such cases, nominal equality may be a contested issue, although it does not necessarily imply a balance of power. Thus,



the REMEP research agenda incorporates the analysis of both constellations in which power differentials are reduced or absent and constellations in which these variables come into play in various ways.

Conceptual Framework of the Conference

The conference will be divided into the following two parts.

1. Approaches to and perspectives on retaliation

With reference to recent interest in the principle of retaliation in a number of human sciences, members of REMEP faculty and invited experts representing the disciplines cooperating in the REMEP program will present an inventory of the basic approaches to ‘retaliation’ and the most recent theoretically informed and innovative research perspectives on this subject. Reflections on basic theorizing with regard to retaliation will also address the various and not always compatible concepts of order which appear to be fundamental to the disciplines united in REMEP.

2. Further elaborations on the concept of retaliation – transdisciplinary perspectives

It would be worthwhile, we suggest, to elaborate on the concept of retaliation and to broaden our perspective in a transdisciplinary effort. Analyzing recent developments without neglecting the historical perspective, our aim is to achieve an upgraded, theoretically informed empirical understanding of the concepts and themes we addressed in the original version of the REMEP program.

Taking this transdisciplinary convergence as common ground, we are particularly interested in scalar arrangements and in the interface between, first, local variability in the ways in which retaliation informs processes of conflict settlement and, second, references to retaliation as a universal normative template at a transnational scale. Recent interventions in arenas of conflict that are affected by transscale entanglements have put discourse on retaliation back on the transnational agenda. In this context, it will be asked how the various normative registers that are inscribed in the nomosphere deal with concrete situations and moments of retaliation



Format of the Conference

Introduction

Panel 1: Retaliation and the Human Nature: The search for universalities?

Panel 2: Faith-based Retaliation: Spirituality and normativity of the retaliatory grammar

Panel 3: Retaliation in Negotiations and Organizations of Social and Political Orders

Panel 4: Retaliation and the Social Construction of Crime and Deviance

Panel 5: International Law, Travelling Models of Retaliation, Translations

Final Discussion



Wednesday, 26 October 2011 Arrival

19:00 Informal get-together

Thursday, 27 October 2011

8:30 – 8:45 **Registration**

8:45 – 9:00 **Welcome Addresses**

*Hans-Jörg Albrecht, MPI for Foreign and
International Criminal Law, Freiburg*

Günther Schlee, MPI for Social Anthropology, Halle

*Carolin Hillemanns, MPI for Foreign and
International Criminal Law, Freiburg*

Introduction

Chair: *Keebet v. Benda-Beckmann, MPI for Social Anthropology, Halle*

9:00 – 10:00 Introduction to the conference:
On Retaliation: Conceptual Plurality,
Transdisciplinary Research, Rifts and Translations
Bertram Turner, MPI for Social Anthropology, Halle

10:00 – 10:30 Coffee Break



Thursday, 27 October 2011 cont.

Panel 1A : Retaliation and the Human Nature: The search for universalities?

Chair: *Csaba Györy, MPI for Foreign and International Criminal Law, Freiburg*

10:30 – 11:15 Violence, Retaliation and Illicit Markets
Hans-Jörg Albrecht, MPI for Foreign and International Criminal Law, Freiburg

11:15 – 12:00 Individual and Social Functions of Revenge: A justice-based approach
Mario Gollwitzer, University of Marburg

12:00 – 13:30 Lunch Break

Panel 1B: Retaliation and the Human Nature: The search for universalities?

Chair: *Stefanie Bognitz, MPI for Social Anthropology, Halle*

13:30 – 14:15 From Retaliation to Genocide. On Shame and Humiliation as Clues for Understanding “Ethnic” Conflict in Rwanda
Axel Paul, University of Siegen

14:15 – 15:00 In the Heat of the Moment: The influence of visceral factors on retaliation
Thomas M. Tripp, Washington State University Vancouver, co-authored by Robert J. Bies, Georgetown University

15:00 – 15:30 Coffee Break



Thursday, 27 October 2011 cont.

Panel 2A: Faith-based Retaliation: Spirituality and normativity of the retaliatory grammar

Chair: *Thomas Walter, MPI for European Legal History, Frankfurt*

15:30 – 16:15 Nemesis. A glimpse into Christian motives of punishment in the course of time
Mathias Schmoeckel, University of Bonn

16:15 – 17:00 Where Official Justice Ends, Theodicy Begins: ‘Curse paranoia’ and the rise of retaliatory shamanism in Tuva (Siberia)
Konstantinos Zorbas, Cambridge University

18:30 Informal get-together

Friday, 28 October 2011

Panel 2B: Faith-based Retaliation: Spirituality and normativity of the retaliatory grammar

Chair: *Fazil Moradi, MPI for Social Anthropology, Halle*

9:00 – 9:45 Crimes and punishments: Intentionality and *diya* (blood money) in Algeria and Sudan
Yazid Ben Hounet, L'école des Hautes Etudes en Sciences Sociales, Paris

9:45 – 10:30 A threatened order? Disputing and magical retaliation in the South African lowveld
Severin Lenart, MPI for Social Anthropology, Halle

10:30 – 11:00 Coffee Break



Friday, 28 October 2011 cont.

Panel 3A: Retaliation in Negotiations and Organizations of Social and Political Orders

Chair: *Julia Kasselt, MPI for Foreign and International Criminal Law, Freiburg*

11:00 – 11:45 Retaliation; Compensation and Shari'a: What affects legal options? Examples from Somalia and the Sudan
Günther Schlee, MPI for Social Anthropology, Halle

11:45 – 12:30 Practices of Retaliation in Disputes over Cattle: An analysis of the role of cattle in retaliation discourses
Ab Drent, MPI for Social Anthropology, Halle

12:30 – 14:00 Lunch Break at the MPI Cafeteria

Panel 3B: Retaliation in Negotiations and Organizations of Social and Political Orders

Chair: *Carolijn Terwindt, MPI for Foreign and International Criminal Law, Freiburg*

14:00 – 14:45 Explaining the World through Retaliation, or: Why the wars did not end in dispute management
Friederike Stahlmann, MPI for Social Anthropology, Halle

Panel 4A: Retaliation and the Social Construction of Crime and Deviance

Chair: *Johanna Mugler, MPI for Social Anthropology, Halle*

14:45 – 15:30 Violence and Retaliation in the Legal Practice of Criminal Justice between the 17th and 19th Century
Karl Härter, MPI for European Legal History



Friday, 28 October 2011 cont.

- 15:30 – 16:00 Coffee Break
- 16:00 – 16:45 Crime in Motion: Predation, Retaliation, and the Spread of Urban Violence
Richard Wright, University of Missouri - St. Louis; co-authored by Volkan Topalli, Georgia State University, Scott Jacques, University of Cincinnati

Saturday, 29 October 2011

Panel 4B: Retaliation and the Social Construction of Crime and Deviance

Chair: *Kerrin-Sina Arfsten, MPI for Foreign and International Criminal Law, Freiburg*

- 9:00 – 9:45 A Criminal is a Victim is a Criminal? An Economic Approach to the Victim-Offender Overlap
Horst Entorf, University of Frankfurt
- 9:45 – 10:30 Laypersons' Reactions towards Deviancy are Mainly Determined by Retributive Motives
Margit Oswald, University of Bern
- 10:30 – 11:00 Coffee Break



Saturday, 29 October 2011 cont.

Panel 5A: International Law, Travelling Models of Retaliation, Translations

Chair: *Shakira Bedoya Sanchez, MPI for Foreign and International Criminal Law, Freiburg*

11:00 – 11:45 Juridical Dimensions of Retaliation in the Doctrine of the Early Modern Period between Criminal and International Law
Massimo Meccarelli, Università di Macerata

11:45 – 12:30 Retaliation in Transitional Justice Scenarios: The case of Uruguay, Argentina and Colombia
Gustavo Rojas Paez, MPI for Foreign and International Criminal Law, Freiburg

12:30 – 14:00 Lunch Break

Panel 5B: International Law, Travelling Models of Retaliation, Translations

Chair: *Nathan Muwereza, MPI for Foreign and International Criminal Law, Freiburg*

14:00 – 14:45 The ICC Reparation System
Pietro Sullo, MPI for Comparative Public Law and International Law, Heidelberg

14:45 – 15:30 Retaliation in a Globalizing World: Assessing the normative dimensions of necropolitics
Shakira Bedoya Sanchez, MPI for Foreign and International Criminal Law, Freiburg

15:30 – 17:00 **Final Discussion**

Chair: *Franz v. Benda-Beckmann, MPI for Social Anthropology, Halle*

