

Philosophy in practice

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The ancient said “philosophy is love of wisdom”. Now day’s philosophy is practicing wisdom”. Philosophy used to question all beings material and non-material of the world. The time has come for philosophy to be itself the questioned object. It becomes necessary to look at philosophy again, as it has been done before by positivism and analytic philosophy to see whether philosophy is on the right track or otherwise. In our days philosophy seems to be aching and suffering from solitude and negligence. Society now days has no appreciation or respect towards philosophy. Students in academic institutions don’t seem enthusiastic to study philosophy. Some thinks that philosophy is hard to grasp and complicated, besides it is not practical. Moreover, and most important, there are no jobs for philosophy graduates. These issues become real problems main concern for philosophy today.

Philosophy, however used to be the mother of sciences. It is the wisdom which gives birth to deferent types of knowledge. Searching the roots and the principles of sciences one has to go back to the philosophical tradition of Greek, Medieval and modern. It is true that science become too rich and broad that could be unified in one field, but philosophy could still maintain a considerable position among other fields. Philosophy originally is a product of human intelligence. Aristotle maintains that when man practices contemplative activities he or she practices what God usually does, and this is happiness.

On the other hand, such intellectual and contemplative activities remain in a need for practical activities. Knowledge, truth and moral virtues for Aristotle are necessary for happiness. Therefore the world of sense experience and practice remain the real concern of the Aristotelian philosophy. In his classification of sciences Aristotle considers politics as the best of all sciences. The goal of Politics is the good of the whole society.

Plato, in spite of his idealism he did not overlook the reality that the world of experience has. His concern for the practical social and political problems is very explicit through a number of dialogs such as, the republic, the statesmen etc. In

the republic, for example though there are certain metaphysical ideas nevertheless the main theses remains the search for justice and a well-organized disciplined system which works to achieve the happiness of individual as well as the happiness of the state. Therefore Plato creates educational program through which all children goes through regardless to their social or political background. In addition his analyses of the political structure of the state and human nature is not far from reality. These philosophical discussions of deferent social and political issues clearly shows that Plato's philosophy did not overlook man and his practical life.

In the modern era, followed by the eighteenth century, philosophers from Hobbes to Locke have discussed in details the political and social philosophy of man. Deferent contractual theories raise questions and concern about natural human rights which become the basic justification against any violations of human rights in the civil society. These rights include liberty, justice, democracy and others are supposedly the criteria through which any socio-political system could be evaluated. Man historically struggle by all means to overcome all sorts of impediments, social, political and economic, in order to achieve such human values.

Following the philosophical tradition Marx criticizes the ideal and metaphysical philosophy in favor of the material and practical philosophy. He holds that a philosophy which does not change the world is not a philosophy. Therefor Man in his struggle towards emancipation from social and political constrains becomes the mean concern of Marx's philosophy. Marxism becomes the philosophy of the twentieth century which played an important role in changing the social and political conditions of man in deferent parts of the world. It is my contention that philosophy could participate practically in advancing the social and political life of man through deferent perspectives. There are questions and issues of actions that ought to be settled by principles of morality. Professional ethics could be of much help in deciding certain professional issues. The establishment of justice and human rights have to be secured through the aid social, political and philosophical principles. In addition, human relation national as well as international ought to be viewed in terms of equity and justice regardless to cultural background. Moreover, man in his practical actions ought to be guided by logical reasoning inductive as well as deductive. Only through these practical

involvement in man's dilemma philosophy could retain a considerable and valuable respect from society.

Civil society and the need for revolution:

The transition of man from the state of nature to civil society has been taken deferent perspectives by many philosophers, from Plato to Hobbes, Rousseau, Lock and others. However most of these philosophers agreed up on the existence of certain unviolated basic human rights in civil society. Normally every civil society has a ruling institution (government) manages and organizes its affairs. Such authority supposedly works for the well-faire of all members of the state. However, in certain circumstances such governments fails to achieve the interest of the people. Instead, it starts violating the rights of the citizens and committing actions of crimes and abuses against members of the state. In fact Engels describes the nature of the state in the same manner, "The state by no means a power imposed on society from the outside...Rather it is a product of society in certain stage of development. It is the admit ion that this society has become entangled in an insoluble condition with itself...This power arising out of society, but placing itself above it and increasingly separating itself from it is called the state."(1) Such governments could take the form of dictatorship, anarchy or feudalism. Those who live under such unbearable conditions would think of a way to change those conditions whenever has a chance and ability. Individuals usually express their concern and demands peacefully without use of force and violence. Nevertheless governments usually do not respond to this soft public demands easily. However, when public demands for reformations are rejected with increase of human rights violations, namely atrocity, abuses and with government's refusal to hand out the authority, wide spread violence, mutinies and sit-ins will take place. The main end of these revolt and public violence will be to topple the existing regime and reestablish a just democratic system instead. This violence mechanism which actually have taken place in deferent parts of the world is called a revolution.

The need for the revolution:

Even when change of the existing regime is inevitable scholars have taken deferent views attitudes about the means and the mechanism for change and reformation. The first view maintains that changing an authoritarian regime must be achieved through a violent movement and a wide spread use of force. Whereas the second view choses a peaceful transition which is grounded in reformation and socio-economic development.

The first trend goes back to the Marxist tradition where the well-organized political violence is the only means to bring about the best social and political conditions. Those who hold such views take for granted that revolution represents a necessary phase without which the transition towards liberty and democracy cannot be achieved. Only through violence and use of power the apparatus of the existing tyranny can be abolished. This revolutionary mechanism is based actually on what is called in Marxism philosophy, a class struggle (a struggle occurs between the ruling class, the bourgeoisie, and the ruled class, the workers). Since these two classes have deferent objectives and distinct ideologies they are antagonism and cannot coexist. As a result violence and mutinies will arise till the present regime is toppled and a new system will take place. The emphasis on the revolution occurs repeatedly and explicitly in Marx's writings.

Backers of the second view claims that revolutions, in a sense of using political violence and insurrections as means for change, is not the necessary and inevitable mechanism for political and economic changes. Advocate of this approach maintains that this sort of offensive means was not made crucial and necessary even by Marx himself. Shalom Avineri indicates that revolution in Marx's writing never meant a necessary violent change. He says "in the context of Marx's thought the revolution is never an act of violence using physical power for ends that transcend physical power. A view of revolution based on such relationship between means and ends will ultimately substitute the means for the end...To Marx the wielding of power as a distinct political means admits that circumstances are yet unripe for change...One can summaries Marx's position by saying that for Marx physical power will either fail or prove to be superfluous."(2) Such interpretation of Marx's writings seem to reject the idea of decisive violent revolution, instead he stresses the use of a moderate means as an active principle. Using a revolutionary mechanism to change the social and political system in capitalist countries seems to be unsuitable and unprofitable. Such

advanced system is self-production of economic means needed for transition. This moderate methodology is enhanced by the growth of the joint stock companies and worker's cooperatives. This well-organized system will produce sufficient political means to develop these multiple forms of social control into a genuine socialist economy and democracy. Other proponents of this conservative approach presented by Lichtheim and Moore. Though Lichtheim acknowledges the role of the revolution in Marx's early writings nevertheless he maintains that Marx has modified his thoughts in the late writings in response to the unsuccessful attempt of the worker's uprising. (3) (Marxism, p.129). Since then the revolution in Marx's mind becomes superfluous for social and political change. Both Lichtheim and Moore regard the trade-union movement and the spread of the cooperative associations as means of change in the social and political economy of the capitalist system.(4) (Moore: Marx and Lenin, p.226) The above moderate approach, however does comport with certain assertions appeared in Marx's writings. On behalf of Marx, Engels acknowledges that some capitalist countries may advance socially and politically without the aid of revolution. He says "At least in Europe England is the only country where the inevitable social revolution might be affected entirely by peaceful and legal means. He certainly never forgot to add that he hardly expected the English ruling class to submit, without a pro-slavery rebellion, to this peaceful and legal revolution."(5) Miller, p.124. Marx sometimes does criticize the revolutionary mechanism after the workers' uprising defeat in Paris, Berlin and Vienna. The following passages may express such meaning. Marx says "The practical application of the principles will depend, as the manifesto itself states, everywhere and at all times, on the historical conditions for the time being existing, and for that reason no special stress is laid on the revolutionary measures proposed at the end of section two..."(6) (Manifesto, p.332). Also "At the same pace at which the progress of modern industry developed, widened, intensified the class antagonism between capital and labor, the state power assumed more and more the character of the national power of capital over labor, of a public force organized for social enslavement, of an engine of class despotism. After every revolution marking a progressive phase in the class struggle, the purely repressive character of the state power stands out in bolder and bolder relief."(7) (Civil war in France, p.552). Examining the above two passages one could hardly get an impression that revolution as means for change is superfluous. The first passage indicates that revolution is fruitful only at

certain historical conditions. Whereas the second passage stresses the conditions after the revolution and maintaining the resistance of the old regime against revolution. Therefore a successful change may not occur at the first revolutionary attempt. But a continuous revolt enduring violence will certainly achieve the desired goal. Marx says “we tell the workers you have to endure and go through 15, 20, 50 years of civil war in order to change the circumstances in order to make yourself fit for power.”(8) (Miller, analyzing Marx, p.116.)

However, in spite of the critical assertions made above one cannot say that Marx gave up the revolutionary theses to a peaceful moderate mechanism. In the manifesto he explicitly asserts that revolution and violence against the existing regime are the solution of all human sufferings and repressions. There is no other alternative to man’s emancipation but the wide spread of well-organized violence. The following passages express Marx’s position towards revolution as a means for social and political change; “In depicting the most general phase of the development of the proletariat, we traced the more or less veiled civil war, raging within existing society, up to the point at which the war breaks out into open revolution, and where the violent overthrow of the bourgeoisie lays the foundation for the sway of the proletariat.”(9) Manifesto, 344f. “It is clear that the arm of criticism cannot replace the criticism of arms. Material force can only be overthrown by material force...Meanwhile the antagonism between the proletariat and the bourgeoisie is a struggle of class against class, a struggle which carried to its highest expression is a total revolution.”(10) (The poverty of philosophy, p, 152.) These passages and others show Marx’s revolutionary theses as a necessary condition for transition to liberation and socialism. It is a path upward carries a new democratic system.

After a successful revolution takes place the old regime will be ousted and the public takes over the authority in order to build up a new democratic system. However, according to Marxists’ theses this stage is a transitional period in which a proletariat dictatorship process will be wielded up on the remaining powerful apparatus of the old regime. The justification of the necessity of such process is to make sure that the ousted regime will not rise again. This theses, in spite of its honorable doctrine, the emancipation of alienated man, it seems to violate human rights. Namely during revolution the proletarian class entitled to use violence and power in their struggle against the ruling class. The use of force at

this period was justified by the existence of unhuman phenomena such as domination, subjection and dictatorship. Nevertheless, Marxists insist on the dictatorship process of the proletariat in the aftermath period of the revolution. Such process replaces the bourgeoisie dictatorship by proletariat dictatorship. If practicing dictatorship is unjustifiable and unacceptable it will be so regardless to place and time. Acknowledging the use of dictatorship leads Marxism to fall in inter-contradiction. Furthermore, it exemplifies the Machiavellian principle, the ends justify the means. In fact applying such revolutionary mechanism in the transitional period could implicate the state in a recurrence of continuous violence and war which will erode the state.

However, after the recurrence of a number of revolutions in deferent parts of the world recently, which result in the downfall of the old regimes, new strategies have been implemented in the aftermath period of the revolution which is aimed at building a just and democratic society. These strategies and processes have been called “transitional justice”.

Transitional Justice: Historical back ground and deffinition.

The change that occurred in several regions of Latin American countries at the end of the twentieth century has spread out in deferent parts of the world, Eastern Europe as well as African nations. After the downfall of the old regimes new systems must rise instead which based on human rights respect and democracy. These new systems hopefully start a new era for these nations. Although they all look forward, the people and the government concentrate up on the good future but they will not ignore the sufferings and the burdens of which they have faced in the past. This massive abuse caused by the old regime will not be forgotten. For, the time has come to see the perpetrators are punished and the victims are compensated. Criminals must be prosecuted for their violations of human rights. In addition, victims need to know all the truths and the facts about the relative violations.

Some scholar seem to be skeptic about the achievement of such conditions through which satisfaction and justice would be secured. Thereby, describing the

state of this condition they called it "Transitional justice." But what does this terminology mean? Commentators have introduced some theoretical definitions to identify such new compound term. The international Center for Transitional Justice (ICTJ) maintains that "transitional justice refers to a set of judicial and non-judicial measures that have been implemented by deferent countries in order to redress the legacies of massive human rights abuses."(11) A similar definition introduced by Paul Gready which identifies transitional justice as "a set of tools designed to address the legacies of a troubled past, is a creature of compromise; as such, truth commissions are its emblematic intervention."(12) Ruti Teitel applied such term to describe the situation "when a government that engaged in gross violations of human rights is succeeded by a regime more inclined to respect those rights."(13)

Now, what are the goals of the transitional justice?

In order to answer this question one has to look analytically at the definition of the transitional justice. A definition which might be accepted should take in consideration not only the mechanisms and the apparatus but also the ends and the goals of the transitional justice. Any means could be suitable for e certain goal if it leads to the achievement of that goal. A satisfied definition of transitional justice should include collectively the means as well as the desirable goals. In addition to the above definitions transitional justice is defined as an attempt to manage the state conditions in the aftermath period through moderate balance "just" between tentative demands, keeping in mind the progressive and democratic future of a just state. The above definition indicates two important elements: managing the urgent demands, such as ending human rights violations, trials, reparation, and secondly arranging for a future democracy. Such operations and processes implemented in the transitional period are not actually the goals of the transitional justice. Nevertheless, those procedures considered to be the necessary and sufficient conditions for the desired and planed goals of the transition. Nations experiencing periods of transition maintain that these mechanism will lead inevitably to a just and humane system. Taking this analysis

in consideration, the goals of the transitional justice are represented by the following principles: 1- Human rights protection. 2-Constant peace. 3-Rule of law and democracy. These three moral and legal objectives will eventually lead to a further final goal; that is justice.

The principles or the mechanisms of the transitional justice?

Societies that have experienced transitional justice used a number of deferent mechanisms in deferent regions of the world. Some of these societies had their basic concentration on one fundamental mechanism. Others use more than one mechanism at the same time. Generally, these mechanisms could be classified in the following terms: Truth Commissions, Amnesties, Trials, Lustration, and Reparation.

Truth Commissions:

Truth Commissions as a transitional mechanism are certain commissions formed officially by the government to investigate past criminal's abuses and issue a report. They must be newly formed as a temporary body so they can be independent of the government's agencies. The main job of such commissions is to gather information about the past violations committed by the past regime. This information tend to uncover the truths for the sake of the perpetrators accountability and reconciliation. Through exposing the past acts of the perpetrators to the public the truth commissions acknowledges and condemns the past acts and violence.

Regarding the process of how the job would be done, in fact there is no single way or method has been followed by the commissions. For, some name their perpetrators, while others do not, and some give blanket amnesties, others make amnesties conditioned, whereas others do not promise amnesties at all.

Trails:

Trails legally is an effort made to bring to justice those who committed human rights violations. We code a trial when perpetrators of human rights violations are held criminally accountable in a court of law and a verdict is rendered. A court of

law may be defined as an officially judicial body created by the state actors or international governmental organization, or both. Trials usually focused on domestic violations of human rights. These include trials held in the nation's criminal court as well as special tribunals created to deal with specific human rights crimes. However trials focus primarily on political rather than civil war contexts. Political context refers to situations following the downfall of the authoritarian rule, coups, and coup attempts.

Amnesties:

Amnesties are a kind of forgiveness made by official commissions to perpetrators who committed crimes of violations in the past or post period of transitions. Some scholars define amnesty as "an official state declaration that an individual or a groups accused or convicted of committing human rights violations will not be prosecuted or further prosecuted or will be pardoned for their crimes and released from prison."(14) According to this definition scholars and politicians consider amnesty as one of the successful transitional mechanisms which contribute to the achievement of the desired goals.

However, in practice amnesties require certain procedures to be followed by each perpetrator, in order to be eligible for amnesty. In such cases amnesty is conditioned by a further components of peace treaty which require the perpetrators return to their country. Other amnesty, applied in South Africa, asked perpetrators to confess in public to whom they violate their rights.

Reparation:

More states have acknowledged the reparatory program which entitles the victims of the past violations to regain some material compensation in the transitional period. There is a wide public acceptance of the reparatory program, in spite of the divergent legal culture. In definition, reparation is "an official state policy granting monetary payments, property or other restitutions to victims or their relatives of past human rights violations."(15) Hence one of the goals of the

reparatory programs is to offset victims' physical, emotional and economical losses. In addition, transitional reparation reconciles the apparent dilemma of balancing corrective aims with the future goals of the transitional justice. It goes beyond vindicating individual's claims, constructing the transitional society's move towards the liberal democratic state.

Lustration:

It is a transitional justice policy decided against past regime's officials to purge them from holding current governmental offices or ban them from holding specific positions in the future. The present policy has been adopted by governments of Eastern Europe, following the collapse of the Soviet Union. Lustration as a mechanism occurs when a state enacts official policies denying employment in public positions to individuals because of their former political acts or identity. However those individuals may not have done any violations of human rights or caused any type of abuses. Instead they have been associated with certain banned groups or organizations which have been involved in the past wrong doing and acts of violations of human rights. Lustration policy is coded to ban individuals from interring into electoral politics or future ban on government participations or employment.

What is the most successful mechanism in practice?

In literature we find three deferent trends each of which has its own grounds and views for choosing and implementing certain mechanism. The first view described as the "legal and judicial principle" which depends primarily up on the condition of accountability of the past atrocities and the trials of the human rights violations. Advocates of this view asserts that prosecutions will deter perpetrators from committing such crimes and legitimize the rule of law thereby establishes democracy for the nation. Failure to prosecute will result in a culture of impunity, erodes the rule of law and encourages vigilante justice.

This moral view seems to comply with the international criteria of justice which imposes the duty to prosecute the perpetrators of the past atrocities. International treaties and legal theories consider prosecution is the only effective

remedy for victims of the past human rights violations. International laws establishes countries' responsibility to provide legal remedy for abuse. The (ICAt) compels countries to make all acts of torture offenses under their laws and requires state parties either to prosecute or to extradite alleged torturers.

The second view raises certain criticisms and objections against the above legal and moral trend. Proponents of this view doubt that such process of accountability will build stability in the region and lead to unity and democracy. Instead such mechanism will result in more violence and conflicts. Accordingly, advocates of the second view strongly hold the peaceful mechanism which concentrate on amnesty and reformation process. This view takes in consideration the complexity of the transitional situation including the remaining force and apparatus of the past regime. This factor could jeopardizes the stability of the transition by causing violence which could lead to civil war. They consider amnesty as a necessary process for achieving the political bargains and to make the rule of law feasible.

The third alternative, regarding the implementation of the above mechanism is the so called holistic approach. This view maintains that none of the previous principles could succeed in bringing about the goals of the transitional justice. Instead some of these could result in recurrence of conflicts between groups. On the other hand the amnesty alternative disregards the rights of the victims by not punishing the perpetrators who have committed crimes against humanity. Advocates of the holistic approach believe that they overcome the weakness of the single mechanism. This one mechanism cannot redress the many problems that the new government faces after atrocities. The large number of victims, inadequate legal system and the traumatized society require multiple transitional justice mechanism. The international covenant of transitional Justice (IcTJ) maintains that "no single measure is effective of its own as when combined with the others."(16)

Each of these alternatives regarding the most successful mechanism to achieve the goals of transitional justice seem to represent reasonable grounds for adopting certain mechanism rather than others. These choices could depend upon empirical findings and analyses of certain existing transition.

Each of these mechanism might have successfully achieved the goals of transitional justice in certain regional country. This should indicate that either all the above mechanisms are sufficient to bring about the goals of the transition, or there must be some other factors which shapes the transition and are responsible for implementing a suitable mechanism rather another. In fact there are other types of factors which could play an important role in determining the right and the successful mechanism. The first factors belong to the old regime. That is the kind of the system (dictatorship, monarchy), the length or duration of the regime, the kind of harm and repression committed. Other factors related to the conditions of the transitional society itself. That is, the educational and economic conditions, the social and political structure. The third type of factors which have a significant role in such mater is the international organizations. These factors must be taken generally in consideration and analyzed for their important role in adopting the successful mechanism for achieving the goals of the transitional justice.

Foot notes:

- 1- See, Richard Millir, *Analysing Marx*, Princeton Press, Princeton,1984,P.107
- 2- Avinari Sholom, *Social and Political Thought of Karl Marx*, Cambridge,1968,p.217
- 3- George. Lichte, *Marxism*, London, 1965, P.129
- 4- Stanley Moore, "Marx and Lenin", *Philosophy and Public Affairs*,4,1975,p.222
- 5- Richard Millir, *Marxism*, opcit.P.124
- 6-Karl Marx, *Communist Manifesto*, P.332
- 7-Karl Marx, *Civil War in France*, P.116
- 8-Rechard Millir, *Analyses of Marx*, opcit, P.116
- 9-Karl Marx, *Manifesto*, Opcit.344F
- 10 -Karl Marx, *The Pouverty of Philosophy*, Moscow, 1847,P.152
- 11-International Center for transitional Justice, "what is transitional justice?" PDF, P.1
- 12-Paul Gready, *The Era of Transitional Justice*, Pluto Press, London,2003, P.1
- 13-Ruti Teitel, *Transitional Justice*, Oxford Press, Oxford,2000,P.69
- 14-Tricia Olsen, *Transitional Justice in Balance*, Washington,2010,P.36
- 15- Ibid. P.37
- 16-International Covenant of Justice, Ibid.