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Introducing *Justicecraft*: Political Change Across Space and Time

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For the *The JusticeCraft Collective*¹

Abstract

Scholarship has often compartmentalised issues associated with injustice, political violence, and past wrongdoings. To contextualise questions of political change and justice across time and space, we introduce a dynamic, layered and transversal understanding of these processes. Drawing on Inés Valdez's notion of "justice as a political craft," we explore situated struggles for change and justice. Coping with injustice is contingent on context-specific conceptual and practical understandings of justice and grounded in particular experiences. Drawing on symbolic sites—the Uprising, the Audience, the Body, the Affect, the Island, and the Map—we highlight a variety of struggles against past, present and future injustices. Struggles for political change arise out of expanding, sometimes exploding, transitional justice knowledge(s). Claims to (in)justice are being made and received in different physical and symbolic sites. We lay out a framework of justicecraft to capture these intricacies, drawing on different conceptual lenses and empirical illustrations.

Keywords

space – political change – justice – memory – social movements – accountability – art – cartography

Introduction

How can we think about social, political, and cultural shifts in society that may unfold sporadically and intermittently,² and that are oftentimes accompanied

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- 1 The collective constitutes a network of scholars and practitioners conducting collaborative, international research on justice related issues. To learn more about the members and activities, see <https://JusticeCraftCollective.net>.
 - 2 Chris Reus-Smit differentiates between breakpoint, evolutionary, and processual modes of change. Our approach is situated in the latter. See Chris Reus-Smit. Theory, history, and great transformations. *International Theory* 8, no.3 (2016):422–435.

by more radical demands for change? Early research stressed the teleological presuppositions and outcomes of change³ by emphasising cost-benefit analyses of change for communities, societies, or institutions; however, the literature reduces analytical efforts to a rational choice perspective. It also reduces the opportunity to gain a more complex understanding of the root causes of change, including external and internal factors, or a combination of both.⁴ Theories of change—regardless of their disciplinary grounding, theoretical perspective, or effects on communities—continue to be largely impact-oriented.⁵ This is also true for justice-focused research. Some argue that transformative change is necessary to reach key transitional justice goals. Yet the field has traditionally been characterised by state-driven, top-down practices, consequently “minimising the challenge that they pose to dominant frameworks” and structures.⁶ Against this backdrop, scholarship in the field has struggled to grasp the deeper meaning of change due, in part, to continued output-driven research and knowledge production.⁷ This article suggests a boundary-transcending paradigm shift. We need to change our analytical focus away from outcome and solely actor-centric evaluation.⁸

We propose to study the significance of struggles for change by observing various processes across different time periods and contexts. Our work explores six physical and symbolic sites in three parts. Part One centres on collective struggles with the Uprising and the Audience as sites of analysis. Part Two emphasises bodily struggles with the Body and the Affect. Part Three, which focuses on spatial struggles, engages the sites of the Island and the Map.

3 For a discussion on early iterations of theory of change, which originated in the field of program evaluation, see Peter F. Drucker, *The Practice of Management* (New York, NY: Harper Business, 1954).

4 Pitirim Aleksandrovich Sorokin, *Social and Cultural Dynamics: A Study of Change in Major Systems of Art, Truth, Ethics, Law, and Social Relationships* (Boston: Extending Horizons Books, 1957).

5 See for instance Timothy McLellan, “Impact, Theory of Change, and the Horizons of Scientific Practice,” *Social Studies of Science* 51, no. 1 (February 2021): 100–120; Dana Taplin et al., “Theory of Change TECHNICAL PAPERS A Series of Papers to Support Development of Theories of Change Based on Practice in the Field” (ActKnowledge, April 2013), <http://www.actknowledge.org/resources/documents/ToC-Tech-Papers.pdf>.

6 Bronwyn Leebaw, “The Irreconcilable Goals of Transitional Justice,” *Human Rights Quarterly* 30 (2008) 95–118.

7 Paul Gready and Simon Robins, “Transitional Justice and Theories of Change: Towards Evaluation as Understanding,” *The International Journal of Transitional Justice* 14, no. 2 (July 21, 2020): 280–99.

8 See for instance Mariam Salehi, “A Processual Framework for Analysing Liberal Policy Interventions in Conflict Contexts” (International Studies Association, 2021).

All six sites draw attention to a variety of struggles against past, present and future injustices and wrongdoings. Embedded within these sites are a variety of case illustrations situated at the periphery of high and low politics and official and informal strategies. Our scenic journey among a myriad of sites highlights the breadth of struggles that are all instrumental in fuelling processes of political change. Embracing a different conceptual lens allows for a better understanding of the dynamic and transformative relationship between actors, contexts, and struggles for justice.

Inés Valdez's understanding that justice is a political craft, which "allows us to uncover events that are unintelligible to existing frameworks" provides a conceptual lens that does just this.⁹ Political change emerges out of the struggles for justice across time and space. For this, we need to focus on the "political craft through which global injustice is contested and alternative organisations of the world are imagined."¹⁰ This allows us to imagine global injustice and struggle against it as interconnected yet local forms of domination and forms of transnational solidarity. Transnational cosmopolitanism then is grounded in concrete experiences of oppression and struggle against it. Therefore, we focus on conceptions of justice and practices of freedom developed in the struggle.¹¹ The notion of justice as political craft allows us to pay attention to political activity by a variety of actors in different political arenas. Valdez emphasises those spheres beyond the dichotomous domestic and international spheres, embracing the transnational. For us, the various levels and their interconnectedness serve as a conceptual glue to transversally connect notions of space and time. Her concept also focuses on strengthening political agency and coalitions, which are valuable for grounding, situating, and translating places of ideas during justice-driven struggles.

By exploring the interplay between space, the passage of time, agency, and power we uncover the political craft of justice and change, or *justicecraft*. It can be defined as situated struggles by individual and collective stakeholders for political change fuelled by dialectical justice-driven narratives and practices across different physical and symbolic spaces. Further, it creates a common language between different forms of research, highlighting the creation and evolution of ideas, which Donna Haraway referred to as "situated knowledges."¹² The way we seek justice and go about it varies, depending on *who* is

9 Inés Valdez, *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft* (Cambridge University Press, 2019), 8.

10 Valdez, 1.

11 Valdez, 9.

12 "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," *Feminist Studies: FS* 14, no. 3 (1988): 581.

involved, *where* it takes place and *when* it occurs. Consequently, we conceive of transitional justice practices as a fluid space-time continuum. It is antithetical to the embedded temporal and spatial limits implicit in post-conflict and post-authoritarian justice efforts, in which transitions are conceived with an aim to end injustice. It also questions the spatial boundaries and limitations of justice and injustice. This framing allows us to question how knowledge about, and practices of, political change travel across spatial and temporal borders and are translated and transformed by society. The significance of this framing lies in how it makes transitional justice more receptive to recognising situated struggles and claims for justice; an essential task for comprehending the injustices which are the long-term cause of conflict.

Transitional justice practices not only happen in the institutional and formal spaces which have defined the field of study in the past, but also in the inside-out, the outside-in and the in-between spaces. As a result, our notion of space oscillates between physical locations and imagined social constructs; informal and formal venues; as well as emotive and rational thoughts, which materialise into different forms of spatial patterns, structures, or processes which we centre here in our analyses.

The struggles for change which occur in these spaces originate and develop through individuals and within groups, underscoring the important role of agency during such processes. The transversal nature of these processes is rooted, according to Nira Yuval-Davis, in a stakeholder's "reflexive knowledge of their own positioning and identity" during these struggles.¹³ As such, justice processes require transdisciplinary perspectives to unpack how interactions amongst different stakeholders between the Global North and Global South are generating new ties and opportunities for political change. Indeed, the political changes we seek to map across space and time occur via an iterative process of political representation which emerges from different situated sites; sites which ongoing conflict and struggles against injustice compel us to take seriously, the first of which we now explore.

Part 1. Collective Struggles

Drawing on the notion of relational space is particularly helpful to capture and contextualise political change.¹⁴ We understand the concept of space in terms

13 Yuval-Davis, Nira. "What Is 'Transversal Politics'?" *Soundings Summer*, no. 12 (1999): 94–98.

14 Yongxuan Fu, "Towards Relational Spatiality: Space, Relation and Simmel's Modernity." *Sociology* (October 7, 2021): 1–17.

of a close relationship between the daily struggles of lesser visible groups striving to seize power and control their social space against the backdrop of established discursive practices and institutional structures.¹⁵ In Part One, the Uprising and the Audience focus on justice-based processes of social change that evolve beyond formal political venues.

The Uprising

In recent years, prevailing demands for justice connect dispossessed citizens across the Americas. Popular uprisings and mass demonstrations call attention to the state and structural violence long endured by Black, Indigenous, and People of Colour. Demonstrators are contesting the entrenched economic and social inequalities that divide elites from the rest of the society, as well as the political arrangements that have consolidated them. In a similar vein, systemic police brutality and other human rights violations against historically excluded communities in Argentina, Brazil, Chile, Colombia, and the United States (to name a few) have all received global attention.¹⁶ As part of these mobilizations, protesters tore down statues of figures who, for too long, were hailed as the fathers, architects, and leaders of nations—instead of the perpetrators of mass violence and racism that they were.¹⁷ Citizens are questioning both the performance and legitimacy of their democracies¹⁸ and the larger neoliberal project in which they are embedded.¹⁹

15 Ece Yoltay, "Socio-Spatial Politics of Otherness: The Desire to Construct a Counterhegemony," *Space and Culture* 24, no. 4 (November 2021): 585–603.

16 Sanoja Bhaumik, "Black Lives Matter Comes to Colombia," June 23, 2020, <https://thebogotapost.com/black-lives-matter-comes-to-colombia/46928/>; Ana Luisa González, "How Afro-Colombians Are Standing up Against Racial Violence," *Remezcla*, June 19, 2020, <https://remezcla.com/features/culture/colombia-protests-black-lives-matter-racial-violence-in-country/>; Benji Toruño, "Black Lives Matter Protests Resonate in Brazil," *Latin American Working Group*, August 5, 2020, <https://www.lawg.org/black-lives-matter-protests-resonate-in-brazil/>.

17 Emilie Sweigart, "Latin America's Controversial Statues: Will They Fall?," *Americas Quarterly*, June 18, 2020, <https://www.americasquarterly.org/article/latin-americas-controversial-statues-will-they-fall/>; Sabrina Velandia, "Which Colonial Statues Are Being Torn down in Latina America?," *Global Voices*, January 23, 2021, <https://globalvoices.org/2021/01/23/which-are-the-colonial-statues-torn-down-in-latina-america/>.

18 Sarah Repucci and Amy Slipowitz, "Democracy under Siege," *Freedom House*, 2021, <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>; Elizabeth Zechmeister and Noam Lupu, "Pulse of Democracy" (LAPOP, 2019), https://www.vanderbilt.edu/lapop/ab2018/2018-19_AmericasBarometer_Regional_Report_10.13.19.pdf.

19 Andrea Aguilar Córdoba, "Colombia Y Chile, Las Dos Caras de Una Misma Protesta En Latinoamérica," *Andalu Agency*, June, 10, 2021, <https://www.aa.com.tr/es/an%C3%A1lisis/colombia-y-chile-las-dos-caras-de-una-misma-protesta-en-latinoam%C3%A9rica/2268918>; Lucio Garriga Olmo, "Las Protestas En Colombia Son Efecto de La Crisis Del

As demands for a new social contract grow louder, transitional justice emerges as a potential space where diverse actors can congregate to elaborate their agendas for change. Indeed, these societies' political and social contexts meet the very circumstances, or "conditions that must be in place for justice to be useful," as articulated by Murphy: "pervasive structural inequality, normalised collective and political wrongdoing, serious existential uncertainty, and fundamental uncertainty about authority."²⁰ And yet, these countries have had experience with transitional justice—and perhaps more illuminating are the profound societal demands for a deeper transformative justice that have remained after the tear gas dissipates and the dust settles.

This pursuit of transforming justice needs a theory of change.²¹ Here we provide the contours of such a theory of justice, as political craft, by examining how societies encounter and engage with past and present processes of transitional justice. In this light, we speak to the concept of "justice in transition," which "seeks to understand how individuals and communities engage with needs, rights, custom, community, agency and mobilisation, and how they contest continuities of injustice and seek justice in their local environment and with regard to the state."²² Our departure point are society's encounters with transitional justice, and then—through mechanisms of resistance, reclamation, and resilience—we observe transformative justice demands for a new social contract that addresses the politico-economic orderings that continue to perpetuate structural and racialized violence against citizens.

Before proceeding to our analysis of said mechanisms, a brief overview of transformative justice is in order. Transformative justice is a process-based approach to justice that locates contemporary trends of injustice—such as political disenfranchisement, economic deprivation, and the criminalization of marginalised populations—in a country's historical roots of repression, exclusion, and violence. In this regard, these historical roots are "through lines" which must be uprooted by transforming socioeconomic structures, state institutions, and relations amongst citizens, to sever the perpetuation of these harms, and improve people's livelihoods. Transformative justice organisers,

Neoliberalismo," accessed July 9, 2021, <https://www.letrap.com.ar/nota/2021-5-19-11-27-0--las-protestas-son-efecto-de-la-crisis-del-neoliberalismo-en-colombia>.

20 Colleen Murphy, *The Conceptual Foundations of Transitional Justice* (Cambridge University Press, 2017).

21 Padraig McAuliffe, *Transformative Transitional Justice and the Malleability of Post-Conflict States* (UK: Edward Elgar Publishing, 2017).

22 Paul Gready and Simon Robins, "Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and 'new' Civil Society," *The International Journal of Human Rights* 21, no. 7 (September 2, 2017): 957.

then, work to establish local, community-based processes of accountability after harm, without relying on the state institutions that cause additional violence through carceral logic and criminal justice systems. In this regard, transformative justice embraces more readily the mandate of changing both societal structures and attitudes to promote harm reduction and community-based accountability rather than relying on institutions that, in the name of punishment, remove people from society but fail to deter future acts of violence.²³

As noted, three possible mechanisms explain how societal interactions with transitional justice may lead to transformative justice demands and practices: resistance, reclamation, and resilience. These mechanisms also aid in the development of a theory of political change that de-centres transitional justice to explore tangential experiences and understandings of justice within society that may lead to transformative justice agendas. These mechanisms are “unobserved analytical constructs” that serve to provide a causal explanation for an observed relationship between two or more phenomena.²⁴ Three points bear emphasis. First, these mechanisms are contested concepts; their definitions are not settled debates in the field. Second, more than one mechanism may be at work throughout the same time and space. Third, the empirical actualization of these mechanisms is deeply contextual, and may vary across and within societies. Still, they all share one common outcome: each one explains how societal engagement with transitional justice translates into demands for deeper structural reforms in various temporal and spatial contexts.

Resistance

Resistance is a “purposeful act intended by the actor to work against, prevent, or disrupt the intended or implemented formal transitional justice process.”²⁵ Actors may resist transitional justice processes for a variety of reasons, without necessarily dismissing the principles of transitional justice per se.²⁶

23 Ejeris Dixon and Leah Lakshmi Piepzna-Samarasinha, *Beyond Survival: Strategies and Stories from the Transformative Justice Movement* (Chico, 2020); Mariame Kaba and Kelly Hayes, “The Sentencing of Larry Nassar Was Not ‘Transformative Justice.’ Here’s Why,” in *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice*, ed. Mariame Kaba (Chicago, 2021), 59.

24 Peter Hedström and Richard Swedberg, “Social Mechanisms: An Introductory Essay,” in *An Analytical Approach to Social Theory*, ed. Peter Hedström and Richard Swedberg (Cambridge UK: Cambridge University Press, 1998), 13.

25 Briony Jones and Julie Bernath, “Resistance and Transitional Justice,” in *Resistance in Transitional Justice*, ed. Briony Jones and Julie Bernath (New York: Routledge, 2018), 8.

26 Jones and Bernath, “Resistance and Transitional Justice,” 2018.

Resistance, then, can target the ways in which the state attempts to carry out such mandates, or in the cases of Colombia and Guatemala, the state's reluctance in fulfilling the most transformative components of the countries' respective peace agreements. Indeed, these two examples show where societal resistance against the state's failure to carry out the principles of their peace accords translate into new demands for structural transformation.

Both the Guatemalan and Colombian peace accords were extensive in their guarantees of agrarian and economic reforms, observance of human rights, and establishing a more inclusive democratic process. Indeed, much of their language reflects the normative commitments of transformative justice funnelled through transitional justice processes.²⁷ However, the Duque Administration in Colombia, and the Giammattei Administration in Guatemala, have made attempts to reduce the financial and institutional resources to carry out structural reforms needed for agrarian reform, economic equality, and indigenous rights. This "state abdication"²⁸ has had dire consequences, as local social leaders and human rights defenders, intent on implementing the principles of the peace accords, fall victim to high rates of assassination in each country.²⁹ The state's failure to protect these leaders has led to protests to decry the continuation of violence in a post-accord environment. Most notably, on 26 July 2019, thousands of individuals gathered throughout Colombia, and around the world, to participate in the social protest #Julio26Grito to call attention to the skyrocketing number of social leaders assassinated in Colombia since the signing of the 2016 peace accord.³⁰

27 ABColombia, "Hacia Un Cambio Transformador: Las Mujeres Y La Implementación Del Acuerdo de Paz Colombiano," November 27, 2018, <https://www.abcolombia.org.uk/hacia-un-cambio-transformador-es/>; Lauren Marie Balasco and Julio F. Carrión, "Required Consultation or Provoking Confrontation? The Use of the Referendum in Peace Agreements," *Representation* 55, no. 2 (July 15, 2019): 141–57; Dáire Mc Gill, "Operationalising Transformative Justice in Transitional Societies: Applying the Structural Violence Reduction Matrix in Colombia" (PhD, Ulster University, 2018), <https://pure.ulster.ac.uk/ws/portalfiles/portal/63696817/2018McGillDPhD.pdf>.

28 Joanna R. Quinn, "The Impact of State Abdication on Transitional Justice: When Non-State Actors and Other States Fill the Post-Transition Gap," *Peacebuilding* 9, no. 2 (April 3, 2021): 12.

29 Maria Martin, "Killings Of Guatemala's Indigenous Activists Raise Specter Of Human Rights Crisis," *NPR*, January 22, 2019, <https://www.npr.org/2019/01/22/685505116/killings-of-guatemalas-indigenous-activists-raise-specter-of-human-rights-crisis/>; "Los 199 Líderes Sociales Asesinados En 2020, La Otra Tragedia a La Sombra Del Covid-19," *El Espectador*, May 21, 2021, <https://www.elespectador.com/colombia-20/paz-y-memoria/los-199-lideres-sociales-asesinados-en-2020-la-otra-tragedia-a-la-sombra-del-covid-19-article/>.

30 Adriaan Alsema, "Protests to Support Colombia's Social Leaders Held in More than 100 Cities Worldwide," *Colombia Reports*, July 26, 2019, <https://colombiareports.com/protests-to-support-colombias-social-leaders-held-in-more-than-100-cities-worldwide/>.

In the case of Guatemala, human rights leaders still today draw upon the transformative justice principles outlined, but so far unfulfilled, in the 1999 peace accords to continue their resistance against the state's failure to transform its security and economic institutions, and to protect and uplift the country's majority indigenous population. In 2020, President Alejandro Giammattei dissolved the Presidential Secretariat for Women (SEPREM), The Secretariat for Peace (SEPAZ), the Presidential Commission for Human Rights (COPREDEH) and the Secretariat of Agrarian Affairs (SAA) to consolidate their mandates under one institution, the Presidential Commission for Peace and Human Rights (CODAPEH). Survivors of the genocide were not consulted prior to making this decision, and Guatemalan human rights advocates raised concerns that this will prevent the future monitoring and implementation of the peace agreements, including the distribution of future reparations to survivors.³¹ In response, rural and urban communities have allied with human rights lawyers to contest this move through legal action.³² In a parallel but related development, protests erupted in late 2020 against systemic corruption and inequality in the country, along with calls "for a multisectoral constitutional assembly to establish a plurinational state with Indigenous territorial autonomy, and to break with racist, patriarchal patterns that subvert democracy."³³

In sum, indigenous leaders and human rights defenders continue to resist new waves of militarization and neoliberalism that perpetuate land dispossession and therefore fly in the face of victim recognition and reparations. Resistance can lead to transformative justice demands because human rights and community leaders, in decrying state inaction, are putting on the fore claims that, if addressed, can redress some of the historical legacies of social justice, economic inequality, and racism that still plague indigenous and rural communities in both Colombia and Guatemala.

Reclamation

Reclamation is the practice of re-asserting or re-cultivating spaces (physical or temporal) that may have been denied, erased, or altered through violence, as

31 "La Paz En Riesgo: Analisis Del Cierre de Las Instituciones de La Paz in Guatemala" (Impunity Watch, November 2020), https://www.impunitywatch.nl/docs/PolicyBrief_LaPazEnRiesgo_Cierre_Instituciones_Paz1.pdf; "Statement: Survivors of the Internal Armed Conflict Reject Attempts to Shut down SEPAZ," *Network in Solidarity with the People of Guatemala (NISGUA)*, accessed July 9, 2021, <https://niscgua.org/statement-survivors-sepaz/>.

32 Eva Roció Herrera, interview by Justicevision Podcast, January 4, 2020.

33 Nicholas Copeland, "In Guatemala, Resignations Are Not Enough," *NACLA Reporting*, December 16, 2020, <https://nacla.org/news/2020/12/16/guatemala-resignations-are-not-enough>.

explored by the Body and the Affect. Reclamation seeks to create opportunities for new and invigorated calls for justice. Reclamation is a particular mechanism of engagement that explains how civil society organisations mobilise to reassert, or even expand, justice demands that although previously promised were dismissed, ignored, or violated. A central promise of transitional justice is that the authoritarian practices of the past must not be ever again reproduced. And yet, the practice that we see in the Americas is that human rights violations continue and are even couched in legacy legislation from the authoritarian past. In this context, one way in which reclamation works is by redefining the temporal concerns of transitional justice: it should not only be dedicated to remembering the past but also to engage with the practices of the present. This temporal reclamation is clearly exemplified by the work conducted by some memory-based organisations in Argentina and Chile, which are reclaiming the temporal scope of their mission.

In Argentina and Chile, where incidents of disappearances and police brutality continue despite both countries' transitions to democracy, individuals and communities are engaging in reclamation to highlight the connection between past and present. Francesca Lessa, for example, shows how transformation is needed in Argentina to address a "culture of impunity; the lack of police reform, and a social context receptive to and supportive of violence."³⁴ More recently, citizens have participated in the "Marcha Nacional contra el Gatillo Fácil" ("National March against the Trigger-Happy") to denounce excessive force used by the police.³⁵ Michelle Bonner's work on current police violence in Argentina examines how citizens have worked to reclaim their citizenship, which involves "altering the organisation of power" through accountability for said violence and contesting dominant framing that criminalises those who dissent.³⁶

In Chile, memory-based sites and organizations (such as Londres 38 and Casa Memoria José Domingo Cañas) originally dedicated to codifying a dictatorship's legacy of terror and state violence, are moving beyond "focusing on the past" to do so.³⁷ Instead, these memory sites are using their physical

34 Francesca Lessa, "Beyond Transitional Justice: Exploring Continuities in Human Rights Abuses in Argentina between 1976 and 2010," *Journal of Human Rights Practice* 3, no. 1 (March 1, 2011): 25–48.

35 "Thousands Protest against 'Trigger-Happy' Police in Argentina," *Telesur*, August 29, 2019, <https://www.telesurenglish.net/news/Thousands-Protest-against-Trigger-Happy-Police-in-Argentina-20190829-0022.html>.

36 Michelle D. Bonner, "Reclaiming Citizenship from Police Violence," *Citizenship Studies*, March 29, 2021, 1–16.

37 Lauren Marie Balasco, "Sites of Memory as Spaces for Accountability: Transformative Justice in Chile Today" (International Studies Association, 2021).

spaces and public platforms to call attention to the state's current repression and economic policies against indigenous communities and other groups who mobilise around issues related to their livelihood security. The transformative potential of reclamation was further manifested in the series of large-scale protests in Chile, in late 2019, against a 3.7% increase in metro fares. These protests morphed into a larger outcry against the country's deep socioeconomic inequities, the state's mistreatment, and abuse against the Mapuche (Chile's largest indigenous community), and the recent spate of economic crimes by political elites (including tax evasion and corruption). Protesters chanted "No son 30 pesos, son 30 años" ("It's not 30 pesos, it's 30 years").³⁸ The phrase denotes the connections between long-standing socioeconomic grievances and insecurities Chileans confront in a post-transition era, and the neoliberal authoritarian legacy of military rule under General Augusto Pinochet (1972–1990). The work of these groups, alongside the protests rejecting economic neoliberalism, are symbolically akin to tributary streams merging into a river of transformative demands in Chile and Argentina.

Chile and Argentina are examples where the structural and institutional legacies of authoritarianism—when left unresolved—create a crisis of regime legitimacy and people's livelihood security. The extension of these unresolved conditions in post-transition contexts exposes the limitations and reluctance of consolidated democratic regimes in dealing with the past, which, in turn, ultimately reproduce the practices that undermine people's dignity and livelihood conditions. Reclamation acts as a driver for transformative change because it re-defines the narrow spatial and temporal mandates of traditional transitional justice and puts forth an agenda that focuses on structural change.

Resilience

Resilience is a concept that is receiving increasing attention in the transitional justice field, especially as it pertains to how such mechanisms can strengthen a community's capacity to rebuild after mass atrocity.³⁹ Resilience "relies on

38 Marcia Carmo, "Chile Despertó: Susana Hidalgo, La Famosa Actriz Que Tomó La Imagen Más Icónica de Las Protestas," *BBC News Brasil*, October 30, 2019, <https://www.bbc.com/mundo/noticias-america-latina-50239591>; Sergio Caniugueo Huiricapan, "Pueblo Mapuche Y La Inflexión Histórica Del 18/O," *CIPER*, October 31, 2019, <https://www.ciperchile.cl/2019/10/31/pueblo-mapuche-y-la-inflexion-historica-del-18-o/>; Fernanda Paúl, "Protestas En Chile: Las 6 Grandes Deudas Sociales Por Las Que Muchos Chilenos Dicen Sentirse 'Abusados,'" *BBC Mundo*, October 21, 2019, <https://www.bbc.com/mundo/noticias-america-latina-50124583>.

39 Janine Natalya Clark, "Thinking Systemically About Transitional Justice, Legal Systems, and Resilience," in *Multisystemic Resilience: Adaptation and Transformation in Contexts of Change*, ed. Michael Ungar (Oxford UK: Oxford University Press, 2021), 530–550; Philipp

ideas of self-organisation, adaptation, transformation, and survival in the face of adversity of crisis.”⁴⁰ Resilience is not the same as acceptance, acquiescence, or resignation. Further, a community’s ability to engage in resilience under systems of oppression and violence should not excuse or overlook those systems. Instead, it reflects a community’s capacity to adapt, organise, and transform space to confront adversity. Here, we may think of how communities may derive resilience from transitional justice engagement, but as we see in Brazil in the United States, transitional justice does not reflect the practices of transformative justice, or deeper transformative institutional change, such as the abolition of the prison industrial complex.

The United States and Brazil share similar experiences of multi-racial democracies plagued by criminal justice policies and state violence that target Black and Indigenous communities. They also have two of the largest prison populations in the world (the United States ranks first, Brazil third), the majority of whom are Black citizens.⁴¹ In Brazil and the United States, transformative justice and abolitionist organisations that advocate for the right to memory, truth, and reparations do not see these institutions as ends in themselves; instead, they are meant to facilitate a process for deeper reforms, and to dismantle the state’s carceral logic and socioeconomic inequities that hurt communities of colour. The Right to Memory and Racial Justice Initiative (IDMJR) in Brazil advocates for “the right to memory for victims and family members of State violence, with centrality in confronting structural racism and claiming for racial justice” by documenting state violence and calling for the abolition of the police.⁴² Abolitionist and transformative justice organizer Mariame Kaba has stressed the importance of a formal apology and reparations legislation passed by the Chicago City Council for the Burge police torture survivors.⁴³ Reparations and truth commissions, then, are an important accountability, but

Kastner, “A Resilience Approach to Transitional Justice?,” *Journal of Intervention and Statebuilding* 14, no. 3 (May 26, 2020): 368–88.

40 Clemence Humbert and Jonathan Joseph, “Introduction: The Politics of Resilience: Problematising Current Approaches,” *Resilience* 7, no. 3 (September 2, 2019): 215.

41 Lara Bartilotti Picanço, “Brazil’s Mass Incarceration Policy Has Not Stopped Crime,” *Wilson Center*, August 30, 2019, <https://www.wilsoncenter.org/blog-post/brazils-mass-incarceration-policy-has-not-stopped-crime>.

42 “Iniciativa Direito à Memória E Justiça Racial,” *Iniciativa Direito à Memória e Justiça Racial*, accessed July 9, 2021, <https://dmjracial.com/quem-somos/>.

43 Mariame Kaba, *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice* (Haymarket Books, 2021), 21. It is important to emphasize that, at least in the United States, transformative justice practice is not the same as abolition work, although typically the work done by these communities hold the same views of how the construction of criminal justice systems continues to oppress, rather than rehabilitate.

transformative justice and abolition organising requires moving beyond “an individualised response to what is a systemic problem.”⁴⁴ Transformative justice organisers then work to establish local, community-based accountability processes to bypass the state and its carceral logic. Communities facing systemic violence from the state build resilience by stressing the transformative ways to deal with harm.⁴⁵ Jamani Montague of Critical Resistance (an abolitionist and transformative justice organisation (in the U.S) argues that communities must create “a sense of collective care and interdependency” as they work to manage harm without involving the state.⁴⁶ Resilience can potentially generate transformative demands because it leads communities affected by harm to look at ways of questioning the legitimacy of structures and institutions that, while portrayed as protectors of individuals, reflect instead legacies of institutionalised racism and oppression. In contesting the logics of these systems of violence, transformative justice proponents are envisioning new ways to define justice and addressing harms to communities.

Crises of democratic legitimacy in the Americas inform how societies engage with past and potential transitional justice mechanisms and, through these “situated struggles,” generate transformative justice demands. Broader inquiries that elaborate on the nuances of social actors’ reclamation, resistance, and resilience, particularly in the context of temporal reformulations and varying spaces of encounter and engagement with transitional justice, remain limited, yet necessary as captured in our introduction. And yet, these mechanisms give us the keystones for a theory of justicecraft, and as these case illustrations highlight, transformative change. By illuminating how they can redefine the agenda, expand the scope, and envision new realities, these mechanisms provide the analytical leverage to scrutinise the democratisation of transitional justice as a process. We also can identify the formal and informal spaces where protagonists voice, claim, and occupy alternative visions of justice, as the Audience further examines.

The Audience

As we later show with the Island, transitional justice studies zoom in on those actors and spaces that appropriate for themselves the language of transitional

44 Kaba, 66.

45 Chantal Da Silva, “The ‘Defund the Police’ Movement Is Growing. Here’s What It Actually Means,” *Newsweek*, June 4, 2020, <https://www.newsweek.com/defund-police-movement-growing-heres-what-it-actually-means-1508761>. Chantal Da Silva, “The ‘Defund the Police’ Movement Is Growing. Here’s What It Actually Means.” *Newsweek*. June 4, 2020. <https://www.newsweek.com/defund-police-movement-growing-heres-what-it-actually-means-1508761>.

46 Da Silva.

justice. This appropriation's technical language masks how transitional justice performs justicecraft. However, there are several concomitant spaces where justice discourses play out such as racial justice, social justice, and postcolonial justice. In some cases, these spaces intersect, and at times even overlap, such as in Canada and parts of the United States that addressed settler colonial violence against indigenous communities through truth commissions. Indeed, the Uprisings shed light on how in both Brazil and the United States justice demands opened up new spaces for resistance. It is within these "in between" spaces⁴⁷ actors can engage with a broader audience that may not see itself as engaged in transitional justice work. However, in many instances paradigmatic transitional justice has left out a number of spaces where justicecraft takes place. This is not unintentional. As Seiko Mimaki points out, the practice of international lawyers purposefully trying not to see the political functions of international law or questioning a world order in which imperial relations are reproduced has a long genealogy in the United States.⁴⁸ This section flips our analytical lens and explores how by looking at how justicecraft is received on the part of the audience not only helps to better explore the political craft that accounts for change—particularly in relation to resistance, reclamation, and resilience—but also exposes the limitations of narrow mechanistic imaginings of transitional justice.

We define non-transitional justice spaces where justicecraft takes place as those spaces where actors engage in confronting injustice and advancing claims to justice outside the hegemonic discourses of transitional justice, which through an emphasis on legal and political process place the onus of making justice in the hands of an elite professional community who may or may not choose to engage with a transnational community of epistemic experts. However, by focusing on institutions, while ignoring how these institutions came to exercise authority—racial inequality, settler colonialism, legacies of imperialism, transitional justice practice at the very beginning abandons more radical justicecraft to pursue transitional justice as a sort of neo-Kantian project,⁴⁹ whereby the institutions, norms, and practice centred around governance in the West, serve as a template for mimicry in the context

47 Sida Liu, "Between Social Spaces." *European Journal of Social Theory* 24, no. 1 (February 1, 2021): 123–39.

48 Seiko Mimaki, "Law Against Empire, or Law for Empire? – American Imagination and the International Legal Order in the Twentieth Century," *The Journal of Imperial and Commonwealth History* 49, no. 3 (May 4, 2021): 553–75.

49 Valdez, *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft*.

of societies where the most significant harm was inflicted by the West.⁵⁰ To understand elite-driven justice processes, we must first turn to the imperial audience.

The Imperial Audience

Privileging transitional justice as a legal and technical process also reinforces unequal power relations that are wielded within and among states. For example, because international law served as the framework through which colonial harms were addressed, these settlements took the form of elite compromises ratified through inter-state treaties, which lacked any broad public consultation. In many cases, these treaties were quickly concluded with newly independent authoritarian regimes that had little interest in settling crimes of the past. As a result, not only were such harms defined out of the transitional justice problem space from the inception of the field, when attempts to address the legacy of colonial harms are raised, these international legal settlements act as a barrier to pushing the scope of transitional justice to include systemic abuses committed by colonial states.⁵¹

In the case of South Korea, the 1965 *Treaty on Basic Relations between Japan and the Republic of Korea*, a treaty that formally settled the legacy of Japan's colonial and wartime conduct, has acted to shield successive governments in Tokyo from justice demands.⁵² Moreover, the legitimacy of this agreement, negotiated on behalf of South Korea by the military dictatorship led by General Park Chung-Hee, is from the perspective of international law beyond reproach. Yet, the 1965 Treaty on Basic Relations is also a textbook example of elite international lawmaking as a tool to subvert more radical demands for change. More recently, the agreement between Germany and Namibia could be considered another such example. This agreement, which included an apology for Germany's genocide of Namibia's Ovaherero and Nama peoples and the provision of 1.1 billion Euro in development assistance—falls far short of

50 For example, Laryssa Chomiak illustrates the symbolic significance of situating the start date of the period of time covered under transitional justice in 1955, a year before Tunisia gained independence because of the perceived role of France in orchestrating Habib Bourguiba's consolidation of power over the independence movement, and eventually setting in motion Bourguiba's consolidation of authoritarian rule in Tunisia. Laryssa Chomiak, "Tunisia: The Colonial Legacy and Transitional Justice," October 26, 2017, <https://www.africaportal.org/publications/tunisia-colonial-legacy-and-transitional-justice/>.

51 Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge University Press, 2017).

52 Kenji Kawase. "Japan-South Korea Dispute Has Roots in 1965 Postwar Agreement." *Nikkei Asia*, July 31, 2019. <https://asia.nikkei.com/Spotlight/The-Big-Story/Japan-South-Korea-dispute-has-roots-in-1965-postwar-agreement>.

reparation. In fact, it follows a model adopted by postwar Japan in providing reparation in the form of official development assistance rather than a wider program aimed at acknowledging and redressing past harm inflicted through colonial practices.

As a result of this exclusion from the elite politics of inter-state settlements, victims of human rights harms and activists who sought to advance justice struggles did not adopt the vocabulary or ideational template of transitional justice. Across much of East Asia, where the Second World War brought about the dismemberment of Japan's colonial empire, but also the retrenchment of European and American colonial interests in the region, legacies of violence, to the extent they were addressed at all, were left to elite compromises. In the case of the Tokyo Tribunal, the statute of the Tribunal explicitly eschewed Japan's own colonial past in favour of a narrow jurisdictional scope that only examined Japan's wartime actions so as not to raise uncomfortable questions or parallels relating the conduct of the French in Indochina or the Dutch in Indonesia.⁵³

Yet this exclusion from a transitional justice space opened up a new space where the past could be challenged in a broader public sphere. Here, we can consider, for example, practices and locations where social actors engage with the past in the form of new encounters. While these social actors engage with the past, they do so unconsciously, unknowingly and/or sometimes purposefully with the intent to exclude any reference to collective memory processes or transitional justice strategies.

Another example, drawn from the struggle against racial injustice in the United States, comes from the State of Mississippi, where criminal trials held in the late 1990s and early 2000s sought to "close the books" on civil rights era racial violence in the state. However, the criminal justice system's focus on individual criminal responsibility, allowed the state to convict Ku Klux Klansmen of civil rights era murders, while also refusing to acknowledge state complicity in these murders.⁵⁴ As a result, a bottom-up initiative, which initially took the form of community roundtables, sought to establish a non-state truth seeking mechanism for the state. However, as this bottom-up initiative began to appropriate the vocabulary of paradigmatic transitional justice, the inability to secure any elite level buy-in blocked any attempt to transcend into transitional justice.

53 Catherine Lu, *Justice and Reconciliation in World Politics*. (Cambridge University Press, 2017).

54 Christopher Lamont, "Justice and Transition in Mississippi: Opening the Books on the American South," *Politics* 30, no. 3 (October 2010): 183–90.

Audiences of Justicecraft

In Japan, the vast majority of actors involved in efforts to acknowledge past state abuses are situated in non-transitional justice spaces. Non-governmental associations that engage with the legacy of Japan's imperial and wartime past do not purposefully see themselves as transitional justice agents. Indeed, the term transitional justice, *iko-ki segi*, is a narrow technical term that is mainly only applied in the context of Japanese development assistance abroad, and not at home, where imperial and wartime legacies are framed as 'historical recognition problems,' or *rekishi ninshiki mondai*. It is within this context, that civil society efforts to confront Japan's wartime past have not advocated for traditional transitional justice measures, such as truth commissions or trials. Instead, art has long been a medium for anti-war advocacy. Artistic interventions can take place in non-justice spaces and elicit an effective response. There is a diverse body of postwar artistic practice that can help illuminate this. For example, Goro Shikoku's artwork focused on the lives of those lost in the nuclear attack on Hiroshima.

Affective responses can also include significant backlashes against artistic interventions that challenge dominant, or elite, understandings of a contested past. In the case of the 2019 Aichi Triennale Art Festival in Japan, an art exhibition featuring a comfort woman statue and also an exhibit that appeared to show the immolation of Japan's wartime emperor provoked a significant backlash from Japanese rightists who saw the artwork as challenging nationalist wartime narratives. In 2021, there was an attempt to organise a second viewing of this exhibit in the Tokyo ward of Shinjuku, which was cancelled due to threats against the venue that was to host this event.

While Japan, the United States, and Caribbean states, have found themselves on the periphery of transitional justice inquiry and practice throughout much of the field's development and professionalisation, exploring justice in non-justice spaces highlights how the conceptual lens of justicecraft can provide a vocabulary to shed light on broader justice practices aimed at social, political, or economic transformation. It also fuels questions on further breaking down the professionalisation of TJ practices.

As many human rights advocates and civil society NGOs do not identify with transitional justice practice, the question arises as to what impact "space travel" has on efforts to confront the past.⁵⁵ This includes the role of agents who are able to move between transitional justice and non-transitional justice spaces

55 Arnaud Kurze and Christopher K. Lamont. "Breaking the Transitional Justice Machine: Exploring Spatiality, Space Travel, and Inbetween Spaces in Research Practice." *Political Anthropological Research on International Social Sciences (PARISS)* 2, (2021):155–178.

and whether their location-related movement hampers or fuels justice-related change within society. The conceptual site of the Island provides us with the tools to begin to unpack these questions through a visualisation of who is welcome in this space and who is excluded. Furthermore, who decides on what power constellation prevails? Next, the objective is to better understand the tensions between informal and formal spaces, as explained and elaborated upon with the Uprising, and which will later be addressed with the Island.

Part 2. Bodily Struggles

Agency is complex, multilayered and transversal. It raises questions about who gains access to means that fuel change and more specifically about representation, and whether recognition within society requires passage through formal institutions in order to gain legitimacy. Here, the Body and the Affect explore physical and emotional agency during post-conflict justice processes and across different sites.

The Body

Women are particularly affected in the aftermath of violence and war during times of political change, inciting the United Nations (UN) Economic and Social Council (ECOSOC) to advocate for gender mainstreaming, a concept of broadly including gender-relevant perspective in UN programming in 1997.⁵⁶ Since then a growing gender consciousness has preoccupied scholars and practitioners, including the field of transitional justice. Some have reflected on the evolving relationship between official transitional justice responses and women during political and social transitions over the past several decades.⁵⁷ While scholarship on multi-layered and transversal issues has flourished,⁵⁸ work on the concept of violence in relations to women's bodies and the notion

56 See ECOSOC website at <https://www.un.org/womenwatch/daw/csw/GMS.PDF>, accessed June 1, 2021.

57 Catherine O'Rourke, *Gender Politics in Transitional Justice* (Routledge, 2013).

58 See for instance Fionnuala Ní Aoláin, "Advancing Feminist Positioning in the Field of Transitional Justice," *The International Journal of Transitional Justice* 6, no. 2 (July 1, 2012): 205–28; Christine Bell, Colm Campbell, and Fionnuala Ní Aoláin, "Transitional Justice:(Re) Conceptualising the Field," *International Journal of Law in Context* 3, no. 02 (2007): 81–88; Dietrich Ortega and Luisa Maria, "Transitional Justice and Female Ex-Combatants: Lessons Learned from International Experience," *Disarming the Past: Transitional Justice and Ex-Combatants, New York, Social Science Research Council*, 2009, 158–89; Louise Chappell, Rosemary Grey, and Emily Waller, "The Gender Justice Shadow of Complementarity:

of subjectivity against the backdrop of gender roles are still developing.⁵⁹ Therefore, we focus on body politic, mapping violence, particularly against women and frame it against the backdrop of the quest for justice and the need for change.

In this context, some have begun deconstructing the notion of masculinity, to further explore and understand systemic barriers, calling for a more nuanced understanding and the varied discursive practices of “masculinities” as social norms and practices that hamper more inclusive gender-inclusive approaches in the field.⁶⁰ Related to these structural obstacles are repressive, dominant tropes, such as security-related questions, which are often tied to post-conflict and transition-focused policy agendas in international relations.⁶¹ As a result, women are often labelled as victims.⁶² Yet in most circumstances, agency harnessed by individual and collective efforts to confront violence and past wrongdoings are characterised by critical, creative and transformative engagements.⁶³ “Blindspots” and “gender gaps,” however, as Philipp Schulz, argues, remain visible, particularly with regards to local perceptions and understandings of gender and justice.⁶⁴ It forces us to “(un)learn and (re)consider the multiple ways in which gender norms and understandings affect women, men and those outside the gender binary differently.”⁶⁵

In a similar vein, injustice endured by women during conflict or episodes of violence have lasting effects not only from the primary physical trauma experienced in the first place, but also from social stigma and norms that harshly and unfairly punish many of them upon their return home at the end of a violent conflict period. The logic of trauma thus transgresses initial, physical sites of

Lessons from the International Criminal Court’s Preliminary Examinations in Guinea and Colombia,” *The International Journal of Transitional Justice* 7, no. 3 (November 1, 2013): 455–75.

59 Lauren B. Wilcox, *Bodies of Violence: Theorizing Embodied Subjects in International Relations*, Oxford Studies in Gender and International Relations (New York: Oxford University Press, 2015).

60 Brandon Hamber, “Masculinity and Transitional Justice: An Exploratory Essay,” *The International Journal of Transitional Justice* 1, no. 3 (December 1, 2007): 378.

61 Fionnuala Ní Aoláin, “Women, Security, and the Patriarchy of Internationalized Transitional Justice,” *Human Rights Quarterly* 31 (2009): 1055.

62 Susanne Buckley-Zistel, “Redressing Sexual Violence in Transitional Justice and the Labelling of Women as ‘Victims,’” in *Victims of International Crimes: An Interdisciplinary Discourse*, ed. Thorsten Bonacker and Christoph Safferling (The Hague, The Netherlands: T. M. C. Asser Press, 2013), 91–100.

63 Annika Björkdahl and Johanna Mannergren Selimovic, “Gendering Agency in Transitional Justice,” *Security Dialogue* 46, no. 2 (April 1, 2015): 165–82.

64 Philipp Schulz, “Towards Inclusive Gender in Transitional Justice: Gaps, Blind-Spots and Opportunities,” *Journal of Intervention and Statebuilding* 14, no. 5 (October 19, 2020): 692.

65 *Ibid.*, p. 692.

harm, spanning to areas and contexts that are not originally identified as the primary site of an individual and sometimes collective struggle. Struggles, as in this example, expand and transform, following and affecting victims and the communities they live in.

Storytelling, as some have highlighted, empowers women to step out of the silence and gain a voice in official processes of transition.⁶⁶ Yet spaces that allow for individual and collective empowerment of women's narratives are often invisible, contested, or subject to gatekeeping, as we pointed out in the Island. Building on this innovative gender-focused work, we survey three case studies, South Africa, Beirut, and Colombia to further explore the daily struggles of women's voices in times of social and political change. Our objective lies in gaining a deeper and more nuanced understanding of individual lives as they unfold under challenging conditions. We also weigh our observations against their ability to cope with change within their respective post-conflict and post-authoritarian environments. Despite the challenging conditions on the ground, the potential for empowerment exists. However, successfully harnessing this potential is contingent on different case-specific factors. Let us turn to each of the cases, starting with the impact of the legacy of failing to adequately address gender violence in post-apartheid South Africa, Syria and Colombia.

Reclaiming Spaces and Voices

Over a quarter century after the repressive, institutionalized system of racial segregation, apartheid, ended in South Africa, accounts portraying the suffering and pain of women during this period continue to surface, but have yet to unleash a broader wave of story-telling and reckoning with gender injustice in the country.⁶⁷ In fact, the Truth and Reconciliation Commission of South Africa was compelled to host a set of special women's hearing in 1997 whereby women came forth to present their narratives of racialized gendered violence experienced during the course of 'formal apartheid'(1960–1994). Initial gender-blindness and ad hoc participation, however, constitute a lost "opportunity

66 Erin Baines and Beth Stewart, "I Cannot Accept What I Have Not Done': Storytelling, Gender and Transitional Justice," *Journal of Human Rights Practice* 3, no. 3 (November 1, 2011): 245–63.

67 Annie E. Coombes, "Witnessing History/Embodying Testimony: Gender and Memory in Post-Apartheid South Africa," *The Journal of the Royal Anthropological Institute* 17 (May 2011): S92–112; Annie E. Coombes, *History After Apartheid: Visual Culture and Public Memory in a Democratic South Africa* (Duke University Press, 2003); Desiree Lewis and Gabeba Baderoon, *Surfacing: On Being Black and Feminist in South Africa* (Wits University Press, 2021).

to capture a more complete picture of the apartheid era” and its nuanced gender-based violence.⁶⁸ Nomvula Mokonyane, who had been active member of uMkhonto we Sizwe (MK) women’s section, stated in her TRC testimony that “We do not deserve to be given favours, but we believe that women in this country also earn, they deserve to be counted amongst those who have played a role.”⁶⁹ This assertion of women’s agency and their right to be equally recognized in wider public reckoning efforts, such as the TRC hearings, remains nonetheless a challenge to be addressed within South African society.

Women across the country have continued to organize and mobilize not only for recognition of women’s role in the anti-apartheid struggle but also for legal prosecution of perpetrators, and for gender-based violences during apartheid and contemporary society. These have been initiatives such as a rising number of women writing biographies on their experiences in exile camps and apartheid, participating in public radio and media platforms and commemorating mass women’s anti-apartheid mobilizing such as the anti-pass march of 1956.⁷⁰ It is important, when discussing or analysing instances of gender-based violence that scholars yield from the spectacle and expand upon quotidian events such as state police harassment and intimidation.

*They used to harass us in the morning, during the day or any day of the week. As we were preparing ourselves to go to church you would see the Boers suddenly invading our house. Sometimes they would even find me naked and the whole harassment continued up until 1984.*⁷¹

The words from Lephina’s testimony at the TRC Women’s Hearings illustrate how gender-based violence was endemic. Appearing before the Truth and

68 Ayumi Kusafuka, “Truth Commissions and Gender: A South African Case Study,” *African Journal on Conflict Resolution* 9, no. 2 (2009): 45, <https://doi.org/10.4314/ajcr.v9i2.52172>.

69 South African Truth and Reconciliation Commission, “Tokyo Sxwale Nomvula Mokonyane - FEDTRAW Submission,” Human Rights Violations Women’s Hearing (July 29, 1997), South Africa, Department of Justice and Constitutional Development, Online, <https://www.justice.gov.za/trc/special/women/mokonyan.htm>.

70 N. P. Z. Mbatha, “Narratives of Women Detained in the Kroonstad Prison during the Apartheid Era: A Socio-Political Exploration, 1960–1990,” *Journal of Contemporary History* 43, no. 1 (2018), <https://doi.org/10.18820/24150509/jch43.v1.5>; Lakeasha G. Sullivan and Garth Stevens, “Through Her Eyes: Relational References in Black Women’s Narratives of Apartheid Racism,” *South African Journal of Psychology = Suid-Afrikaanse Tydskrif Vir Sielkunde* 40, no. 4 (December 1, 2010): 414–31.

71 Lephina Zodwa Thobela’s testimony at the Women’s hearing is available at <https://www.justice.gov.za/trc/special/women/thobela.htm>, accessed March 31, 2022.

Reconciliation Commission in 1997, Lephina, who had lost her entire family and her dignity, had to witness that the TRC did not charge anyone, for the harassment or the murder of her daughters and husband. This lack of gendered justice formed the bedrock of South African democracy resulted in the contemporary democratic state emulating—to some degree—tactics and strategies for justice which do not recognize that gender-based violence encompasses more than rape. Pumla Dineo Gqola, gender studies and postcolonial scholar, writes that the prevalence of rape, as a form of gender-based violence is present in South Africa due to not only its colonial history but also due to how “rape is not a moment but a language.”⁷² This is a layered language of gendered violence which enables institutions to obscure occurrences of rape. Seeking justice for gender-based violence in South Africa for and by women, even during the Truth and Reconciliation Commission, requires that one not only transcends this layered colloquial language of gendered violence but also reimagines different strategies and language—which civil society organisations have continued doing in South Africa. As evidence of the embeddedness of this language in contemporary South Africa, Gqola explores instances where rape, and other forms of gendered violence, were frequent in South African public debate and memory such as the 2006 rape trial of former President and anti-apartheid activist Jacob Gedlihlekiyisa Zuma. This trial was highly publicised because of the profile of both complainant and respondent. Yet it was also another instance whereby the judicial system attempted to assess the narrative testimony and evidence of Fezekile ‘Khwezi’ Khuzwayo against the backdrop of this language, which penetrated the courtroom and public arena, and concluded that the alleged rape of Fezekile was merely a moment thus acquitting Zuma of charges. Although the outcome of this trial and countless others on gendered violence have not been favourable towards victims, they have proved to be substantive evidence of the legacy of gendered violence in the South African body politic, prior to the Truth and Reconciliation Commission, and how official judicial spaces utilise rigid frameworks to determine justice.

Despite broader official acknowledgement, countless stories have been collected in the meantime by independent organisations, which Sindiso Bhebhe and Mpho Ngoepe have called “counter-archives.”⁷³ They draw on two

72 Gqola, Pumla Dineo. *Rape: A South African Nightmare*. (Johannesburg, South Africa: MF Books Joburg, 2015): 22.

73 Sindiso Bhebhe and Mpho Ngoepe, “Building Counter-Archives: Oral History Programmes of the Sinomlando Centre and Memory Work in Africa and the South African History Archive,” *Information Development*, March 15, 2021, <https://doi.org/10.1177/0266666921999754>; Dale T. McKinley and Ahmed Veriava, *Forgotten Voices of the Present* (South African History Archive, 2009).

examples, the Sinomlando Centre for Oral History and Memory Work in Africa (Sinomlando) and the South African History Archive, to illustrate how these organisations are at the forefront of “documenting the stories of the once stigmatised HIV/AIDS minority” and the “promotion of social justice among the marginalised groups of people in South Africa and beyond.”⁷⁴ As Pumla Gqola states,

*While we cannot unmake history, we can directly confront those aspects of our collective behaviour that support a rape culture (in post-apartheid South Africa) and a manner in which we can begin such confrontation is through consciousness of this implicit language of gendered violence and its impact on silencing crucial aspects of victims oral narratives/remem-bering.*⁷⁵

Oral history, however, far from serving only as a tool to record the forgotten voices of the past, can also serve to raise awareness about contemporary social issues. The untold stories of Syrian victims of war serve as an excellent case in point and we will visit their case next.

Narrating Bodily Harm and Social Trauma⁷⁶

The relentless violence of the Syrian civil war, which has devastated the region for over a decade now, cost hundreds of thousands of lives and displaced millions, with an estimated 1.5 million who found shelter in Lebanon.⁷⁷ Women, who have fled the conflict, are particularly affected. Syrian female refugees find themselves in so-called “in-between spaces,” having escaped persecution, destruction, and death in the hope of finding shelter, security, and peace.⁷⁸ Yet they find themselves in limbo or in imagined safe haven, confronted with (in)visible injustice, including challenges associated with their forcible

74 “Building Counter-Archives: Oral History Programmes of the Sinomlando Centre and Memory Work in Africa and the South African History Archive,” 1.

75 Gqola, Pumla Dineo. *Rape: A South African Nightmare*: 7.

76 This section draws on one of the author’s works: Sarine Karajerjian, “‘Mama Take Us to a Country Where There Is No War’: COVID-19 and Mental Health Challenges for Syrian Refugee Women in Lebanon,” *Gender and Development* 29, no. 1 (January 2, 2021): 95–109.

77 Omer Karasapan and Sajjad Shah, “Why Syrian Refugees in Lebanon Are a Crisis within a Crisis,” *Brookings Institution*, April 15, 2021, <https://www.brookings.edu/blog/future-development/2021/04/15/why-syrian-refugees-in-lebanon-are-a-crisis-within-a-crisis/>.

78 Arnaud Kurze and Christopher K. Lamont, “Breaking the Transitional Justice Machine: Exploring Spatiality, Space Travel, and Inbetween Spaces in Research Practice”.

displacement and related questions of home and belonging. In addition, the Covid-19 pandemic has caused additional strain on these women's lives.

This case draws on data collected from conversations with over 50 women, who visited healthcare facilities in Beirut, Lebanon. Participants were from various regions, including Deir Ez-Zor, Aleppo, Reef Aleppo, Idlib, and Ar-Raqqa. The facilities, however, constituted not only spaces in which refugees would be able to receive health-related services, but were also spaces where women could bring friends and family members, engage in different social activities with other like-minded Syrian women, and attend workshops to acquire professional skills. Interviews were conducted based on semi-structured formats, allowing interviewees to tell their individual and personal experiences, rather than being bound by a series of inflexible questions. During the Covid-19 lockdown, we stayed in touch with participants using social media, including WhatsApp.

The findings of months-long conversations and data collection revealed the many obstacles these women are confronted with in their newly adopted environment. Some of the challenges include discriminatory policies, voicelessness, and distressing public health concerns, aggravated by the pandemic. Providing a handful of refugee testimonies, we will portray the plight and daily struggles of Syrian women refugees caught in a web of official barriers and who are trying to navigate informal channels seeking remedies and dignity through their voices and actions.

Asma, a thirty-year old woman who came to Lebanon in 2015, fled from a small village in Western Syria near the Iraqi border filled with ISIS militants. "They once stopped me and questioned me about why I was not covered up," she recounts and added, "We fled the day they threatened to take me away."⁷⁹ Her situation in her host country is filled with challenges, she told us: "The United Nations supported me with food and rent expenses for a while, but then stopped." Since then, she has been bouncing around from one place to another, making ends meet and borrowing money, accumulating debt, and eventually getting evicted as she falls behind in her payments. She continues, "One day, I was walking with my kids and a car hit me, now my hand hurts. I have headaches, and I have not been able to sleep."⁸⁰ Asma's story is shared by many Syrian women refugees, struggling to cope with stress, anxiety and psychological and physical trauma. Rama, for instance, forty years old, unable to work because she needs to take care of her sister-in-law due to a mental condition, bears the brunt of the situation with her husband staying at home

79 Interview with Sarine Karajerijan in Beirut, April 12, 2020.

80 Ibid.

for long periods of time because of the precarious job market. The constraints imposed by the pandemic further aggravate her situation, she explained: “The kids study at home via WhatsApp since the schools are closed and classes are all online.”⁸¹ These individual stories demonstrate the power of informal oral history, that is, the opportunity for many of the women to share their experience with someone who was not within their immediate community of people they frequent daily or on a regular basis in these precarious and uncertain times. It also provides us further insight on the meaning and role of diverse spaces, such as the healthcare centres, which turned out to become temporary, albeit ephemeral, spaces to find refuge and a sense of belonging, at least for some time.

The Gap between People and Promises⁸²

The concept of gender mainstreaming, mentioned earlier, played a critical role during the peace negotiations and transition period of the half-a-century-long civil war that ravaged Colombia. Thanks to the advocacy efforts of civil society organisations and female activists, over 130 provisions on women and gender issues were included in the agreement signed in 2016 by the national government and the Revolutionary Armed Forces of Colombia (FARC), the country’s largest insurgent group. Throughout the negotiations, women used UNSCR 1325 and the Women, Peace and Security (WPS) Agenda⁸³ as tools to advocate for women’s meaningful participation in every step of the process. Five years later, however, many of the promises inked on paper, especially those pertaining to women, are lagging.⁸⁴

Regardless of the slow and moderate progress, Colombia’s peace process is noteworthy for two reasons. First, it underlines the essential role of alternative spaces—which we will also elaborate on in the *Affect*, the *Uprising*, and the *Audience*—particularly local-driven initiatives that were vital for the successful implementation of the peace process and transitional justice strategies. In spite of official peace negotiations, the local and national network of women’s

81 Interview with Sarine Karajerijan in Beirut, April 14, 2020.

82 This section draws on a study “Towards a Sustainable and Inclusive Peace in Colombia: Barriers to Local Women’s Participation in the Implementation of the Peace Agreement,” by Bea Ciordia, 2020.

83 The United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, adopted on October 31, 2000, reaffirms the important role of women in the prevention and resolution of conflicts and advocates for their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

84 See for instance reporting by the Washington Office on Latin America, a US-based civil society organisation monitoring the peace process, <https://colombiapeace.org/>, accessed June 19, 2021.

advocacy groups constituted less formal spaces for advocates to connect and promote a more gender-inclusive agenda. Women were key in these spaces, often taking on the role of mediators, or “brokers” as Sida Liu describes these types of interactions, especially with regards to integrating local populations into the overall process.⁸⁵

Some of the findings we discuss below draw on participant observation conducted over several workshops in the Colombian region of Cauca between November 26–27, 2019. The workshop participants, around 30 women working in local non-profit organisations from over a dozen municipalities across the region, served as community leaders, peacebuilders, or human rights advocates in their respective villages. The encounters were organised by Global Network of Women Peacebuilders (GNWP), a US-based NGO, and the Red Nacional de Mujeres (RNM), a Colombian network of local organisations promoting women’s rights and leadership skills.

During these workshops, participants identified key gaps in the implementation of the peace agreement in their departments and municipalities, as well as pinpointed the proliferation of armed groups, including FARC dissidents and organised crime groups, as a major barrier to peace.⁸⁶ Drawing on their first-hand knowledge and experience, these women also managed to come up with a list of concrete actions needed to address such challenges. Their proposals, which emphasised the need to strengthen economic empowerment and income generation programs for women and to provide security training for female activists and political candidates, showcased a thorough understanding of the reality of women at the local level—where Colombia’s central authority is barely present.

Second, informal women’s networks helped fuel voices at the grassroots level, strengthening and empowering many marginalised and underrepresented social groups, including indigenous populations, Afro-Colombian women, youth, and former FARC combatants. The sharp disconnection that exists between Bogotá, the operations centre of the peace agreement, and rural areas, prevents these groups—and particularly women—from engaging in official negotiations and bringing a much-needed local perspective into the table. This divide, however, is not just administrative: most women cannot afford to travel across the country due to economic and domestic restraints; others are subjugated to the country’s entrenched patriarchal norms, and many lack the skills to understand the jargon and legal framework used in government-led negotiations.

85 “Between Social Spaces,” 123.

86 Participant observation by Bea Ciordia, November 26–27, 2019.

By contrast, informal spaces offer local women the opportunity to use their own language and narratives, share their experiences in safe spaces, and become part of a network that helps them develop their capacities and become politically active in their communities. Only in these spaces can marginalised women—the most affected by Colombia's internal war—express and cope with their traumatic experiences, leave their role as victims behind, and become active agents of peace in the country's transitional justice process.

The examples of South Africa, Syria and Colombia draw attention to the importance of empowering women and underrepresented populations in transition contexts regardless of ongoing obstacles. It is essential to understand the nuanced lived experiences of women in post-conflict and post-authoritarian settings, so that struggles against injustice can be more fully recognized. Without this recognition, claims for justice risk being obscured and remaining unaddressed; thereby continuing to render women's voices absent from official records, while relegating their experiences during processes of political change.

The Affect

The process of political change is “inseparable from *feelings* of justice.”⁸⁷ Justice is not done, unless it is also seen, felt, and thought to be so. The importance of recognising the lived experiences of women, discussed in the Body, draws attention to these physiological and psychological aspects of justicecraft. In coming to terms with past conflict and strengthening democratic institutions in the aftermath of state-sanctioned violence, art plays an important role in communicating and creating affective topologies of justice in order to recognise diverse and often competing claims for recognition: art can “provoke us to travel into the others' world, thinking and feeling our way into their universe.”⁸⁸ This recognition is essential in order to comprehend, and respond to, the claims of people *affected*—both individually and collectively—by conflict and violence.⁸⁹ In this way, art can play an important role in animating and activating the narratives of individuals so that they take on collective importance.⁹⁰ Establishing shared collective visions of the past has become

87 Eugene McNamee, “Fields of Opportunity,” in *The Arts of Transitional Justice: Culture, Activism, and Memory after Atrocity*, ed. P. Rush and Olivera Simic (London: Springer, 2014), 22.

88 Mihaela Mihai, “From Hate to Political Solidarity: The Art of Responsibility,” in *Hate, Politics, Law: Critical Perspectives on Combating Hate* (Oxford University Press, 2018), 205.

89 Garnsey, *The Justice of Visual Art: Creative State-Building in Times of Political Transition*.

90 Eliza Garnsey, “Rewinding and Unwinding: Art and Justice in Times of Political Transition,” *The International Journal of Transitional Justice*, June 5, 2016, <https://doi.org/10.1093/ijtj/ijw010>.

something of “a trope in the discourse of political transition”;⁹¹ a discourse, which as was discussed in the Island, is circumscribed and tightly mediated by epistemological assumptions and gate-keeping.

The use of art in, and about, transition processes has gained more scholarly traction in recent years.⁹² However, important questions remain unanswered, especially regarding the relationship between art and feelings of justice, and the politicisation of art during collective memory processes. This section explores both questions through a case study of the transnational exchange of a set of tapestries between the Hall of Justice in Den Bosch, Netherlands, and the Constitutional Court of South Africa in Johannesburg—the most significant institution to emerge out of the state’s transition from apartheid to democracy. Inside these courts hang the same set of tapestries, entitled *The Benefit of the Doubt*, by Marlene Dumas, which were gifted by the artist and the Dutch Government to South Africa.

Drawing on participant observation fieldwork conducted at both courts, which included 66 interviews with judges, lawyers, artists, and visitors, the section analyses how the transnational exchange, content, and location of these tapestries and the affective responses which they provoke, have important implications for the provision of justice in both contexts, especially in relation to post-apartheid political transition. This fieldwork facilitates the recognition of the situated knowledge, and the claims being made and received by stakeholders, drawing attention to the narratives and practices of political change—the justicecraft—in these contexts (as discussed in our introduction).

Two key arguments emerge out of this case study. First, that artistic interventions offer alternative spaces of justice. The significance of artistic interventions exists not only in their creation, but in the different affective responses they provoke which change with the passage of time and space. Second, that cultural diplomacy is an emerging spatial frontier of justice during times of political change, one which underscores the importance of taking affect seriously and recognising its political effects. The section proceeds with a visual analysis of the tapestries, followed by a comparative analysis of the tapestries at each court.

91 Ruti G. Teitel, *Globalizing Transitional Justice* (Oxford University Press, 2015), 1.

92 See for instance Sanja Bahun, “Transitional Justice and the Arts: Reflections on the Field,” *Theorizing Transitional Justice*, 2015, 153–66; Vikki Bell, *The Art of Post-Dictatorship: Ethics and Aesthetics in Transitional Argentina* (Routledge, 2014); Kurze and Lamont, *New Critical Spaces in Transitional Justice: Gender, Art, and Memory*; Peter D. Rush and Olivera Simić, eds., *The Arts of Transitional Justice: Culture, Activism, and Memory after Atrocity* (Springer, 2014).



FIGURE 1 Installation view of Marlene Dumas, *The Benefit of the Doubt*, inside the Hall of Justice, Den Bosch, Netherlands. Tapestry triptych: 2 hangings 1075 x 198 cm, 1 hanging 742 x 198 cm.

COURTESY OF MARLENE DUMAS, PHOTOGRAPH BY PETER COX.

The Tapestry

The Benefit of the Doubt (Figs. 1–2) comprises three large horizontal tapestries, which depict eight close-up human faces, surrounding a central child-like figure who is intended to represent liberty.⁹³ In contrast to the convention of liberty being portrayed as a heroic woman leading the people, Dumas' figure of liberty appears to be a young girl poised in a shrugging posture, suggesting rhetorical uncertainty about what is at stake in the image, and indeed, inside the courtroom(s). This “young girl in the middle is the only one with arms and hands, as if she is the real judge of Fate saying Yes... or..., No, or what will it be?!”⁹⁴ The burden of legal and pictorial responsibility weighs heavy on the shoulders of this child, subverting the power of seniority in the context of the legal system.

93 Marlene Dumas and Emma Bedford, *Marlene Dumas: Intimate Relations*, vol. 106 (Roma Publications, 2007), 39.

94 Dumas in Francois Lion-Cachet, Thina Miya, and Catherine Kennedy, “Marlene Dumas: The Benefit of the Doubt,” *Art and Justice: A Constitutional Court Art Collection Series* (Constitutional Court South Africa, 2020), 12.



FIGURE 2 Marlene Dumas, *The Benefit of the Doubt* (triptych, in situ at the Constitutional Court in 2020), 1998, fibre, 1980 x 10750 mm (x2) and 1980 x 7420 mm (x1). Constitutional Court Art Collection (CCAC). Donated by the artist and the Dutch government in 2001. Courtesy of the Constitutional Court Trust, Stacey Vorster and the artist.

PHOTOGRAPHS BY AKONA KENQU © STACEY VORSTER.

The eight abstracted faces present a spectrum of feeling, in which doubt—as the title suggests—is implicated in a narrative of ambiguity about guilt and innocence. The facial expressions appear as a mixture between austere, resigned, and pensive; closed eyes, direct stares, and sidelong glances are disconcerting in their uncertainty: the faces “evoke an immediate and powerful sense of responsibility towards these unknown strangers... [but they are also] completely decontextualised and therefore provide no starting point from which any concrete legal or moral response can be formulated.”⁹⁵ Doubt emerges from the gap between the faces being represented and the law under which they are implied subjects,⁹⁶ not only linguistically through the reference of the artwork’s title to the presumption of innocence until proven guilty, but also spatially by virtue of hanging in the context of the courts.

95 Wessel Le Roux, “Designs of the Times: The Remaking of South African and Dutch Courtroom Architecture during the 1990s,” *Fundamina: A Journal of Legal History* 13, no. 2 (2007): 64.

96 Garnsey, *The Justice of Visual Art: Creative State-Building in Times of Political Transition*, 107.

The Courts

The significance of *The Benefit of the Doubt* exists not only in its creation and symbolism, but in the different affective responses it provokes hanging inside courts in the Netherlands and South Africa. Originally created for the Hall of Justice in the Dutch town of Den Bosch, *The Benefit of the Doubt* is one of 16 tapestries by multiple artists which adorn the walls of the numerous courtrooms.⁹⁷ Built in 1998, the Hall of Justice houses a district court which deals with administrative, civil, criminal, and family matters, as well as a court of appeal. Employing several hundred judges and staff, the Hall of Justice is a mammoth legal complex frequented by large numbers of people on a daily basis.

The Benefit of the Doubt (Fig. 1) physically and psychologically looms large over the small courtroom in which it hangs. The oversized figure of liberty presides over the judge's bench while the huge faces float above the heads of the court's attendees. Described by people who frequent the courtroom, as "monsters", "dead bodies", and "skeletons";⁹⁸ these figures appear to create a somewhat sombre atmosphere; an atmosphere which has a direct impact on the operation of the court. Originally intended to be used as a courtroom for family law matters, the decision was taken to move family law matters into another courtroom as the court staff received complaints that the tapestries "really scared the children"⁹⁹ who attended the courtroom; an issue which was felt to compound the trauma already experienced by some children who were involved in family law matters.¹⁰⁰

In 2001, the Prime Minister of the Netherlands, Wim Kok, formally gifted a duplicate set of *The Benefit of the Doubt* tapestries to the Constitutional Court of South Africa. This diplomatic exchange arose after Dumas—who was born and raised in South Africa and moved to the Netherlands in the mid-1970s—met with Justice Albie Sachs during a talk on South Africa's Truth and Reconciliation Commission in the Hague.¹⁰¹ Opened in 2004, the new Constitutional Court building is a unique space by international comparison, not only because it has transformed the site of several notorious prisons,

97 See Patrick Spijkerman, ed., *Extenuating Circumstances: Wall Hangings in the Hall of Justice's-Hertogenbosch* (Rotterdam: 010 Publishers, 1998).

98 Interviews between Eliza Garnsey and judge, court officers, court staff, and public prosecutor, Den Bosch 2017.

99 Court officer, interview with Eliza Garnsey, Den Bosch 2017.

100 Interviews between Eliza Garnsey and judge, court officer, police officer, and public prosecutor, Den Bosch 2017.

101 Lion-Cachet, Miya, and Kennedy, "Marlene Dumas: The Benefit of the Doubt," 7.

but because it also incorporates artworks into the fabric of the building, and houses a large visual art collection developed by the court.

Inside the Constitutional Court, *The Benefit of the Doubt* hangs at ceiling height in the public art gallery (Fig. 2). Soaring above the heads of viewers and shrouded in slightly dimmed lighting, the faces invite contemplation: “they gaze down upon us as if it is us, the viewers, who are cast into the role of judge, who are called upon to enter the mind of an arbiter, recusing the truth before making judgments about the future of people’s lives.”¹⁰² The three panels are separated, hung opposite each other, which gives the impression that the faces are in conversation and also has the effect of subsuming the figure of liberty, who is simultaneously tempered by the presence of other artworks. Unlike in Den Bosch where the tapestries were perceived as ghoulish, something other than human, in the space of the Constitutional Court, *The Benefit of the Doubt* is perceived to reflect the importance of humanity, both in the moral responsibility of humans to each other, and in the creative energy of being human: “I think when you walk in and you see you know the tapestries and the pillars... every time I walk in there I am overwhelmed by what wonderful things we create.”¹⁰³ The symbolic power originates neither solely in the artwork, nor in the courtrooms, but in the relationship between the two, and the affective space this relationship catalyses.

The physical space of the courts, and the different ways in which the tapestries are exhibited in the Netherlands and South Africa, directly affects the interpretations of *The Benefit of the Doubt* and the feelings it provokes in viewers. Therein lies the significance of affect. While the courts are simultaneously physical sites and manifestations of legal institutions, the artistic intervention in these contexts creates new affective spaces in which, like the other sites discussed in this article, what is permissible, knowable, seeable, and doable in relation to justicecraft becomes expanded or constrained. *The Benefit of the Doubt* is particularly significant for the political relationship it embodies. The artwork is embedded in the political structures of Dutch colonial rule and their influence on successive South African governments: “we’ve seen from the old history we [the Netherlands and South Africa] have a connection. So, maybe that’s the reason why these monsters [the figures in the tapestries] are also in Johannesburg.”¹⁰⁴ The tapestries linger inside the Constitutional Court: it is almost as if the Dutch government is—as the artwork’s title suggests—asking

102 Law clerk, interview with Eliza Garney, Johannesburg, 2014.

103 Art committee member, interview with Eliza Garnsey, Johannesburg, 2014.

104 Court officer, interview with Eliza Garnsey, Johannesburg, 2017.

for the benefit of the doubt. International relations seep into the Court through Dumas' artwork, implicating the deliverance of justice in South Africa in a wider political circle,¹⁰⁵ one which people at the Constitutional Court of South Africa were acutely aware of, while in Den Bosch was largely unknown.¹⁰⁶

Without art, justice during periods of political change will fail to fully comprehend and respond to the injustices which are the long-term causes of conflict, rendering that change uncertain. The justicecraft highlighted by *The Benefit of the Doubt* shows how artistic interventions can provide alternative spaces of justice by engaging different affective responses, both at individual and national levels; responses which, as the next section highlights, can have pervasive consequences.

Part 3. Spatial Struggles

In our previous section, we have looked at practitioner's relation and reaction to art during situated struggles. Here we continue to unravel the image of transitional justice practitioners, often portrayed as rational experts with technical knowledge. This portrayal calls for a critical reflection on how legitimacy forms in terms of existing knowledge and the creation of new knowledge in the field. Who gets to claim legitimacy? How is it perceived and by whom? And, ultimately, who approves it and, what are the consequences of these power dynamics? The *Island* and the *Map* utilise notions of space to interrogate how knowledge is produced and situated, and advance new methodological interventions to uncover where justice-processes unfold.

The Island

*Terms of transition provide conceptual infrastructures not only as ideas but also as part of the protocols or practices that hold the world up. To attend to the terms of transition is to forge an imaginary for managing the meanwhile.*¹⁰⁷

105 Garnsey, *The Justice of Visual Art: Creative State-Building in Times of Political Transition*, 107.

106 Fieldwork interviews by Eliza Garnsey, Johannesburg and Den Bosch, 2014 and 2017.

107 Lauren Berlant, "The Commons: Infrastructures for Troubling Times*," *Environment and Planning D: Society & Space* 34, no. 3 (June 1, 2016): 393–419.

The Transitional Justice Island¹⁰⁸ is a distinct global space¹⁰⁹ that shapes (or aims at shaping) the terms of transition, to manage the meanwhile, after (or sometimes in the midst of) violence and repression. It is inhabited by stakeholders and powerbrokers in the field. We can think about struggles on the Island as equally situated—in this distinct global space—as struggles in other spaces. This understanding differs from perspectives that see the Island as enraptured from ‘local contexts’ and insensitive to situated struggles. What makes the Island distinct therefore are its inhabitants, the knowledge they share and the language that is spoken on the Island, and certain practices, as well as a sense of community.¹¹⁰ The Island and those who inhabit it have a particular identity. This identity builds on particular understandings of justice after violence and repression, and political change, as well as a (more or less) common understanding of how to work towards this understanding of justice and change. Hence, Islanders craft justice through this particular understanding of how justice should look like and how to reach it.

Admittance to the Island

I am sitting in a café in a suburb of Tunis, having lunch with someone I thought to be an Islander. As it turned out while we were talking about their involvement in the transitional justice process, as someone involved in their own situated struggles, they were struggling to reach the distinct global space that is the Island, to become an Islander: “All the experts come from [the Island]. We can’t be experts here. [...] But it’s us who know best the country and the context. [...] The frameworks are too rigid.”¹¹¹

¹⁰⁸ The Island in this article is a symbolic site. As such, the notion of the Island does not aim to compete with social scientific concepts, such as institutions, as institutions can be part of the Island. Rather, the Island can be understood as a figuration: it forms through interdependent and dynamic actors and power relations; has structural features, representing a particular order; and is shaped by the transmission of knowledge (see Norbert Elias [1986] 2006, 100–102).

¹⁰⁹ Sally Engle Merry, “Constructing a Global Law-Violence against Women and the Human Rights System,” *Law & Social Inquiry: Journal of the American Bar Foundation* 28, no. 4 (2003): 968; Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: The University of Chicago Press, 2006).

¹¹⁰ Michal Ben-Josef Hirsch, “Agents of Truth and Justice: Truth Commissions and the Transitional Justice Epistemic Community,” in *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes*, ed. David Chandler and Volker Heins (London UK: Routledge, 2006), 184–205; Jamie Rowen, *Searching for Truth in the Transitional Justice Movement* (Cambridge University Press, 2017); Briony Jones, “The Performance and Persistence of Transitional Justice and Its Ways of Knowing Atrocity,” *Cooperation and Conflict* 56, no. 2 (June 2021): 163–80.

¹¹¹ Personal interview by Mariam Salehi, Tunis, 2016.

If we see the Island as inhabited by stakeholders and powerbrokers, there are several pathways to gain access to the Island. These pathways are professional and non-professional, but the non-professional pathways are mostly interwoven with the professional ones. There is a lighthouse at the centre of the Island that shows the way, sending out signals of how to struggle for justice and change. Thus, justicecraft on the Island is mostly done through professional work, but the non-professional pathway to the Island is open to those who craft their struggle for justice in a way that fits with the professional pathway. Thus, to gain access, certain credentials are necessary. For some, such as politicians or organised, well-networked civil society, these credentials may be easier to acquire than for others, such as grassroots organisations or less institutionalised movements. The latter, however, might also not be interested in getting access to the Island because they may not see it as conducive to their struggle for their claims to be recognised, or even fear that the Island's efforts lead to diversion from them.¹¹² As we can learn from our reflection in the section on Affect, the Island's justicecraft may evoke different affective responses and not feel like justice to them.

Admission to the Island also requires epistemological buy-in. Therefore, those who want to gain access to the Island need to acquire particular knowledge. This requirement of epistemological buy-in also has a gatekeeping function: those who think and 'know' otherwise may not be admitted. They therefore may not have access to political processes underway on the Island or being shaped by Islanders. And they may lack currency to do business on the Island or with Islanders.

Then again, it is important to keep in mind that not everyone necessarily wants to access the Island and wants to know and be known in a certain way. Further, there may not be an interest in defining knowing and being always in relation to the Island.¹¹³ As our section on the Audience shows, justicecraft also takes place in other spaces that are often, but not unintentionally, left out of the discussion.

The Political Economy of the Island

Politics and the economy of the Island are intertwined. There are economic incentives to craft the Island in a certain way. Public and private donors, such

112 Corinna Mullin and Ian Patel, "Contesting Transitional Justice as Liberal Governance in Revolutionary Tunisia," *Conflict and Society* 2, no. 1 (June 1, 2016): 104–24.

113 John M. Hobson and Alina Sajed, "Navigating Beyond the Eurofetishist Frontier of Critical IR Theory: Exploring the Complex Landscapes of Non-Western Agency," *International Studies Review* 19, no. 4 (July 29, 2017): 547–72.

as governments, international organisations or private foundations choose to fund the Island for several purposes that can be summarised as ideas, interests, institutions, and information.¹¹⁴ Island politics may be shaped by the various interests of different institutions (either the donors themselves or those funded by them), especially since many of the Islanders work for them. Islanders, therefore, are “not a homogenous group, meaning [that they] do not all rely on the same opinions and preferences.”¹¹⁵ Their push for different ideas, expanding the “universe of possibilities for action”,¹¹⁶ may be considered a situated struggle over visions for justice on the Island. Since the Island is a ‘knowledge hub’, they also “shape the flow of information”¹¹⁷ that may influence situated struggles elsewhere.

These funding logics also mean that there is potentially competition over funds between the Island and other (neighbouring) islands. When the Island’s centre was developed, with the founding of the International Center for Transitional Justice in the early 2000s, there were concerns that these efforts that came along with strong financial support would draw away funding from other islands, in particular from the human rights community, as well as from local efforts and organisations, eventually replacing them,¹¹⁸ respectively pushing them to the periphery of the Island.

However, the same concerns may apply to the Island as well, when other islands and their ideas, institutions, and knowledge become more popular with donors. As the funders’ ideas or interests move on, institutions develop, and states of information change, the inhabitants of the Island may find themselves in the situation that they need to reframe their work to receive funding for it:

I am sitting at the centre of the Island, having a chat with an Islander about their current work and future plans. They tell me that they need to frame their work in CVE/PVE terms, because this is where the funding currently is.¹¹⁹ On a different day around the same time, I am talking to an Islander in

114 Paige Arthur, “Why Do Donors Choose to Fund Transitional Justice?,” in *Transitional Justice, International Assistance, and Civil Society: Missed Connections*, ed. Paige Arthur and Christalla Yakinthou (Cambridge University Press, 2018), 209–41.

115 Mariam Salehi, “Trying Just Enough or Promising Too Much? The Problem-Capacity-Nexus in Tunisia’s Transitional Justice Process,” *Journal of Intervention and Statebuilding*, February 22, 2021, 9.

116 Arthur, “Why Do Donors Choose to Fund Transitional Justice?,” 215.

117 Salehi, *Transitional Justice in Process: Plans and Politics in Tunisia*.

118 Rowen, *Searching for Truth in the Transitional Justice Movement*, 35.

119 Personal conversation with Mariam Salehi, New York 2019.

a more political position. They tell me that they were advised to frame their work in terms of religious freedom because the responsible office for that subject would be willing to channel money to transitional justice work.¹²⁰

Leaving the Island

I am sitting in an office at the very centre of the Island. I am here to conduct an interview with an Islander who works in an important function for the transitional justice process I am researching. After introducing ourselves, but before we start talking more about my research topic, my interlocutor tells me that they are leaving the Island. Not only the organisation they are currently working for, which is at the centre of the Island, but completely. Throughout our conversation, they return frequently to their dissatisfaction with how things are done on the Island. They complain that concepts and processes were too rigid, that there was little room for flexibility and for navigating actual politics. They blame the institutional structures and other Islanders who would uphold these rigid ideas, instead of working out solutions that would better fit political realities. In their opinion, this rigidity wouldn't help the situated struggles they were supposed to support. They were frustrated that they couldn't change how things were done at the Island.¹²¹ A few days later, I had a conversation with another Islander, who had moved on the Island, away from the centre and more towards the outer areas, and we discussed the move. In their opinion, leaving may be the right choice if one is frustrated with how things are done at the Island. But one should not talk badly about the centre of the Island when moving because this wouldn't help the struggle either.¹²²

The above conversations tell us about power relations and struggles on the Island, the (im)possibility of change and how Islanders deal with these situations. They reveal two different understandings of appropriate pathways if one is frustrated with how things are done on the Island: voicing frustration, trying to do things differently and leaving if unsuccessful or moving away from the centre. They also imply an impossibility of change, for different reasons, albeit with the same result of leaving (the centre) of the Island. The first exemplifies a failed struggle for change, while the second example points to a different way of navigating institutions by moving away around on the Island. It also shows

¹²⁰ Personal interview by Mariam Salehi, Washington, DC, 2019.

¹²¹ Personal interview by Mariam Salehi, New York, 2015.

¹²² Personal conversation with Mariam Salehi, New York, 2015.

us that once you've lived on the Island, even if you leave it shapes the work you do afterwards.

A third pathway would be to work towards change on the Island, not only at the peripheries, but also at the centre. One can also observe frictions on the Island¹²³ and increasing reflections on how to do things.¹²⁴ This may, on the one hand, be due to new inhabitants arriving and old ones leaving. On the other hand, Islanders may learn and acquire new knowledge, there may be a change in power relations on the Island and/or funders' ideas, interests or information may change that will influence practices on the Island.

Towards an Archipelago of Justicecraft

If we conceive of the transitional justice Island as a distinct global space with its own rules, practices, and relevant knowledge, and struggles on the Island as themselves situated, there may be the need for changing how we criticise the Island and its practices.¹²⁵ Therefore, critique may not be based on, or directed at, an absolute or monolithic understanding of justice and how to struggle for change. First, although the Island is a distinct global space shaped by particular ideas and knowledge, if we assume that Islanders are homogenous and that there are no struggles *on* the Island, we would misrepresent it. Second, even if we distil a dominant logic of justice and how to achieve it on the Island, we should not necessarily take it for granted and reproduce it in our analysis.¹²⁶

Rather, we may critically inquire about relationships with other islands. Sometimes, the insular perspective may lead to the situation that Islanders lose sight of other islands. Thus, they may think that they need to do everything on their own, leading to 'mission creep' and the expansion of mandates of transitional justice "without any sort of functional analysis to suggest that the measures can indeed perform the ever-growing functions attributed to them."¹²⁷ However, justice cannot only be crafted on and through the Island. It can also be crafted in Bodies, Affects, Uprisings, and Audiences. Thus, as the

123 See for instance Salehi, "Trying Just Enough or Promising Too Much? The Problem-Capacity-Nexus in Tunisia's Transitional Justice Process," 9.

124 Virginie Ladisch and Christalla Yakinthou, "Cultivated Collaboration in Transitional Justice Practice and Research: Reflections on Tunisia's Voices of Memory Project," *The International Journal of Transitional Justice* 14, no. 1 (March 1, 2020): 80–101.

125 Dustin N. Sharp, "What Would Satisfy Us? Taking Stock of Critical Approaches to Transitional Justice," *The International Journal of Transitional Justice* 13, no. 3 (August 14, 2019): 570–89.

126 Salehi, "A Processual Framework for Analysing Liberal Policy Interventions in Conflict Contexts."

127 Pablo De Greiff, "Thinking Big About Transitional Justice," *Arbeitsgemeinschaft Frieden Und Entwicklung* September 27 (2018).

Uprising shows, it may be necessary to de-centre the Island and we suggest thinking about situated struggles for change—and justice—as an archipelago of justicecraft.

Olúfemi Táíwò teaches us to see experience as a bridge rather than a wall.¹²⁸ This perspective suggests that it would be beneficial for these struggles if there were bridges from the Island to other islands. But “inter-island transfer [and communication across difference] cannot be assumed,”¹²⁹ it has to be worked out. Lighthouses need to show several pathways to the Island (and not only one). Moreover, the Island should not only establish options for others to reach the Island, but pathways should be multidirectional. Islanders could use the bridges—or for islands farther away—sail over to establish connections with others also grappling with questions of political change, with the terms of transition and with managing the meanwhile.¹³⁰ One step would be to map the archipelago of justicecraft and thereby recognise different signals lighthouses on other islands send about how they contest global injustice and imagine “alternative organisations of the world.”¹³¹ Mapping the archipelago may also be necessary to recognise relational organisation of oppression and resistance.¹³² An additional important step would be to engage (and conceptualise) the sea, the ‘in-between’ that connects and divides, and which has to be navigated.¹³³ We will now address the broader question of mapping these diverse processes of justicecraft.

The Map

In our previous sections we explored the concept of justicecraft, underlining justice-driven challenges during political change, with the goal, among others, to shed light on alternative ways to create space(s) for more equality or representation when seeking to address injustice and wrongdoings. Here, our focus turns to initial efforts of capturing and mapping alternative practices by relying on techniques and tools based on the craft of cartography. In the context of justice-driven struggles evoked earlier, multi-layered mapmaking represents a valuable resource to advance justicecraft, both methodologically and conceptually.

128 Olúfemi O. Táíwò, “Being-in-the-Room Privilege: Elite Capture and Epistemic Deference,” *The Philosopher* 108, no. 4 (2020), <https://www.thephilosopher1923.org/essay-taiwo>.

129 Paul Carter, *Decolonising Governance: Archipelagic Thinking* (Routledge, 2018), 23.

130 Salehi, “Trying Just Enough or Promising Too Much? The Problem-Capacity-Nexus in Tunisia’s Transitional Justice Process,” 12.

131 Valdez, *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft*, 1.

132 See Aleksandr Solzhenitsyn, *The Gulag Archipelago* (Random House, 2003).

133 See Carter, *Decolonising Governance: Archipelagic Thinking*, 32.

Drawing and creating maps today differs substantially from earlier craftsmanship thanks to technological advances. Current geospatial data analysis software integrates a multitude of datasets, creating various data layers on a digital map. As a result, it is able to visualise data that is not only geocoded, but it also provides complementary details on the context, conditions, and the area in question, including demographic information for the analysed locations. Methodological debates in transitional justice studies are far from being new. Rather, the field has witnessed the occurrence of a variety of waves in which scholars, practitioners and advocates discussed what type of general roadmap to pursue to address pressing questions of injustice, human rights abuse, and political violence in a variety of settings across the globe and how to best analyse these questions. Some of the earlier inquiries circled around the problem of assessment, notably in view of growing strategy measures implemented by international actors, government institutions and grassroots organisations on the ground.¹³⁴ This initial wave was driven by a combination of bridging the “pracademic” divide to fuel tangible tools for effective policy implementation in the field and to counter “popular conceptions (or misconceptions) of the benefits and drawbacks of different models and on romanticised notions of their achievements.”¹³⁵ These scholarly discussions eventually expanded on questions about the value of big data and large-N studies, particularly because research remained highly case study oriented and qualitative in nature.¹³⁶ Yet Brandon Stewart and Eric Wiebelhaus-Brahm have argued that the quantitative turn in transitional justice has led to studies that “have often failed to provide compelling theoretical or empirical bases for a causal relationship between TJ mechanisms and dependent variables such as democracy and human rights.”¹³⁷ While quantitative analysis in TJ has the ability to produce valuable findings, “greater methodological care is needed.”¹³⁸ Innovative and transdisciplinary work on a variety of post-conflict and post-authoritarian issues have fuelled new debates in the field in recent years. Our study complements and builds on methodological advances and innovative ways to capture

134 Hugo Van der Merwe, Victoria Baxter, and Audrey R. Chapman, eds., *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, DC: United States Institute of Peace Press, 2009).

135 Van der Merwe, Baxter, and Chapman, 4.

136 Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, “Transitional Justice in the World, 1970–2007: Insights from a New Dataset,” *Journal of Peace Research* 47, no. 6 (November 1, 2010): 803–9.

137 “The Quantitative Turn in Transitional Justice Research: What Have We Learned about Impact?,” *Transitional Justice Review* (July 5, 2017), 99.

138 *Ibid.*

trends affected by changing conditions. Digital methods, including geomapping, have allowed us to visualise evolving behavioural patterns over time and space.¹³⁹ Here we present a pilot study of a map using data visualisation to capture alternative struggles based on art-related transitional justice practices. We compare this data across time and space to mechanisms, including international human rights trials and truth commissions, which have been discussed in the traditional literature. Below, we engage in a brief but critical discussion on mapmaking, lay out the design and methodology, and provide reflections on limitations and challenges.

Virtual Mapmaking as Justicecraft

One of the basic tenets of quantitative research is the ability to aggregate data in view of generalizability.¹⁴⁰ However, generalizable trends do not necessarily promote a deeper and more accurate understanding of complex transitional justice processes. On the contrary, the invaluable insights of rich case studies in combination with comparative case analysis—to assess lessons learned and to scrutinise variation across cases—has led some of the initial advocates of large-N studies to question the quantitative push in the field. These methodological conundrums beg the question of whether it is possible to integrate larger data sets yet still maintain detailed and case-oriented data in the overall set? Innovative data visualisation technology and geo-mapping tools offer promising solutions. They allow us to unearth dynamic interactions between actors, across contexts, and varying conditions while still maintaining detailed local case study data. Past research emphasises the importance of work on alternative transitional justice mechanisms to complement and contextualise insights from existing traditional literature.¹⁴¹ As a result, our project introduces

139 For research relying on geo mapping to examine a variety of social issues, see for instance John Pickles, *A History of Spaces: Cartographic Reason, Mapping and the Geo-Coded World* (Routledge, 2012); Nazgol Bagheri, "Mapping Women in Tehran's Public Spaces: A Geo-Visualization Perspective," *Gender, Place and Culture: A Journal of Feminist Geography* 21, no. 10 (November 26, 2014): 1285–1301; Peter Marcus Kristensen, "Revisiting the 'American Social Science'—Mapping the Geography of International Relations," *International Studies Perspectives* 16, no. 3 (August 2, 2015): 246–69; Cornelia Caragea et al., "Mapping Moods: Geo-Mapped Sentiment Analysis during Hurricane Sandy," in *ISCRAM* (Citeseer, 2014), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.432.8700&rep=rep1&type=pdf>; Yuri Queiroz Abreu Torres and Lucia Maria Sá Antunes Costa, "Digital Narratives: Mapping Contemporary Use of Urban Open Spaces through Geo-Social Data," *Procedia Environmental Sciences* 22 (January 1, 2014): 1–11.

140 Brian D. Haig, *The Philosophy of Quantitative Methods* (Oxford University Press, 2018).

141 For prior research see for instance, Arnaud Kurze, "#WarCrimes #PostConflictJustice #Balkans: Youth, Performance Activism and the Politics of Memory," *The International*

a large-N case study to capture and map art-inspired transitional justice practices spanning over several decades and across various world regions.

Despite our ability to capture less visible phenomena thanks to the above technological advances, we are conscious of limitations associated with mapmaking. Engaging in the art of cartography requires being aware of underlying power relations when drawing maps.¹⁴² Cartography cannot merely be seen as a technical field. It also calls for a critical discussion on explicit and implicit power dynamics inherent to mapmaking. While critical cartography rose to prominence in the 1990s, criticising power imbalances native to the craft, recent debates have questioned the potential of emancipatory power in the field.¹⁴³ According to Annette Kim, the immediate subjects of a mapping project should ideally be integrated in the process.¹⁴⁴ Efforts to capture truth-seeking initiatives across the United States in recent years are an excellent example of this goal and illustrate the challenges associated with grounding work in knowledge, experience and representation.¹⁴⁵ This pilot project embraces a holistic perspective that “sets out a roadmap for the readers, drawing attention to the landmarks” and that helps readers to situate the work into a broader scholarly context.¹⁴⁶ By focusing on new actors and disclosing less visible themes we also shed light on “new contestations, tensions and constellations of power,” which help us reframe the politics of justice.¹⁴⁷

Journal of Transitional Justice 10, no. 3 (2016): 451–70; Arnaud Kurze, “Youth Activism, Art, and Transitional Justice,” in *New Critical Spaces in Transitional Justice: Gender, Art, and Memory*, ed. Arnaud Kurze and Christopher Lamont (Bloomington, IN: Indiana University Press, 2019), 63–85; Arnaud Kurze, “Seeking New Metaphors: Gender Identities in Tunisia and Lebanon,” in *Arab Spring: Modernity, Identity and Change*, ed. Eid Mohamed and Dalia Fahmy (Cham: Springer International Publishing, 2020), 207–33; Aymen Belhadj and Arnaud Kurze, “Whose Justice? Youth, Reconciliation and the State in Post-Ben Ali Tunisia,” *Journal of Human Rights* 20, no. 3, (March 29, 2021): 356–372.

142 Jeremy W. Crampton and Jonh Krygier, “An Introduction to Critical Cartography,” November 20, 2018, <http://beu.extension.unicen.edu.ar/xmlui/handle/123456789/359>.

143 Annette M. Kim, “Critical Cartography 2.0: From ‘participatory Mapping’ to Authored Visualizations of Power and People,” *Landscape and Urban Planning* 142 (October 1, 2015): 216.

144 Kim, 216.

145 See for instance the interactive map by the Mary Hoch Center for Reconciliation at George Mason University, <https://www.mapcustomizer.com/map/US%20Truth%20and%20Reconciliation%20Initiatives%202020>, accessed June 25, 2021.

146 S. Basu, P. Kirby, and L. J. Shepherd, “Women, Peace and Security: A Critical Cartography,” in *New Directions in Women, Peace and Security*, ed. Soumita Basu, Paul Kirby, and Laura J. Shepherd (Bristol, United Kingdom: Bristol University Press, 2020), 2.

147 Basu, Kirby, and Shepherd, 2.

Map Design and Data Limitations

Our mapping project captures some of the struggles mentioned earlier in this article, concentrating on art-inspired transitional justice practices. While our exploration of different spaces illustrated the breadth of justicecraft engagements, this pilot-sized cartographic analysis homes in on a specific category of mechanisms. It compares alternative forms of transitional justice to established post-conflict and post-authoritarian practices, including truth commissions and international human rights trials. The data for this analysis was retrieved from international newspaper sources in the LexisNexis Uni archive and comprises cases from around the world from early 2000 until present. Additional data was retrieved from the website of the Transitional Justice Research Collaborative, notably for details on transitional justice mechanisms discussed in traditional scholarship within the field.¹⁴⁸ Alternative transitional justice mechanisms for this project include any instances captured by LexisNexis Uni text searches on 'art AND transitional justice.' Date and location for each incident mentioned in a newspaper source were recorded for visualisation purposes. Multiple locations per incident were possible to indicate the depth of the media coverage. For example, if a national newspaper reported an incident abroad, two separate locations for the same incident were recorded in our database. The database contains 762 cases for art-inspired transitional justice practices, 53 truth commission-related entries, and 289 cases associated with international trials.¹⁴⁹

Some of the initial limitations in creating the research design and protocols for this project include issues inherent to source materials, data selection, and visualisation tools. Although the LexisNexis Uni news archive provides homogenous data points to create a uniform database structure, the data source carries other limitations. First, editorial practices in each newspaper source often exclude or overlook a large number of localised practices by grassroots organisations and individual victim groups. Only newsworthy stories appear in print, limiting the number of media-relevant alternative transitional justice practices. In addition, the search tool functionality in the public archive of LexisNexis Uni is based on a keyword search created by archivists who are not specialised in transitional justice studies, thus relying on a keyword vocabulary appropriate for general audiences. Last, although the selected data visualisation software offers a variety of functions, we performed only a very limited mapping in our project. Additional coding with more nuanced categories of

¹⁴⁸ See website at <https://transitionaljusticedata.com/>, accessed on June 30, 2021.

¹⁴⁹ For methodological details and codification protocols consult one of the authors, Arnaud Kurze, of this study.

practices, actors, locations, and time periods offer room for future interpretation and complementary data analysis of the original study design.

The Mapmaking, Challenges and Takeaways

The initial cartography was performed with ArcGIS Online and uploaded on a publicly accessible server.¹⁵⁰ ArcGIS Online is a server-based software for geo-mapping and data-driven visualisation of multiple layers in a single map. The current map provides viewers with the option of selecting different layers with types of transitional justice mechanism, including art-inspired practices, truth commission, and trials. The map contains data from 1990 until the present with newspaper data starting as early as 2001.¹⁵¹ The current visualisation includes pop-ups for each incident, allowing viewers to click on locations on the map and learn more about the type of event and the time of occurrence. The objective of this initial interactive map is to provide an overview of art-related transitional justice practices from a comparative perspective. The present map aggregates incidents and visualises event frequency across different transitional justice categories. Trial cases were combined for similar courtroom locations, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) or the international Criminal Tribunal for Rwanda (ICTR).

As we can see in Figure 3 below, visualising art-related struggles on a map highlights geographical variation of alternative practices in comparison to retributive and restorative justice efforts. The current data points on the existing map also serve as an important reminder to inquire about art-related struggles that occur in spaces and contexts that are not necessarily captured by our initial keyword search—but which, according to our original conceptual framework, still fall within the spectrum of justice related struggles in times of political change. Furthermore, the recent linkages between art and transitional justice in our media sources represent an opportunity to inquire about these appearances in terms of situated struggles. Who frames it? How are these discourses promoted? And what are the consequences? These questions thus call for a further examination of struggles for changes in related contexts that might not have been recorded under a common transitional justice label.

Consequently, the map complements existing studies that aim at capturing transitional justice trends, such as works mapping truth-seeking and fact-finding bodies.¹⁵² While the current project version of the map contains only

150 The interactive map is available here: <https://arcg.is/oGe5Gy>, accessed July 25, 2021.

151 The majority of data is from the post-2011 period.

152 See for instance the digital archive of the United Institute of Peace on truth commissions, <https://www.usip.org/publications/2011/03/truth-commission-digital-collection>,



FIGURE 3 Map visualisation of art-inspired transitional justice practices compared to truth commission occurrences and international human rights trial cases.

limited data points, the flexible database structure and geo mapping tool allow for further exploration and integration of additional variables in subsequent versions of the map.

This map is only a first attempt to capture and visualise situated struggles, manifestly with transversal effects. In fact, if the mapping and visualising instance is claimed and reappropriated by those who struggle the very site of creation can fuel an emancipatory and empowering potential for those who are less visible politically, socially and geospatially. However, the map contains several limitations for broader public use and with regards to generalizability. First, the dataset is limited to a total of 1,104 cases across three categories with the majority of the cases stemming from the LexisNexis Uni archive. The restrictions associated with keyword searches in the digital archive also pose challenges to the extent to which all possible cases from the data archive itself have been accurately identified. Second, the codification by type of action was limited to two connected key search terms “transitional justice” and “art.” Consequently, the current map is a call to further explore and capture the emergence and existence of situated struggles across geographic locations and across time. More refined searches and the inclusion of other data sources,

accessed May 15, 2021, or the project aimed at mapping North American truth commission efforts by the Carter School for Peace and Conflict Resolution, <https://www.mapcustomizer.com/map/US%20Truth%20and%20Reconciliation%20Initiatives%202020>, accessed May 1, 2021.

such as archival material, will help further understand the nuances between a variety of engagements in different contexts and time periods. In sum, however, these preliminary results—particularly with regards to capturing the existence of art-inspired transitional justice practices—have illustrated the extent to which different stakeholders have engaged publicly in light of events, such as the so-called Arab Spring across the Middle East and North Africa region or the Black Lives Matter movement in the United States.

The End

Our piece demonstrates how justice as a political craft is embedded in transversal and multi-layered processes in which social actors negotiate justice across time and space. Through our illustrations, we scrutinise the tensions and opportunities that emerge when we move beyond centring the transitional justice mechanism to understand social and political change in varying temporal and spatial contexts. In this vein, we evaluate the political economy of the Island as a starting point, and conclude with the exploration of a larger Map, which locates the inside-out, outside-in, and in-between spaces which are home to situated struggles of justice. Each physical and symbolic site explored in this article unpacks and situates power struggles, contentious politics, and affect in connection with justice-seeking endeavours during intricate processes of political change.

Our examination of six distinctive sites—the Uprising, the Audience, the Body, the Affect, Island, and the Map—holds three implications for future research. First, to recognize and comprehend political change requires one to explore a range of sites outside the status quo of disciplinary confines. As Félix Guattari asserts, “Transdisciplinarity must become transversality between science, the socius, aesthetics and politics.”¹⁵³ Our work offers scholars and practitioners new conceptual tools to apply boundary-transcending and cross-disciplinary integrating research. Doing so enables a greater understanding of how, where and when change occurs, and facilitates a deeper insight into why change matters, and for whom. The contestations explored throughout this article underscore the value of political change in effecting transformation in an interlinked global society.

Second, transformative political change is contingent on active engagements of a variety of stakeholders and therefore requires us to carefully consider the transversal politics of actors against the backdrop of their spatial and contextual surroundings. By conceptualising the Island as a distinct global

153 Félix Guattari. “Transdisciplinarity Must Become Transversality.” *Theory, Culture & Society* 32, no. 5–6 (September 1, 2015): 134.

space in an archipelago of justicecraft, we call for revisiting the concept of formalised struggles for change and justice. Claims brought forward on the Island may converge or diverge with formal and informal struggles in the other spaces. We argue, however, that it is critical to inquire whether claims on and from the Island hold more value or are more legitimised than those brought forward in other spaces, and why.

Third, the institutions that shape the Island are mostly located in the Global North, while Islanders have historically supported transitional justice processes in the Global South. Recently, as calls for transitional justice within former colonial powers and those countries with histories of enslavement and genocide grow louder, the trend is to reflect inward with the very tools exported by the transitional justice industry. In the United States, for example, this has influenced foreign policymaking for some time, since there was more hesitancy to support measures that “could work inward, such as (...) reparations, since there are recurring public demands for reparations for slavery in the United States.”¹⁵⁴ Relatedly, there emerges an important concern that there is potential for some kind of “boomerang effect”: transitional justice in the Global North may create the same kinds of tensions we have observed throughout the Global South. Formalised transitional justice initiatives and prominent transitional justice elites may replace or coopt those actors already struggling for a deeper structural transformation, but who are not positioning themselves in the field.

To conclude, formalised initiatives, such as truth commissions or memorials, often serve as a pretext for state actors to avoid extensive changes necessary to address contemporary political exclusion and structural violence against individuals facing intergenerational harm inflicted by legacies of wrongdoings and injustice. To understand the possibility and ramifications of transformative change, we need an academic archipelago that embraces an inclusive vision, integrates diverse perspectives, and analyses challenging claims against the backdrop of justice as a political craft. Our collective work represents the first step to stake a conceptual path of justice and political change across time and space. We hope it serves as a source of inspiration and discussion for building and strengthening a transdisciplinary research agenda.

¹⁵⁴ Mariam Salehi, “Transitional Justice as a Foreign Policy Issue across the Atlantic: Trends and Counter-Trends,” American Institute for Contemporary German Studies (AICGS), <https://www.aicgs.org/publication/transitional-justice-as-a-foreign-policy-issue-across-the-atlantic-trends-and-counter-trends/>.

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