

[Report on The Third Annual Transitional Justice Conference: “A Time for a Material Turn?”](#)

Written by Dr. Kineret Sadeh (Post-Doctoral Fellow at Tel Aviv Minerva Center for Human Rights)

On June 13–14, 2022, the Minerva Centers for Human Rights at Tel Aviv University and The Hebrew University in Jerusalem held the transitional justice annual conference. In light of the uncertainties and restrictions of COVID-19, we decided to hold the meeting online. This platform allowed us to assemble scholars from various universities and academic institutions in the West – from the United States, Ireland, Denmark, Switzerland, Germany, Great Britain, and Israel. The academic committee, composed of representatives of the two Minerva Centers, chose the theme: “A Time for a Material Turn?” for this year. While in social reality, diverse grassroots movements, organizations, and individuals are advocating to ensure material justice, in the multidisciplinary field of transitional justice (TJ), material aspects have been marginalized until recently. Thus, we aimed to direct the field’s scholarly attention to the theme of the material in order to reexamine and challenge our underlying assumptions of justice, transition, and reparations.

We opened the conference with a keynote address by Prof. Yukiko Koga from the Department of Anthropology at Yale University, who is also a member of the Institute for Advanced Study in Princeton and a Visiting Professor at l'École des hautes études en sciences sociales (EHESS). Her address, which was titled *Law, Redress, Reconciliation: Transitional Injustice and the Unmaking of Empire*, was based on her recent ethnographic research, which examines the efforts of the transnational legal redress movement in China and Japan to reckon with Japanese imperial violence and to induce reconciliation with a distant, yet still vividly remembered and agonizing past. The lecture was followed by a discussion between Prof. Leora Bilsky, The Academic Director of the Minerva Center for Human Rights at Tel Aviv University, who wrote a book on the subject of Holocaust, Corporations and the Law, with Prof. Koga, exploring common challenges in addressing the responsibilities of corporations, and the advantages of civil litigation for compensation in this regard.

The first session, chaired by Dr. Einat Albin, The Academic Director of the Minerva Center for Human Rights at The Hebrew University of Jerusalem, was titled *Social-Economic Rights, Markets, and Transitional Justice*. The first lecture by Prof. Fionnuala Ní Aoláin, Prof. Rory O’Connell, and Dr. Lina Malagon dealt with the socio-economic dimensions of the Peace Agreement in north Ireland. The second lecture by Adv. Tamar Luster, a PhD candidate at Tel Aviv Faculty of law, examined deprivation atrocities, the systematic mass denial of vital survival needs from the civilian population during armed conflicts. The third lecture by Dr. Line Jespersgaard Jakobsen probed the role of economic corporates in Columbia in war crimes as well

as in TJ and peacebuilding processes. All three lectures focused on the neglect of the economic-material dimensions in the processes of transition from war to peace. Ní Aoláin, O’Connell, and Malagon highlighted the transformative potential of Ireland’s peace agreement to change the socio-economic structure underlying everyday life in north Ireland, as well as its failure to instigate such a change. They argued that this failure causes dissatisfaction among the Irish population and thus harms the agreement’s stability. Luster claimed that mass denial of basic needs is perhaps the most dominant form of violence experienced by civilians during armed conflict. However, material abuses remain marginalized and underexplored by transitional bodies, and the victims and survivors of deprivation violations are often unaccounted for, unrecognized, and thus, remain almost entirely outside the scope of reparations and remedies. Jespersgaard Jakobsen showed how the business sector is not only a possible actor in war crimes but also influential in peace negotiations and peacebuilding. Yet, TJ institutions are still reluctant to systematically include this economic dimension. Thus, the three presentations demonstrated how important it is for TJ institutions to consider the material-economic aspects of transition processes and highlighted the vital role of civil society organizations in promoting such change. Moreover, they depicted how such consideration would challenge TJ’s concepts of justice, violence, and accountability.

The second session, chaired by Prof. Aeyal Gross from Tel Aviv University and the University of London, was titled *The Material and the Spatial: The Israeli-Palestinian Conflict and Jaffa as a Case Study*. The session included two lectures by Dr. Michal Huss and Dr. Yoav Kapshuk, which examined the material-spatial aspects of current struggles “from below” for recognition and justice in the Israeli geographical space of the city of Jaffa. Kapshuk focused on “the streets of Jaffa project,” a form of ‘memory activism’ aimed at recovering the contested past of the city. This recovery is made through the local on-site commemoration of Arab street names in Jaffa, which were changed by the state of Israel after the 1948 war. On the other hand, Huss spoke about the local public and judicial struggle to save a Muslim cemetery, which the Israeli authorities neglected and encouraged to sell. Thus, the cemetery was designated for eviction and construction by Jewish stakeholders. While Kapshuk’s lecture dealt with the role of spatial-material activism in promoting commemoration and reconciliation, Huss’s lecture focused on the potential of urban planning and spatial practices to illuminate and disrupt prolonged unresolved structural violence and discrimination. Huss’s case study is an example of successful activism, while Kapshuk’s initial findings pointed to mixed results, even among the Palestinian residents of Jaffa. Some local Palestinians feel alienated from anything perceived as not belonging to their community, and some are opposed to any initiative that will produce antagonism among the Jewish population.

Yet, among other Palestinian residents, the signs increased their empathy and desire for closeness with the Jewish population of Jaffa.

The third session, chaired by Prof. Tamar Kricheli Katz from Tel Aviv University, was titled *The Politics of Materiality*. It was composed of two lectures that presented local cases and connected materiality and TJ practices with activism carried out by the political right. The first lecture by Mr. Daniel Quiroga-Villamarin focused on a permanent exhibition in the International Red Cross and Red Crescent Museum in Geneva, Switzerland, composed of audio excerpts from a Colombian radio show broadcast from 1994 to 2018 by the military journalist Herbin Hoyos. This show gave the families of those abducted by the *FARC-EP* guerrilla group the opportunity to send out public messages to their loved ones, hoping they would be able to hear the broadcasts from their radios located deep in the jungles. Quiroga-Villamarin argued that the humanitarian framing of the museum allows the Colombian experience to abstract itself into a broader horizon of tales of abuse and suffering. However, by this, it is also detached from how far-right political actors used the recordings to highlight a series of practices of left-leaning guerillas, like kidnapping or hostage-taking, while disregarding or downplaying other forms of political violence, such as the forced displacements and massacres perpetrated by right-wing counterinsurgent or para-state groups. Thus, Quiroga-Villamarin's analyses illuminated how a humanitarian discourse could be used for illiberal objectives that run against the liberal tendencies of TJ. On the other hand, Dr. Kineret Sadeh focused on a case study from Israel – a local discourse and initiative called “Shrinking the Conflict” (STC), which has gained considerable support from the Israeli right and groups of religious Zionists. Thus, it broadens the narrow circles of the Israeli peace camp. Oriented toward the material aspects of daily life, STC promotes a series of concrete, small, and pragmatic steps, such as increasing Palestinian employment permits in Israel or promoting autonomous electricity production and facilitating Palestinians' mobility. Sadeh conceptualized this form of activism as “a particularistic politics of moral decency,” which transcends the universalistic assumptions of liberal peace activism and research. Thus, Sadeh argued that STC offers a non-liberal notion of peacemaking. Hence, the two lectures offered opposite views regarding the intersection of TJ, liberalism, politics, and morality.

The fourth session, chaired by Dr. Renana Keydar from The Hebrew University of Jerusalem, was titled *Reparations, Victims & Refugees*. The first lecture by Dr. Valeria Vegh Weis dealt with what could count as the most paradigmatic case of TJ and reparations – that of Germans and Jews after the Holocaust. In contrast with the consensus in German diplomacy and research, Vegh Weis joined new voices in Holocaust scholarship that critically analyze the shortcomings of the accountability process in Germany. She demonstrated the role of Jewish survivors and

organizations, which fostered changes from below, pushing powerholders to go beyond their narrow accountability plans. The second presentation by Ms. Lorena Vilchez, Ms. Dimitra Serafeimidi, and Ms. Shivani Puri, all LLM Candidates from the University of Essex, focused on the issue of Reparations in Refugee Camps. The three discussed the harmful (physical, psychological, and economic) influences of the material conditions in the camps on refugees. Moreover, they debated suitable forms of reparations, which vary given the victims' chances to leave the camps. Thus, both papers raised questions regarding the materiality, temporality, and agents of reparations. For example, should reparations be given only on return to the country of origin, i.e., after the source of harm is no longer present, or can such processes be held even in the refugee camps, i.e., when the end to victimhood is still far from sight? What should be the role of refugees in the processes of reparation – how could TJ mechanisms be formulated to rightly balance the will of treating refugees as agentic victims who can voice their needs without turning them into the sole carriers of responsibility for their restitution? Finally, could such processes be counted as TJ even when the role of the victimizers in providing reparations is unclear?

The fifth and final session, chaired by Ms. Shiran Altman-Buttler from Tel Aviv University, was titled *Material Historical Injustices*. It was composed of two lectures that, while focusing on case studies from North and South America, tried to assess the effectiveness of TJ's practices and procedures. Prof. Moshe Hirsch and Mr. Milad Said Barguil discussed four sites of memory in Colombia that commemorate severe human rights violations and their victims. The two assessed the impact of such judicially-ordered sites. While the establishment of memorial sites strives to attain two major objectives – preserving the memory of the particular human rights violation (to avoid the repetition of such acts) and providing symbolic relief to the victims' families – their impact on the collective memory is generally limited. However, they are meaningful for almost all victims' relatives and more meaningful in smaller-scale and professional communities. Thus, these cases illuminate the educational limitations of the materiality of memorial sites and call for readjustments. Ms. Selen Kazan focused on the Canadian case of the Indian Residential School Settlement Agreement (IRSSA) and its pertaining Truth and Reconciliation Commission (TRC) and Reparations for Indigenous Peoples. As Kazan argued, to some extent, the IRSSA is one of the most significant settlement agreements where Indigenous Peoples and the wrongs committed against them are being acknowledged, honored, and compensated. Moreover, this agreement gave the survivors the agency to choose their method of redress in the form of the TRC. However, since Indigenous Peoples in Canada still live under an oppressive socio-political structure, it is hard to speak of a reconciled Canada. Indeed, Kazan argues that a transformative change, which demands the denunciation of colonial doctrines, furthers Indigenous self-government, and the enactment

of the United Nations Declaration on the Rights of Indigenous Peoples, is difficult, if not impossible, to achieve within the Canadian settler-colonial context, as the latter resist altering the structural dimensions of colonial power.

Thus, the focus on the material turn in TJ challenged the discipline's convictions from various perspectives. Moreover, it demonstrated the pressing need to adjust TJ's institutions, ethos, procedures, and mechanisms to the unique political, social and material reality of the 21st century, as well as the power of accumulated scholarly knowledge to outline suitable routes for action.

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