

Interdisciplinary Perspectives in Transitional Justice

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Book of Abstracts

Keynote

Professor Ruti Teitel (Ernst C. Stiefel Professor of Comparative Law, New York Law School)

Presenters

Gretchen Abuso (Xavier University - Ateneo de Cagayan, Philippines)

Duterte and Marcos Jr.: Making sense of authoritarian resurgence in the Philippines

The Marcos regime in the Philippines was responsible for 3,257 deaths, 35,000 tortured and 70,000 incarcerated individuals. In 2013, 27 years since he was ousted, Republic Act 10368 or the 'Human Rights Victims Reparation and Recognition Act of 2013' was enacted to recognize the 'heroism and sacrifices of all Filipinos who were victims of summary execution, torture, enforced, or involuntary disappearance and other gross human rights violations committed' during the Marcos regime. Yet, just 3 years later in 2016, the son and namesake of the dictator, Ferdinand Marcos, was almost elected to the 2nd highest elected post in the country, losing by just a few hundred thousand votes. In the same election, Rodrigo Duterte, who promised to run a bloody and violent war against drugs, won the presidency.

How could Filipinos, who already experienced a bloody and violent regime, choose to elect national leaders widely associated with human rights violations? In this paper, I provide a discussion on how the Marcos regime was dealt with in the Philippine history and how this paved the way for the resurgence of his heirs and violent leaders like Duterte to rise to national politics.

Camilo Ardila Arevalo (University of Edinburgh, UK)

Justice after war, victory and coloniality

In the last decades, the just war theory has dominated philosophical conversations on justice after war. Its proponents often associate morality with the analysis of the rights and responsibilities of victorious states once the violent conflict is over (Bass, 2004; Bellamy, 2008; McCready, 2009; Orend, 2008, 2002; Patterson, 2012; Walzer, 2012). US-led invasions of Iraq and Afghanistan and subsequent state-building operations have served as archetypical scenarios for the operation of justice in the wake of violence. This approach has received more philosophical attention due to the recent interest of just war thinkers in the study of the interplay between victory and war (Heuser, 2017; O'Driscoll, 2020, 2019; Patterson, 2017).

This unilateral narrative about just victors in the just war thinking, however, inadvertently reproduces a discourse with colonial/imperial connotations. Defeated enemies, in this narrative, tend to be portrayed as either morally defective or ignorant actors with a passive role in the aftermath of violent conflicts. Justice after war, so defined, epitomises a problematic dimension of the just war theory, namely: just war thinkers sometimes assume a normative discourse with dehumanising undertones fundamentally at odds with the very foundations of the laws of armed conflicts. My paper addresses this problem. My arguments in this paper are based on some of the contributions made by

contemporary scholars with a decolonial interpretation of discourses about the morality of armed conflicts in the just war theory (Bohrer, 2018; Cavallar, 2008; Hutchings, 2019; Maldonado-Torres, 2008; Mares, 2020; Mbembe, 2019, chap. 1).

The paper is divided into three parts. First, I offer a reconstruction of justice after war in the just war thinking. Second, I explore the model of victory in the wake of violent conflicts as well as some of its theoretical assumptions. In the final part, I develop the argument that some narratives in just war theory reinforce colonial/imperial discourses about the justification of large-scale violence. I apply some of these critical insights to the analysis of the aftermath of war in order to show how these discourses take place more saliently once the violent conflict is over. I illustrate my argument with the analysis of frequent metaphors about the 'rehabilitation' and 'democratisation' of defeated enemies in the just war tradition. Here I come to the conclusion that theorists must interrogate some of these narratives emanated from the standpoint of victors in the aftermath of war.

Thijs Bouwknecht (Institute for War, Holocaust and Genocide Studies, The Netherlands)
The uses and abuses of history and historical narratives in transitions

Panel abstract: The governments of new democracies that are seeking to address more than one recent past characterized by gross human rights violations can selectively redress particular past incidents while ignoring others so as to hurt the opposition forces, boost public support for their own policies, or maximize gains in upcoming general elections. These governments also face the need to balance the competing concerns for justice of various victims' groups and the requests of international partners calling for an end to impunity. This panel presents the challenges and opportunities posed by layered and competing pasts in a number of countries where governments have addressed and redressed these pasts selectively and partially. Among the questions we'll ask are: Which recent pasts need reckoning during transition from dictatorship to democracy? Which pasts are recognized or ignored, downplayed or rejected? How do competing and layered crimes affect a country's approach to transitional justice? In which order are these pasts redressed? According to which criteria do governments select which past to redress first? Do governments forget pasts whose victims are few or no longer around? Does attention to transitional justice designed to address one past lead to neglect of another?

Güneş Daslı (University of Jena, Germany)
Transitional justice from below in the context of the Kurdish conflict

This paper examines the civil society initiatives having attitudes of transitional justice in the Kurdish conflict in Turkey. It problematizes the dominancy in TJ to rely on the framework of state-nation in dealing with the past. The research is based on the argument that local actors' practices and the way how to approach justice can provide certain insights to rethink a new form of justice in TJ.

Civil society plays a tremendous role in pre-transitional justice periods to push states for accountability. Its vital role is continuous during transitions to challenge institutions for a just peace. However, civil society tends to be reduced into non-governmental organisations in TJ. Greedy and

Robins (2014) underline that democratic change in transitions has driven by broad actors who challenge TJ tools in many ways. This research conducts the Gready and Robins' concept of "justice in transition" to unveil the different groups and their capacity to create alternatives despite the narrow justice frame based on law.

This research used expert interviewing and certain secondary materials like news, documentaries, pictures to reveal different local actors from victims' groups to local politicians and traditional wise persons in the Kurdish conflict. Based on the findings, I found out five categories of local actors. I discussed them with their methods, alternative ways of doing justice through the concept of justice in transition. Finally, I attempt to contribute to the gap on rethinking transitional justice from emerging "new" civil society actors and social movements.

Christophe Davis (York University, Canada)

Parallel lives in the divided city: Contested urban memory in Belfast's Titanic Quarter

The communication addresses the contemporary usages of collective memory in the Titanic Quarter's project in Belfast Northern Ireland. In the wake of the Good Friday Agreement, elected officials proposed urban policies that aimed to resolve the effects of deindustrialization and economic decline - revitalization of the city centre, rehabilitation of quays - by applying standardized methods that follow what is happening in many post-industrial urban spaces. However, because of the troubles' legacy and Belfast peculiar situation as a deeply divided city, such urban projects were also presented as opportunities to overcome community dissension. On the old wastelands, the authorities were relying on the redevelopment of docks and shipyards to suggest a shared urbanity and a shared past, in connection with a common space. Yet, in a globalized world where memory increasingly surpasses national borders, it bears into question who is the targeted public of this new neighbourhood? If urban regeneration project can achieve to create neutral spaces, they mainly target higher middle-class citizens and more importantly tourists. The communication thus aims to criticize the use of a conflictual working-class memory to circumvent Northern Ireland's sectarian divide and establish not only shared space but also shared history, mostly consumed by the higher classes and tourists.

Vincent Druliolle (University of Deusto, Spain)

Who are Franco's victims? The political life of a social and legal category

The paper analyzes the (re-)appropriations of the category of victim of Franco (*víctima del franquismo*) by various actors in contemporary Spain. After highlighting that it is a relatively recent category, the paper analyses how a growing number of actors have used it to define themselves and demand justice over the past two decades. It shows that Franco's victims are not just the victims of the repression of the dictatorship, but also those of other forms of violence and crimes. The paper argues that the use of the category is not just an attempt to accurately characterise the cause of the suffering of victims. The actors' self-definitions are largely determined by the existing range of categories to be recognized as victims in the first place, or what may be called the 'labeling opportunity structure'. One key reason why the label victims of Franco was adopted is that it is seen as a way of acquiring visibility and as an opportunity to obtain justice, which is one of the consequences of the investigation of Franco's

cimes by an Argentinian court. Various self-defined victims of Franco are discussed. Finally, the conclusion reflects about some of the consequences of the spread of the category in contemporary Spain.

Cintia Fonseca-Da-Silva-Huxter (Loughborough University, UK)

Interdisciplinary explorations of women's encounters in Mitrovica, Kosovo: from personal experiences to global (dis)connections

This paper introduces and discusses an interdisciplinary approach, combining social psychology and human geography, used to explore women's encounters in Mitrovica, Kosovo. As the last territory to claim its independence during the break-up of Yugoslavia, for the last 20 years Kosovo has been going through a series of transitional justice processes which have created new opportunities for women to meet across ethnic/national lines, usually linked to empowerment initiatives facilitated by international organisations. In this paper encounter is defined as a process that develops beyond the moment of encounter itself and is therefore not limited to a particular physical place or point in time. As such women's encounters in Mitrovica are seen not as static moments linked to particular initiatives, but as dynamic processes that create spaces for new relationships to be formed, established relationships to be transformed and everyday practices to be challenged. More specifically, the paper demonstrates how personal experiences, traditional categories, and global (dis)connections are tightly intertwined in women's accounts of their encounters. It concludes by highlighting how an interdisciplinary approach that combines social psychology and human geography can better capture the complexity of women's everyday lives in contexts of transitional justice.

Matei Gheboianu (University of Bucharest, Romania)

The road to nowhere. The case file of the Romanian Revolution of December 1989

Throughout this presentation I intend to reveal the steps that the Prosecutor's Office of Romania had to take in their attempt to discover the responsible ones for the atrocities of the 1989 Revolution. The case began in the 1990s in various forms and had a sinuous evolution, being influenced by the political changes of Romania and the interests of some politicians directly involved in the events of December. Although in 2016 the General Prosecutor of Romania announced the reopening of the case file, in 2019, 30 years after the revolution, he made public its completion and submission to court. Despite its predictability, the action seemed one of PR, because that year the case was sent back to the prosecution so that the entire file be restored. This saga of the impossibility of establishing the culprits tells a lot about the desire of the political class, but also about the capacity of the justice system to judge the ones who made themselves responsible for the atrocities in December 1989

Cynthia Horne (Western Washington University, US)

Competing frames and selective pasts: The comparative case of post-conflict Bosnia and Croatia

Panel abstract: The governments of new democracies that are seeking to address more than one recent past characterized by gross human rights violations can selectively redress particular past

incidents while ignoring others so as to hurt the opposition forces, boost public support for their own policies, or maximize gains in upcoming general elections. These governments also face the need to balance the competing concerns for justice of various victims' groups and the requests of international partners calling for an end to impunity. This panel presents the challenges and opportunities posed by layered and competing pasts in a number of countries where governments have addressed and redressed these pasts selectively and partially. Among the questions we'll ask are: Which recent pasts need reckoning during transition from dictatorship to democracy? Which pasts are recognized or ignored, downplayed or rejected? How do competing and layered crimes affect a country's approach to transitional justice? In which order are these pasts redressed? According to which criteria do governments select which past to redress first? Do governments forget pasts whose victims are few or no longer around? Does attention to transitional justice designed to address one past lead to neglect of another?

Hun Joon Kim (Korea University, South Korea)

Commissionism in South Korea

Panel abstract: The governments of new democracies that are seeking to address more than one recent past characterized by gross human rights violations can selectively redress particular past incidents while ignoring others so as to hurt the opposition forces, boost public support for their own policies, or maximize gains in upcoming general elections. These governments also face the need to balance the competing concerns for justice of various victims' groups and the requests of international partners calling for an end to impunity. This panel presents the challenges and opportunities posed by layered and competing pasts in a number of countries where governments have addressed and redressed these pasts selectively and partially. Among the questions we'll ask are: Which recent pasts need reckoning during transition from dictatorship to democracy? Which pasts are recognized or ignored, downplayed or rejected? How do competing and layered crimes affect a country's approach to transitional justice? In which order are these pasts redressed? According to which criteria do governments select which past to redress first? Do governments forget pasts whose victims are few or no longer around? Does attention to transitional justice designed to address one past lead to neglect of another?

Elaine Lazaro (Geneva Academy of International Humanitarian Law and Human Rights, Switzerland)

Multilingual, postcolonial, archipelagic: Language rights and recognition theory in the Philippines

In a 2019 article, Gareth Price noted that some transitional justice scenarios may have sociolinguistic dimensions, especially when the oppression or conflict is connected to linguistic repression. As such, he argues that reform on policies connected to language could be an operational site for TJ. Price pointed that there is however a theoretical research gap on the connection between language policies and TJ. In this proposed paper, I hope to build on his work by reflecting on language policies and TJ through the framework of recognition theory, more particularly on Charles Taylor's recognition theory that is connected to multiculturalism and language. I will focus on the Philippines – a developing, post-colonial state that is composed of around 7,107 islands and around 181 languages connected to cultures (thus ethnolinguistic groups) – and will answer the following: (1) Are there misrecognition

problems in the Philippines? Are these problems in part grounded in its language policies or linguistic repressions? (2) What is Taylor's take on recognition, multiculturalism, language, and identity? Why is linguistic recognition important? (3) Can Taylor's recognition theory provide tools to overcome language problems in the Philippines, and subsequently provide concepts to assist in TJ processes that target problems related to linguistic repression?

Duncan Light (Bournemouth University), Remus Crețan (University of the West in Timisoara, Romania), Andreea Dunca (University of the West in Timisoara, Romania)

Domestic tourism and transitional justice: Exploring the relationship in Romania

While transitional justice has received extensive interdisciplinary attention, one theme that has been largely overlooked is tourism. The few studies to consider tourism have focused on its contribution to economic development and job creation in former conflict zones, potentially contributing to reconciliation between former opponents. Within tourism studies there has been considerable attention to the relationship between tourism and politics but this has rarely embraced transitional justice.

This paper argues that domestic tourism can be an important means through which citizens encounter broader transitional justice projects and messages. It considers this issue with reference to a memorial museum in Romania. Interviews with 52 domestic tourists explored how visitors engaged with (and responded to) the museum's messages. Almost all visitors described themselves as on a sightseeing holiday but their encounters were far from superficial. They had engaged in reflection and memory work; displayed compassion and empathy for victims; had considered the differences between the communist past and the democratic present; and almost all had recognised and understood the message of 'never again'. Some had spoken of personal transformation as a result of their visit. The paper argues that important political and cultural 'work' can take place during practices of domestic tourism, even if this was not something intended or anticipated by the tourists themselves.

Colin Luoma (Brunel University, UK)

Indigenous peoples, conservation violence and truth-seeking

This paper revisits the idea of establishing a truth commission to investigate and document human rights violations committed against indigenous peoples in the name of nature conservation. Indigenous peoples first called for the establishment of a truth commission to confront the violent legacies of protected areas at the International Union for Conservation of Nature's Vth World Parks Congress in 2003. Since then, however, no such commission has been established, nor has the idea been given sustained consideration amongst indigenous rights advocates or conservation stakeholders. Despite past, large-scale human rights abuses inflicted on indigenous peoples through the creation and management of protected areas, such violence has been omitted from transitional justice scrutiny. This paper interrogates some of the opportunities, justifications and challenges associated with truth-seeking in the context of indigenous peoples and protected areas. It principally argues that there are legal, moral and practical justifications for using a truth commission as a

mechanism to expose environmental wrongdoing and help transition States and conservation actors towards a more just relationship with indigenous communities. With adequate resources and a clear mandate, a global truth commission focused on protected areas could document and corroborate serious human rights abuses, clarify contested narratives around conservation, empower indigenous victims, examine the environmental efficacy of current approaches and recommend various reparations and reforms.

Sabina Mihelj (Loughborough University, UK)

Communicating communist heritage to Western audiences: Experiences with exhibitions and TV documentaries in USA and UK

Public understanding of communism remains dominated by stereotypes formed during the Cold War. These stereotypes paint a stark contrast between the liberal West and the totalitarian East, and assume that everyday life, media, and culture under communist rule was backward and pervaded by propaganda. In this presentation I examine the challenges and opportunities encountered in communicating communist heritage to Western audiences, focusing on experiences with two exhibitions and a TV documentary that I helped develop: *The Currency of Communism* exhibition at the British Museum (2017-18), the *Watching Socialism* exhibition at the Wende Museum in Los Angeles, USA (2019) and the TV documentary *The Fall of the Berlin Wall with John Simpson* (2019, Allecats TV for BBC Four). Drawing on these examples, I reflect on how it might be possible to use museum exhibitions and television documentaries to challenge stereotypical perceptions of the communist past, as well as to stimulate a critical engagement with contemporary political and ideological developments in Western societies.

Mayra Nuñez Pastor (University of Deusto, Spain)

Economic, social and cultural needs as rights in transitions: the case of the Inter-American Court of Human Rights

There is a growing body of literature on economic, social and cultural rights (ESC rights) in transitional processes, however the analysis of victims' submissions and proceedings before international jurisdictions on this matter is rare. These documents constitute a rich source of information on the experiences and needs raised by them, as they might be opposed to what is reflected in court's decisions. This research seeks to analyse the economic, social, and cultural aspects of reparations granted by the Inter-American Court of Human Rights (IACtHR) in the field of ESC rights in the light of the experiences and needs expressed by victims throughout the process.

In this sense, this project seeks to shade some light on how victims' needs are translated into legal language in the international arena and, as ROBINS claims, how legalism interpret "thick issues", deeply rooted in the history and culture of a context, into "thin legal" concepts.² For the aim of this study, contributions from other disciplines interacting with the law will be included, such as psychosocial approaches, which provide crucial information on this articulation between needs and rights.

Jaime Olaiz-Gonzalez (Universidad Panamericana Law School, Mexico)

Mexico in peril: On the need for a transitional justice approach to overcome Mexico's human rights crisis

Radical evil is rampant in Mexico. The maximization of crime and drug violence over the past decade has caused more than 300,000 homicides and around 40,000 people had gone missing. In the midst of this growing terror, torture and other types of human rights abuses are a constant in the social process. Decomposition in most parts of the country appears unstoppable. Despite the pressure of civil society and international organizations, previous and present administrations -regardless their political color, have not adequately addressed the legacy of mass atrocities of the last 15 years. The utter absence of transitional justice strategies to come into terms with the recent past and to articulate policies for truth-seeking, reparations, remembrance and institutional reform in order to prevent repetition of these crimes evinces the need for a meaningful conversation on this fundamental matter. The introduction of a transitional justice perspective to shed light into Mexico's contemporary predicaments is paramount to redress past and present wrongdoings inasmuch as articulating a new social understanding based upon the fundamental concepts of transitional justice. This essay aims to vindicate the necessity of triggering a conversation with the transitional justice system to address the unprecedented social decay that Mexico is experiencing.

Cira Palli-Aspero (Ulster University, Northern Ireland)

The implications of framing Historical Clarification Commissions within the transitional justice paradigm

Societies emerging from conflict are often left rooted in a complex ground of competing narratives, transforming the past into a much-contested space. The engagement with specific historical accounts that deny or justify the past wrongs, can perpetuate violent confrontation, and threaten and disrupt peace building processes and negotiations.

I argue that historical clarification commissions (HCCs) have the potential to unlock contested narratives through the creation of new historical frames that can contribute to transform the public's perception of the past. The steady increase of the number of HCCs since 1990 shows that we are not dealing with a marginal phenomenon.

In recent years HCCs have increasingly been adopting the language and logic of transitional justice. The choice to frame HCCs as instances of transitional justice can be explained by the fact transitional justice's core objectives of consolidating just, stable, inclusive and peaceful societies hold great normative appeal. As part of a transitional justice strategy, HCCs can enable significant opportunities for recognition and acknowledgement of the past wrongs. However, the uncritical reliance on transitional justice language may have significant implications for the work of HCCs. This paper examines what are the implications of thereof for HCCs mandates, their methods, and operational models? And how does it affect expectations and societal responses?

Cristina Petrescu (University of Bucharest, Romania)

The memory of transitional justice: Lessons from post-communist Romania

The highly criticized process of transitional justice in post-1989 Romania can nonetheless represent a case study of transnational relevance. Its relevance, this author contends, stems from the fact that public debates on a controversial process contributed to democratization more than the process itself. While the recent past remains controversial in Romania due to the failures of transitional justice, the future is not separated from liberal democracy and EU membership due to the living memory of the transitional justice process. In terms of shortcomings, this process focused on wrongdoers and neglected the victims, and thus the memorialization of communism became a parallel process and a substitute reconciliation with the traumatic past. Subsequently, it concentrated on the former secret police, while refraining from lustrating the party nomenklatura, and thus it was perceived as a politically motivated process. Moreover, although it copied the German model of treating the Stasi files in accordance with rule-of-law principles, it lacked the benefits of external expertise and impartiality, so it seemed inconsistently applied and driven by group interests, stirring constant public debates. Finally, transitional justice in Romania was limited to public disclosures without real penalties, so its contribution to building trust in post-communist institutions and governments remains debatable. However, the constant public interest and the continuous controversies surrounding transitional justice in Romania made it a fundamental part of a collective memory in the making: the memory of the transition to democracy. Thus, more than the textbooks on civic education, democratic values in post-communist Romania have been shaped – this paper argues – by the public debates on the secret police, which provided not only a set of moral principles, but also practical examples of human rights violations.

Dragos Petrescu (University of Bucharest)

Paradoxes of transitional justice in post-communist Romania: Transnational influences, innovative practices, enduring outcomes

This paper addresses the peculiarities of the transitional justice (TJ) process in post-1989 Romania focusing on the wrongdoings of the defunct communist regime, which had three major components: (1) absence of lustration; (2) systematic public exposure of perpetrators; (3) development of a political (sub)culture of contestation among educated urban strata. Moreover, the TJ process combined with the legacy of the bloody regime change of 1989 hampered an illiberal turn toward authoritarian politics in Romania after the year 2010 on the Central European model (Hungary and Poland most prominently).

Caterina Preda (University of Bucharest, Romania)

The transnational artistic memorialisation of Operation Condor

This presentation analyses three artistic projects that contribute to a transnational artistic memorialisation of Operation Condor: João Pina's project *Condor*, (2005-2012), the documentary film by Pedro Chaskel, *De vida y de muerte, testimonios de Operación Condor* (2000-2015), and Voluspa Jarpa's, *En nuestra pequeña región de por acá* (2016/7). Situated at the crossroads of the study of the

role of art in Transitional Justice processes and cultural memory studies, this investigation conceptualizes the role of art in forging a transnational memory through the lens of the 'art and politics of memory'. Using Jacques Rancière's observation of the role of art to build a new 'distribution of the sensible', this investigation argues artistic practices of remembrance employ three strategies. In the first place, they render visible those that are still absent; secondly, they document and provide supplementary sources about human rights abuses during dictatorships, and thus give back human dignity to the victims. Finally, they also criticize the status quo of the official memory. In the absence of a transnational memory of the secret cooperation of Operation Condor, artistic practices of remembrance help build it and create a 'distribution of the possible'.

Lavinia Stan (St Francis Xavier University, Canada)

The problem of competing pasts

Panel abstract: The governments of new democracies that are seeking to address more than one recent past characterized by gross human rights violations can selectively redress particular past incidents while ignoring others so as to hurt the opposition forces, boost public support for their own policies, or maximize gains in upcoming general elections. These governments also face the need to balance the competing concerns for justice of various victims' groups and the requests of international partners calling for an end to impunity. This panel presents the challenges and opportunities posed by layered and competing pasts in a number of countries where governments have addressed and redressed these pasts selectively and partially. Among the questions we'll ask are: Which recent pasts need reckoning during transition from dictatorship to democracy? Which pasts are recognized or ignored, downplayed or rejected? How do competing and layered crimes affect a country's approach to transitional justice? In which order are these pasts redressed? According to which criteria do governments select which past to redress first? Do governments forget pasts whose victims are few or no longer around? Does attention to transitional justice designed to address one past lead to neglect of another?

Religion and memorialization in post-communist Europe

This presentation first talks about the place of memorialization among transitional justice methods, and its possible contribution to reckoning goals. It then discusses the way in which religious groups in post-communist Europe have used memorialization and other transitional justice methods to come to terms with the legacy of the communist and Nazi pasts. By providing examples from Poland, Romania and Bulgaria, this presentation will argue that reckoning through memorialization has been selective and patchy, designed less to redress the past and more to serve post-communist goals.

Alexei Trochev (Nazarbayev University, Kazakhstan)

Competing pasts and constitutional courts in post-Soviet states

Panel abstract: The governments of new democracies that are seeking to address more than one recent past characterized by gross human rights violations can selectively redress particular past incidents while ignoring others so as to hurt the opposition forces, boost public support for their own

policies, or maximize gains in upcoming general elections. These governments also face the need to balance the competing concerns for justice of various victims' groups and the requests of international partners calling for an end to impunity. This panel presents the challenges and opportunities posed by layered and competing pasts in a number of countries where governments have addressed and redressed these pasts selectively and partially. Among the questions we'll ask are: Which recent pasts need reckoning during transition from dictatorship to democracy? Which pasts are recognized or ignored, downplayed or rejected? How do competing and layered crimes affect a country's approach to transitional justice? In which order are these pasts redressed? According to which criteria do governments select which past to redress first? Do governments forget pasts whose victims are few or no longer around? Does attention to transitional justice designed to address one past lead to neglect of another?

Laura Zander (University of Münster, Germany)

Writing transitional justice

During any period of radical change, the question arises as to if and how a society should punish the previous regime and individual former perpetrators, as Ruti Teitel has convincingly explored in her 2002 *Transitional Justice*. In this work, she discusses various constitutional, legislative, and administrative responses to injustice following political upheaval. Nevertheless, the process of attempting, establishing and ultimately achieving transitional justice is not necessarily restricted to normative or political conceptions of justice. In my paper, I wish to examine literature's capacity and effectiveness as a means, practice and method for implementing transitional justice. In transitional periods, literature appears occasionally as a pillar of the legal edifice, but often also as a disruptive force which critically complements and comments upon the legal and political landscape. Pursuing a comparative and historical approach, I will analyse to what degree literary practice as an independent social entity engages with and criticises the law in order to realise a just rule of law. To this end, particular focus will be given to those oppressed by previous regimes, to explore how literature can facilitate a more equitable future society, and further create more meaningful and effective roles for formally marginalized groups within that society.