

## On Reyes Mate's Theory of the Victim: Meta-ethical Sketches on Injustice

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Three little children with doves on their shoulders  
Their eyes rolled back in ecstasy cryin'  
Please old man stop this misery  
They're countin' out the devil  
With two fingers on their hands  
Beggin' the Lord don't let the third one land  
On World War Three  
On World War Three  
Captain Beefheart, *Dachau Blues*

### 1. Introductory Remarks

By victim we mean one who has been harmed (or even killed) by another. In other words, a victim is a person or thing that suffers harm (or even death) from another person or some adverse circumstance or circumstances.

First at all, in our paper we present simple models of meta-ethical relations connecting the central concept of responsibility with three types of personalities, love, hate and indifference. Likewise, we introduce the triangle of reconcilabilities based on the former triangle of personalities and the hexagon of reconcilabilities related to love, hate and indifference.

So, let us recall the standard approach from *A Theory of Justice* by John Rawls. Instead of defining the meaning of the word liberty, Rawls poses some questions. The following assumption is introduced:

(#) any liberty can be explained by reference to three items (in other words, complete explanations of liberty provide the relevant information about these three things):

1. the agents who are free;
2. the restrictions or limitations which they are free from;
3. what it is that they are free to do or not to do (Rawls 1999, 177)

It is worth to emphasize that when Martha Nussbaum asks the question:

(##) What are capabilities?,

she writes down:

They are answers to the question, "What is the person able to do and to be?" (Nussbaum, 2011, 20)

In consequence, we are more interested in questions concerning the meaning of the term victim rather than its definition. These are preparatory questions to a theory of victims.

Our central question is:

(?) Does contemporary (or postmodern) culture provide the means to understanding the perspective of victims?

But this question is merely being posed here. At the end of our paper some preliminary answer is sketched. The *Kindly Ones* by Jonathan Littell is our starting point. To be exact – the question posed by Max Aue at Auschwitz:

So I came to think: Wasn't the camp itself, with all the rigidity of its organization, its absurd violence, its meticulous hierarchy, just a metaphor, a *reductio ad absurdum* of everyday life (Littell 2009, 622).<sup>i</sup>

We'd like to examine Reyes Mate's works and explore the victim's perspective together with him.

## 2. Injustice and History

According to Reyes Mate, violence is constant and not at all an accidental component of modern history. However, it is common to speak about *victims* both in the context of political violence and natural catastrophes, such as earthquakes or floods.

Reyes Mate points out a very important distinction between what we call *injustice* (human violence/violence caused by humans) and *inequality* (caused by natural causes). He proposes a revision of basic notions and introduces fundamental oppositions. Inequality is considered natural, timeless (*intemporal*) and morally neutral, while injustice is historical, temporal, and entails faults and responsibility. Only through a reflection on injustices which takes memory into account can we consider a new theory of justice in which figures like the witness or the victim play key roles (Mate 2011, 10-11). Following Reyes Mate, the theory of the victim takes precedence in the methodological order of any reflection on justice. Injustice is the philosophical starting point for a possible theory of justice. He provides an introduction to the philosophical/meta-ethical theory of victim (Mate 2002, 290-291).

According to the author of *Memoria de Auschwitz*, the victim is always innocent, i.e. the executioner is guilty of injustice, and, more importantly, he will not ever lose this quality, even if he pays for his actions. Moreover, it is obviously unacceptable to confuse the victim with the sufferer, as happens

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<sup>i</sup> For the detailed analysis of Littell's question see Leśniewski (2014, 19-23, 96-102)

when one talks abstractly about violence as “the violence, all violence, wherever it comes from”. Neither is suffering an attribute of the victim, nor is the victim the same as a defeated person. Reyes Mate points out that many Nazi executioners were eventually defeated, and that this suffering obviously never makes victims or innocents of them (Mate 2003, 195-200).

Victims have their own voice, and we cannot allow anyone to substitute it or, obviously, forget it. This voice is telling us about the complimentary violence, which cannot be explain, nor justified: it is evil for evil. Reyes Mate claims that the executioner excludes himself from the human condition and delegitimizes his cause, and puts himself in what Primo Levi calls the “grey zone” of man’s inhumanity to man. The violence of the 20th century taught us that we are not born human, we became human. Within the “grey zone”, the level of humanity is below zero and the executioner cannot exit by himself. His fate is connected with the victim, and the possible re-humanization of the persecutor depends on his awareness of the innocence of the victim and his own responsibility (Mate 2002, 290).

Victims are often anonymous and silent, which is why Reyes Mate proposes a new politics (based on the presence and authority of the victim and their suffering) by means of the metaphor “mirada de la víctima” (sight of the victim). The victim’s perspective is the inverse of reality. It is something that cannot be rationalized nor substituted; like pain, it is always individual and incomparable. The existence and perspective of the victim complicates political analysis, since an element that forces us to revise and question our sense of security is introduced. Victims are not only a problem that needs to be solved. They constitute a stage which must be passed in every solution. They are the key to the possible integration of the violent part in a future reconciled political community. Following Reyes Mate, the moral authority of a victim derives from this fact. A victim knows that there is no peace at the end of violence. The sight of the victim forces us to revise the political approaches of those who condemn violence because the victims have an inverted vision of reality. What for others is evident, logical and right is not so for the victims. All that for others is accidental, secondary and contingent is normal for the victims. In this context, Reyes Mate quotes Walter Benjamin, who said that for the oppressed the state of exception is the norm, while for the powerful, people are only an exception. The executioner never understands, for he does not feel the hurt and despair he causes. Even if he also suffers, he does not feel the full contempt, injustice and pain (Mate 2011, 210-218).

### **3. Victims. Three Models of Personality and Responsibility**

Let us introduce three model personalities:

(1) a *saint*, a person who is responsible for every one (a person full of compassion);

(2) a *psychopath*, a person who is responsible for no one (a person full of cruelty);

(3) an *elitist*, a person who is responsible for at least one person, at least for oneself.

We try to sketch some logic of these concepts, i.e. meaning rules of them, by means of standard diagram (Figure 1) – a triangle of mutually exclusive models of these (idealized) personalities.<sup>ii</sup>

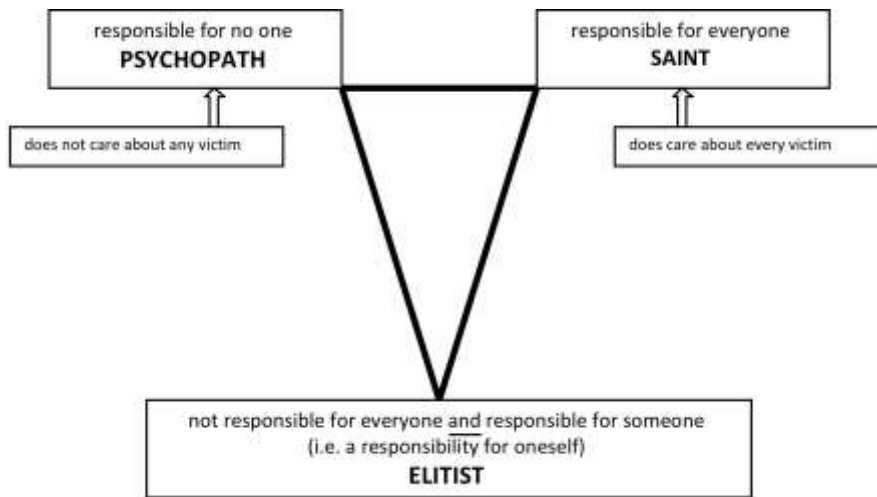


Figure 1. Triangle of personalities

Speaking more technically, four standard relations (between extensions) are taken into consideration (Tab. 1).

relation	traditional name	graphic representation
<b>contradiction</b>	<b>contradictio</b>	— — —
<b>contrary</b>	<b>contrarietas</b>	—————
<b>subcontrary</b>	<b>subcontrarietas</b>	- - - - -
<b>subaltern</b>	<b>subalternatio</b>	.....➔

Table 1. Logical oppositions

In a very natural way we arrive at the relevant hexagon of model personalities (Figure 2).

<sup>ii</sup> The continuous bold line represents the relation of being mutually exclusive (the relation of mutual exclusiveness).

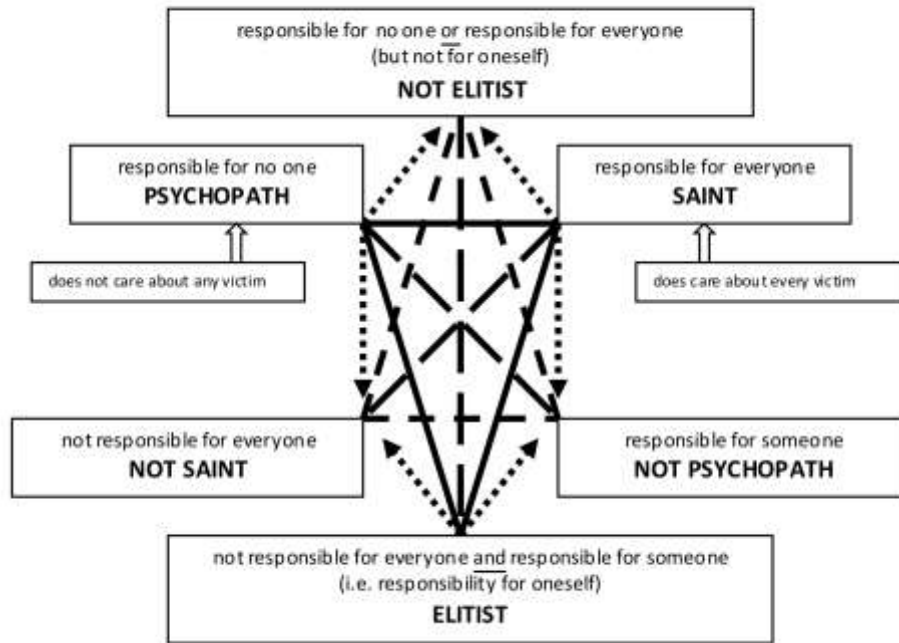


Figure 2. Hexagon of personalities

There is also – perhaps more – fundamental connection between the model of the saint and the famous Dostoyevsky’s formula (from *The Brothers Karamazov*):

(D) Each is guilty for all.

By means of propositional function (“x is guilty for y”,  $G(x, y)$  in symbols) and two standard general quantifiers we put the following sentence:

(D’)  $\forall x \forall y G(x, y)$ .

Let us exchange the propositional function “x is guilty for y” for the function “x is responsible for y”. Hence the following triangle of opposition is achieved (Figure 3). We would like to call it “Dostoyevsky’s” triangle.

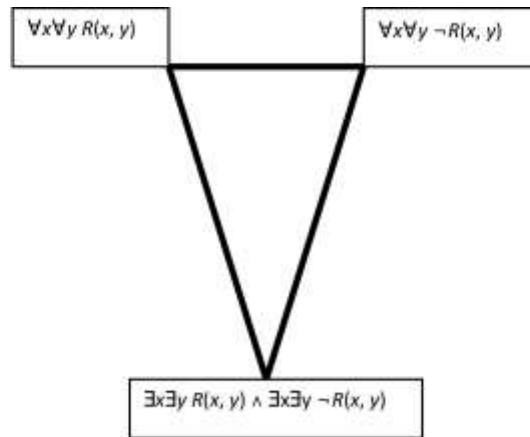


Figure 3. Triangle of responsibilities ("Dostoyevsky's" triangle)

As long as the classical logic (of the first order) provides the basis of our research the next octagon (of logical oppositions) shall be introduced (Figure 4).

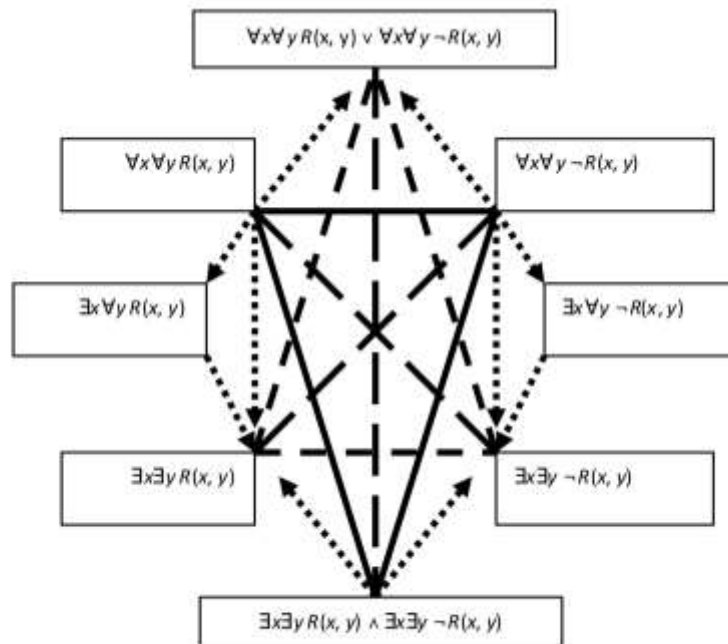


Figure 4. Octagon of "Dostoyevsky's" oppositions

#### 4. Discourse of Reconciliation

Concerning the types of discourse about victims, Reyes Mate distinguishes two:

- a) the discourse of peace, and
- b) the discourse of reconciliation.

They may seem similar, but these are two different types of discourse. Peace is associated with the law – democratic peace, for instance, is when all citizens are subject to the laws they established. Inevitable differences and conflicts are resolved by procedures and expressed in these laws. Violence is precisely an imposition or unilateral rejection of the norm, or a violent “solution” to a conflict, i.e. the negation of the law. Peace is achieved when the rule of law prevails. On the contrary, reconciliation is coexistence in a community.<sup>iii</sup> Emphasis is placed not on politics or the law, but on the divided society, broken by internal conflicts. Following Reyes Mate’s thoughts on the process of reconciliation, we need more than just the law, since the law does not help fight ancient hatreds or divisions that escape rational analysis. The law stops when, for instance, a murderer is convicted and punished; however, reconciliation requires an admission of guilt and the forgiveness of the victim (of society). Reyes Mate emphasizes that political interests focus on peace and avoid reconciliation, as if this was not the competence of politics. Usually, the only aim of politics in the case of violent conflicts or terrorist attacks is to stop killing. By this approach, we proclaim the absolute value of life, but not of every life – only our own life. This is our message to persecutors, terrorists etc., who we do not want to kill us. The state is interested in guaranteeing the life of the living, and this difference is essential one. If we really considered the absolute value of life, we could not so easily move on with the killed ones, nor use so effortlessly the notion of forgiveness and oblivion. Only the victims can forgive, and that is why amnesties entail confusion, because the state cannot substitute the voice of the victims. The victim’s role is crucial in the process of reconciliation (Mate 2011, 208, 232-233; Mate 2011a, 44-46).

It is worth pointing out that Christie introduced the famous matrix (Table 2) (Christie 2006, 5).

	EPISODIC VIOLENCE	STRUCTURAL VIOLENCE
	direct violence	indirect violence
VIOLENCE	<ol style="list-style-type: none"> <li>1. Typically kills or harms people quickly</li> <li>2. Intermittently kills or harms people</li> <li>3. Acute insult to well-being</li> <li>4. Dramatic</li> </ol>	<ol style="list-style-type: none"> <li>1. Typically kills or harms people slowly</li> <li>2. Continuously deprives people of basic needs</li> <li>3. Chronic insult to well-being</li> <li>4. Normalized</li> </ol>

<sup>iii</sup> For the difference between forgiveness and reconciliation, see Freedman (1998).

PEACEBUILDING	<ol style="list-style-type: none"> <li>1. Reduces violent episodes</li> <li>2. Emphasizes nonviolence</li> <li>3. Seeks to prevent violent episodes</li> <li>4. Produces intergroup tension reduction</li> <li>5. Uses intergroup contact and dialogue</li> <li>6. Supports the <i>status quo</i></li> </ol>	<ol style="list-style-type: none"> <li>1. Reduces structural violence</li> <li>2. Emphasizes social justice</li> <li>3. Seeks to ameliorate structural violence</li> <li>4. Produces intergroup tension enhancement</li> <li>5. Uses intergroup contact and noncooperation</li> <li>6. Challenges the <i>status quo</i></li> </ol>
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Table 2.

We will proceed “graphically” by means of a trichotomy – namely, a triangle of opposition between three concepts. To begin with three definitions are introduced. We say that to *love* someone is to desire that person’s good and to take effective steps to secure it.<sup>iv</sup> Consequently, to *hate* someone is to desire that person’s detriment and to take effective steps to achieve it. Finally, to be *indifferent* (to someone) means neither to love (that person) nor to hate (that person). It is assumed that these three concepts are mutually exclusive. So they form the so-called the *triangle of oppositions* (Figure 5).

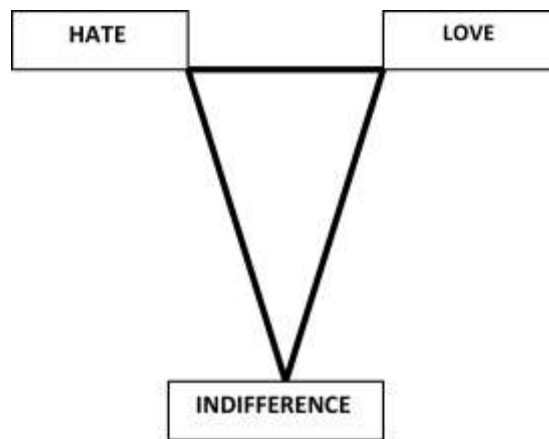


Figure 5.

Just for the sake of simplicity, a *reconcilability* is understood here as the capability of becoming friendly after antagonization. Consequently, relevant concept of irreconcilability is obtained in the following way. By *irreconcilability* we mean merely the incapability of becoming friendly after estrangement.

<sup>iv</sup> See for example, Benedict XVI, *Caritas in Veritate* [Charity in Truth], Introduction, 7.



Suppose that there are two different persons that love each other (i.e. one loves the other and vice versa). Hence one may say that there is a direct correlation between love and irreconcilability: lovers are impossible to reconcile. It is assumed also that only the mutual concern for the welfare of the another person results in quarrels and fights among lovers. Of course, falling-outs and even dustups do not affect their reciprocal friendship.

Let us recall at this point that hatred is understood as follows: to *hate* someone is to desire that person's detriment (i.e. damage, loss, harm) and to take effective steps to achieve it. Imagine now two different persons that hate each other (i.e. one hates the other and vice versa). It is assumed that hatred is harmful and/or at least (very) unhealthy. This supposition is not widely recognized as obvious, since one has to remind for example that there is no honor in honor killing. Nevertheless, our assumption leads to conviction that haters must be cured of their disease, illness or affliction, i.e. mutual concern for disadvantages and losses of the another person. Haters are *necessary to reconcile*, since friendship is a normal state of health and kindness is a symptom of wellness. Therefore *counterreconcilability* calls for help and direct correlation between hate and counterreconcilability seems to be evident. The following diagram is received (Figure 6).

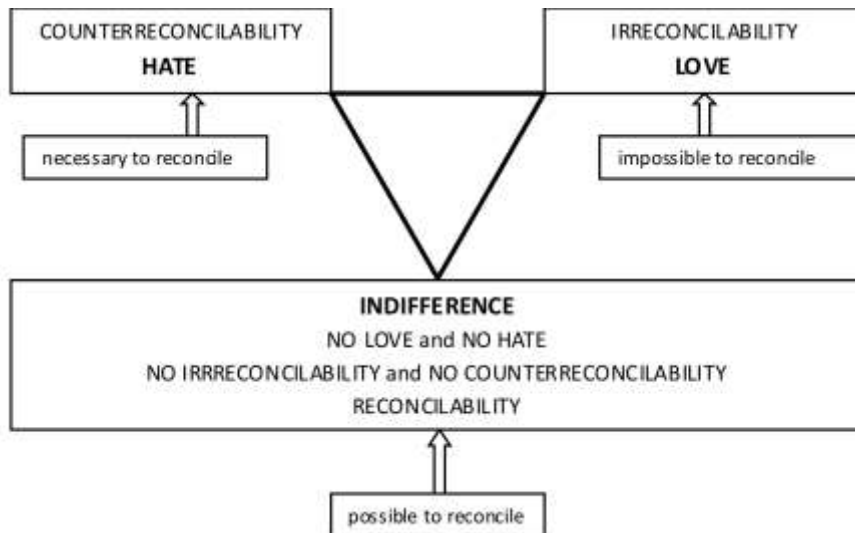


Figure 6. Triangle of reconcilabilities

Next step in our analysis consists of very natural extension this triangle into a relevant hexagon (Figure 7).

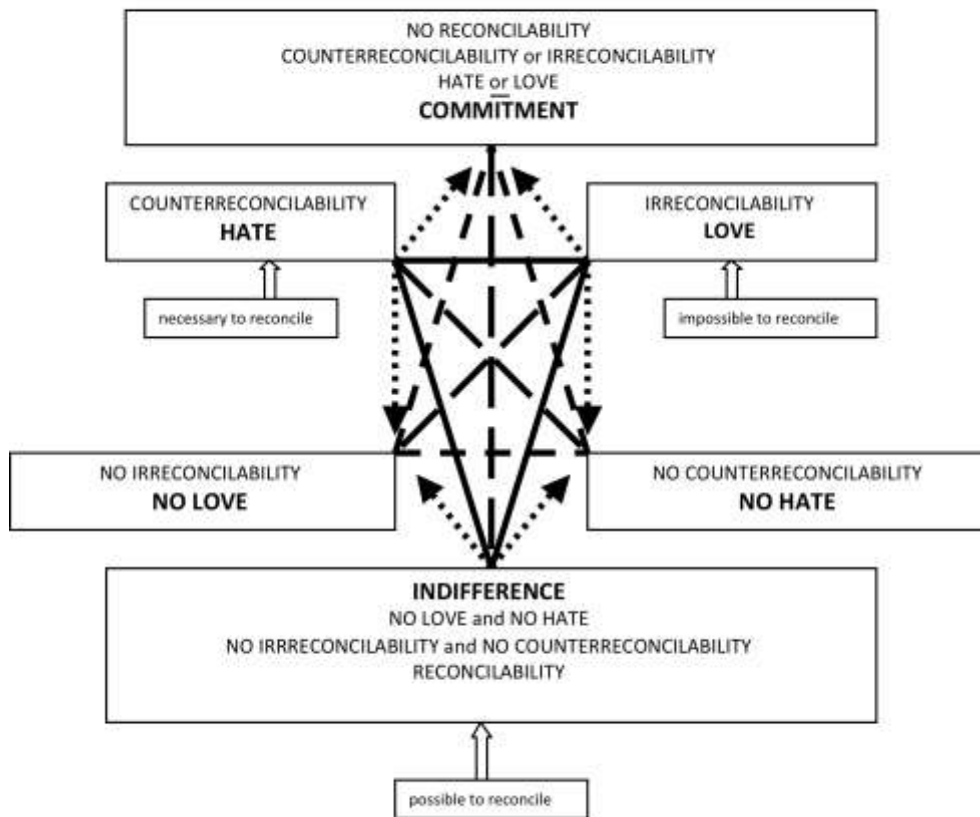


Figure 7. Hexagon of reconcilabilities

## 5. Memory and Victims

After this preparatory part we refer to Reyes Mate's approach in order to focus on the role of memory in the theory of justice and in order to enable us to construct a theory of *historical responsibility*, of the place of past injustices in the present, and of the political significance of historical memory. Mate points out that a theory of justice starts with reflection on injustice.

Memory is important and, in fact, plays a crucial role in the theory of justice; however, this role is dialogical. Reyes Mate considers that "Memory is justice" (*Memoria es justicia*) because without memory, there is no justice. In *Memoria de Auschwitz*, he points out that despite the political failure of Nazism, its amnesic program proved to be a success. The Nazis tried to destroy their victims not only physically, but also by acting as if they never existed. We should consider the total destruction of memory as the highest form of barbarism. Therefore, justice can also be considered the memory of injustice because memory opens inquiries that science has closed (if no proof exists, we must stop the investigation).

When we mentioned the dialogical character of Mate's approach, we meant the specific perspective of the victim. The famous formula "no more war" or the imperative that we must remember (study, commemorate) war atrocities, crimes and genocides means worrying about the future; but, in fact, we are worrying about ourselves, not about the victims. Following Reyes Mate, real justice should be built by and for the victims. Therefore, without memory, universal justice is not possible. Another very important aspect of this approach is the fact that there are two levels of reflection, and the most important one is never connected with the law. Even peace is presented as an artificial and purely juridical concept that does not reflect reality. What is important in reconciliation is the process in which people who were in conflict start to live together again without violence. Hence, memory is only the beginning of a process that ends in reconciliation.

Without memory, there is no injustice, but there is also no justice. This causes a serious problem because without the memory of all the injustices, it is impossible to construct a theory of justice, as such a theory implies generality. However, it is obvious that there are definitely many forgotten injustices, and remembering all the injustices exceeds human capacities; this would be rather be the prerogative of a divine mind. How, then, can we think of justice, when we only have a human mind? "This is the question of philosophy", since human beings cannot dispense with justice.

According to Reyes Mate, there are also many remembered injustices, but the question remains – how to do them justice? We should focus on the received hurts and attempt to tell their stories/narrate them. Obviously, there are hurts which can be satisfied and others that are beyond repair. Those which are possible to repair should be compensated for by the part of the population who remembers them. This is the aim, in one way or another, of all the laws of historical memory, which seek to amend materially or formally persecuted groups/groups of victims.

However, what can be done when injustice is irreparable: do we move on? close the chapter?, relegate it oblivion? These are the most popular solutions. But there is another possible answer: to commemorate what is beyond repair. Recognize a debt to the past and mourn the suffering, on which our prosperity is built.

Reyes Mate admits that this is a modest form of justice, but at the same time it is a fundamental one. If we reject it, we admit that the justice is defined/measured by the executioners according to their possibilities for rendering compensation or by the penalties that they may impose, and not according to the hurt received by the victims. That is why the memory of injustice is so important, because even when it does not entail the material satisfaction of the hurt, it recognizes the right of victims to request/demand justice.

## 6. Remarks on Injustice

Reyes Mate emphasizes on many occasions that a true theory of justice should not seek “the essence” or “the true meaning” of justice, but must study and try hard to repair injustices.

He formulates another alternative: justice or atrocity (*O Justicia o barbarie*). Justice is the heart of every culture and civilization (as opposed to barbarism), and constitutes the most important virtue, since every other virtue helps us to be perfect, that is, we cultivate them for our own good, while justice is the only one that is focused on the good of the Other.<sup>v</sup>

Following Reyes Mate, Auschwitz was not the first such case of inhumanity, nor was it the last we will meet. It is, however, an extreme episode in the history of Western rationality. It was not madness, nor a moment of insanity in history; it was – according to Mate, as well as Rosenzweig, Buber, Foucault, and Agamben – the result of a process that involved the best of occidental civilization. Therefore, we must ask the question if the values we have defended were not contaminated forever? We should rethink the ideas of political, moral and esthetic coexistence, and of responsibility from the point of view of the victims. The Holocaust forces us to reflect upon the presence of barbarism in the construction of humanity.

According to Reyes Mate, a new central category of philosophical reflection – memory – does not consist in commemorating the past, but in recognizing that our present is built on corpses and debris, on the victims of history, and that they are part of our landscape.

Is Auschwitz a nightmare for the survivor or is it the only reality, while everything else is just an illusion? In one sense, this question is compatible with Henryk Elzenberg's view that Auschwitz was not an aberration, but a vanguard event. Reyes Mate also asks: Is the concentration camp a marginal place or is it our natural “habitat”? This question evokes the works of Foucault and Agamben, but we would like here to mention the Polish writer and – as Reyes Mate says – philosopher, Tadeusz Borowski. Borowski was an Auschwitz survivor who wrote a short story in the form of letter entitled “Auschwitz, Our Home”. The experience of the concentration camp gave Borowski a new, absolutely reverse opinion on Antiquity, an epoch he used to admire and consider enlightened, if not the epitome of human culture. (Leśniewski 2014, 21-24). After the War, he wrote that he could no longer admire ancient

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<sup>v</sup> Of course, Reyes Mate points out that this is a tradition that dates back to Aristotle's Nicomachean Ethics.

monuments because he now knew how many innocent people died as slaves during their construction. He despised Antiquity because it was a time of slavery.<sup>vi</sup> Reyes Mate twice quotes his famous formula:

(B) There can be no beauty if it is paid for by human injustice, nor truth that passes over injustice in silence, nor moral virtue that condones it (Borowski 1976, 128, cf. Mate 2011, 41).

Borowski held the point of view that Reyes Mate tries to introduce in his reflection on justice, a perspective that changes everything, that does not allow us to ignore the barbarism present in our civilization from the very beginning. Quite paradoxically, Littell also seems to have the same perspective, since Max Aue is presented as a well-educated, sensible, elegant young man, who did not even want to be a soldier and would have preferred not to be involved in the war. He has fine tastes and could be considered a “highly civilized” man.

How is our own reconciliation possible? How can each of us come to terms with ourselves, when we find out what bestiality humans are capable of, and when culture, following Littell, no longer protects us from bestiality.

## **7. One General Remark: A New Paradigm in Humanities?**

Concerning the debates on justice, Reyes Mate always refers to what he calls the intellectual gesture of Bartolomé de las Casas. During his famous discussion with Sepúlveda, he rejects the principle of impartiality (or neutrality) for solidarity – in this case, solidarity with the victims. For Las Casas, neutrality is morally reprehensible when we know the situation of the victim, or when we know the motives of the executioners as he did. He knew the conquistadors’ motives – the desire to acquire gold and other riches; therefore, the conceptual shift is not between barbarians and civilization, but between the center (power) and the periphery (colonies), where the victim is usually located. Las Casas wanted to know the reality of the victims. Moreover, as Reyes Mate postulates, he gave voice to the authority of a testimony. Las Casas not only knew about injustices, but he saw them, as well. It is interesting that Las Casas had the opportunity and access to two perspectives: central (of the persecutors) and peripheral (of the victims) (Mate 2011, 254-258). Rosillo Martínez draws attention to the similarities between the testimony of Las Casas and some of the natives of New Spain, which proves that he could

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<sup>vi</sup> “You know how much I used to like Plato. Today I realize he lied. For the things of this world are not a reflection of the ideal, but a product of human sweat, blood and hard labour. It is we who built the pyramids, hewed the marble for the temples and the rocks for the imperial roads, we who pulled the oars in the galleys and dragged wooden ploughs, while they wrote dialogues and dramas, rationalized their intrigues by appeals in the name of the Fatherland, made wars over boundaries and democracies. We were filthy and died real deaths. They were ‘aesthetic’ and carried on subtle debates” (Borowski 1976, 98-142).

write/see/know from the perspective of the victim. (Rosillo Martínez 2012, 73-75) Therefore, he decided to make a radical gesture: *to send Aristotle for a walk* "mandar a Aristóteles a paseo" (Las Casas 1975, 3)

Reyes Mate point out this methodological order. There is no theory of justice on margins of injustice, one cannot understand humanity on margins of the experience of inhumanity, there are no human rights on margins of everyday inhumanity. There is no truth nor goodness if not as an answer to falsity and horror (Mate 2002, 299; Mate 2011, 41).

Does contemporary culture allows us to reconcile with the victim's perspective: we have to find the way to this reconciliation, otherwise, the weight of the testimonies of the victims will crush us – crush our conscience, our memory is filled with images of victims from the past! We postulate – following Reyes, Littell and Borowski – new paradigm in humanities for a new culture (Leśniewski 2014).

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***On Reyes Mate's Theory of the Victim: Meta-ethical Sketches on Injustice***

**Abstract.** The aim of our paper is twofold. Firstly, very original approach to the question of victims elaborated very thoroughly by Reyes Mate is presented. Unfortunately, his conceptualization of victimology is relatively little known outside Spanish and Latin American culture. It is meant as a basis for adequate theory of injustice and justice. Secondly, comprehensive and detailed meta-ethical analyses of fundamental concepts used by Reyes Mate are developed here by means of standard methods, i.e. triangle, hexagon, and octagon of logical oppositions.

**Keywords:** victim, justice, injustice, responsibility, memory, historical responsibility

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