

## INTERVIEW TO ALEXANDRA HERFROY-MISCHLER\*

**Lecciones y Ensayos:** —*Most of our audience are students or people who are not so much introduced into transitional justice. Thus, to enlighten them, how were the beginnings of your professional career? And at what point did your interest in transitional justice emerge?*

**Alexandra Herfroy-Mischler:** —I have always thought that transitional justice marked my existence since I was born. I was born in Strasbourg, which is in the east of France, and Strasbourg has been occupied by Germany. There were three wars: one in 1870, the First World War and the Second World War. So, I have always struggled to deal with occupations, war and identity issues.

I did a PhD on Holocaust victims funds owned by Swiss banks. That research was very important because I was dealing with my story as both a Swiss and a French and I was very interested in understanding what was going on with the Jewish community there. The doctorate was really about journalism, the role of the media in the process of transitional justice. It's really not about the law, the legal aspects. I basically compared the coverage of the Swiss press agency and Associated Press and the *Agence France—Presse*, the French one, in German, English and French, in three languages, and I tried to track how this chapter was covered in the media.

It was a bit later, unfortunately after my PhD, that I discovered that what I was doing was actually labeled under transitional justice. I got a postdoc at the Hebrew University of Jerusalem. This is when I made the Aliá and I moved to Israel from my postdoc at the journalism department. Once I moved, I got a second postdoc at the Truman Research Institute for the Advancement of Peace. During these two postdocs, I started to articulate the concept of transitional justice from the social sciences perspective.

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It was very hard because I was one of the first researchers to do that, to look at the role of media and transitional justice. There was very little research about this. That is a blessing for this interview because you're able to work in a new field but, on the other hand, you have very few theoretical elements to start with.

I was very inspired by John Torpey, a sociologist from America who basically mapped out the chronological steps of transitional justice beyond trial. That really inspired me, and that is what I was most trying to figure out: what is left from the transitional justice processes 10 years later on? How much has changed, how much unfortunately stayed the same, and how the collective memory is built in a society.

Since then, I've been busy with other subjects because as a researcher sometimes you have to jump on opportunities for funding. I got a little bit sidetracked to counterterrorism, but I think it wasn't really a sidetrack. I realized that some researchers were also conceiving the link between transitional justice and terrorism, which was not obvious at the beginning at all, like in the 90s and 2000s. Nowadays, the crimes included are broadening.

But then, I came back as a teacher of transitional justice in Israel, five years ago. Now the class is full, there is a waiting list of a year in advance. I'm extremely stunned, blessed and sad at the same time for the students who have to wait. It's a course where I teach about transitional justice chronologically, about how it developed, and we talk about all types of transitional justice. We end up wondering how much of these concepts can apply to an ongoing asymmetrical conflict like the Israeli—Palestinian conflict.

I had a baby during COVID—19, so I also had to pause some research. After that, I really felt like Israel was ready for grasping transitional justice and that's what I'm doing very intensively. I feel like I'm on a mission. I've been a female Orthodox rabbi since September 2022 and I sometimes feel like "wow" because of receiving the rabbinical ordination. I have never thought about the role of clergy in transitional justice like we had Archbishop Tutu with the apartheid but then I suddenly felt that, as much as Imam Priest, some rabbis have a very extremist take on a religion, and they can infuriate the conflict. Maybe we should look at how they can bring peaceful resolution of conflict. If transitional justice is all about forgiveness and reconciliation, then maybe religion has a role to play. This is a new direction that I want to take from now on. The role of female clergy looks like something very specific as well. It's a different way of doing

stuff and we don't know much about it yet.

**Lecciones y Ensayos:** —*It's a field that has so many things to work with now. But you mentioned John Torpey and, in this sense, we would like to ask you which professor has had the greatest impact on your academic life.*

**Alexandra Herfroy-Mischler:** —John Torpey was my obsession for the whole postdoc years and until I encountered the reading, the literature, from professor Ruti Teitel. She had an immense impact on how I think because, first of all, I'm not a lawyer and I feel very bad about it because I don't have the skills to understand in detail the legal ramifications. Then I felt that is fine because in sociology, anthropology, media science, international relation, there isn't much written about transitional justice and maybe this is another insight. But I definitely needed to encounter her literature and research. We're active colleagues together and I was very influenced by her inputs.

The last researcher that I met very recently this year is Dr. Limor Yehuda. I'm researching in what we call partnership—based peace between Palestinian and Israelis. She really pushed me a lot towards articulating how transitional justice is applicable to asymmetric and ongoing conflict because the idea is that you can do transitional justice when the conflict is finished, otherwise, you do something else. There is another researcher that I discovered recently, Yoav Kapshuk, who is based in the Kinneret College in the Sea of Galilee. He is tackling the concept of pre transitional justice. It is really breaking through new ground saying this is stuff that happened on a grassroot level that people are so fed up and they feel like politics are going nowhere and public officers are not ready to take any concrete steps, so people like you and me, civilians on an everyday basis, decide to reconcile, decide to coexist. That's a fantastic look at transitional justice because not every conflict is fitting the two categories that have been designed so far. I really like this outlook of things that can already happen, even unconsciously. People are not conscious of doing transitional justice or mapping out stuff for the benefit of transitional justice, but they are. I think they should be recognized as such and validated in what they're doing and researching.

**Lecciones y Ensayos:** —*Do you consider that there is a dialogue between the transitional justice processes in Europe and those that occurred, for example, in Latin America? What is the difference or what stands out to you in those processes?*

**Alexandra Herfroy-Mischler:** —I think that mainly, in Europe, where we were defining the genocide, we basically built up the whole post Holocaust and the transitional justice on the genocide. For example, in Kosovo, a genocide is an ethnic cleansing and there's some other labeling for crimes against humanity. But in the case of Argentina, and I believe other countries of South America, transitional justice is happening post dictatorship governments. So, it's a very political oriented crime and it's only the actions that take place within that framework that do qualify for transitional justice. For example, what happened in Argentina with the torture, the kidnapping, and the disappearances qualifies as a crime against humanity and the trials are framed as such. In Europe, on the other hand, it was war, so it's a different type within transitional justice. It was much later that we included civil war into the framework of transitional justice. If I may, thanks to what happened in South America, we realized that we needed to expand the content of the type of conflict that we include in transitional justice. The angle of entry is the same. Torture will qualify, kidnapping will qualify, but the political framework of the abuse and the regime that is orchestrated does not come an army nor it happens during war. It's not dictated by an international relation in terms of war. It's very national, local and it's not depending on external intervention. These are the main differences that I see here.

**Lecciones y Ensayos:** —*In that same sense, we wanted to ask you, what do you think are the particular impacts that the argentinian transitional justice process had on an international level? In particular, if these different characteristics had an impact in other transitional justice processes.*

**Alexandra Herfroy-Mischler:** —I feel that we are copy-pasting the same steps that John Torpey codified, like trial and then truth commission and institutional reform and then payment for reparation. What is fascinating about Argentina is that no later than last July, there was another trial of someone who was 98 years old. I'm sorry, I'm blanking on the name, but I do feel that it's sending a message to the world community in terms of 'even 40 years down the road, we're still going to trial criminals for violations of human rights'. It's not only about the Nazis. It's not only about crimes that happened within the war. It also applies to crimes that are deeply rooted into politics and abusive regimes that were national. The international law is still applying even down the road and I feel it is really a good signal to be sent to the world that this is happening in Argentina.

Criminals must know that even 40 years down the road, even if it's political crimes, they will be tracked and sued. I think it's very important for the victims as well, because they're sent a message that it's never too late to complain and it's never too late to pursue justice. This is bringing back dignity to humanity, saying that there will be justice. Forever. Always.

**Lecciones y Ensayos:** —*Thank you. In that line, what do you think are the current challenges of the transitional justice processes?*

**Alexandra Herfroy-Mischler:** —I do feel that some minorities haven't been represented at all. I'm obsessed with women's rights, and, just last week, I saw a video on Arte.TV about a woman who was born from a forced pregnancy house made by the Nazis. She's 75 years old and it is only now that she feels like she's entitled to tell her story about her false pregnancy. I know from one of my family members that there was also forced sterilization. Trust me, believe me or not, this didn't qualify yet as a crime against humanity until very late. Rape also came, I think in the year 2000, as qualifying for crime against humanity and that transitional justice process. It is late and we need to help these women because most of them are completely traumatized and they're not going to get up in the morning and say 'hey, you know what? I'm going to try and file a complaint'. We need to help them. So, us, our generation who carry in our DNA the trauma will have the freedom to think and help in the strengths to do it. We need to join forces and do it.

I think about all the sexual minorities, like the LGBTQ+ community, and many others that have been persecuted also, like Jehovah witnesses, and basically no one has ever fought for their compensation or reparation or has educated about this aspect. There is really a lot of work to do there.

**Lecciones y Ensayos:** —*We wanted to ask you how the passage of time and international changes in general can influence this collective memory that is built after the transitional justice processes and particularly how this collective memory is capitalized.*

**Alexandra Herfroy-Mischler:** —Part of the transitional justice process, the end of it, is what John Torpey defined as communicative history. In other words, it is about changing, about updating history books. And it's about building museums that are political. All the truth that has been edified in the truth commission needs to be found in museums, because we need to educate the next generation with this truth that the victims edified. It can be a list of names of the victims, if we can have that; it can be places where the crime took place; or also a commemoration day. This is

very important to choose, as a society, a day where we commemorate the violation of human rights, remember the victims and honor the families that are survivors and give them space in the media and at schools and having also an official discourse on that day. I think it's very important to make sure that we, as a collective, are on top of perpetrating the memory at least once a year. To have this moment, we have to choose a date that makes sense for all the victims. And basically, society as a whole is being forced to pay tribute to the memory of the victim and to educate the next generation about what happened in the past and to make sure that it's not happening ever again. I think that maybe schools should institute a plan to visit these museums. You have to figure out the age when you start programming the visits, in order to not create more trauma. But I do feel that this is something that you can do also as a family, to talk about it at least once a year. You commemorate the way that it makes sense to your own culture, your own religion, your own background, so that the victims are honored and remembered.

**Lecciones y Ensayos:** —*That's really interesting. We wanted to add a small question but kind of related to what you were saying. You mentioned, for example, that there's a role that schools should play in making transitional justice memory alive. What are your thoughts on the university's responsibility in this process?*

**Alexandra Herfroy-Mischler:** —Well, it's tricky. I'm not well placed to tell you about this because we're having a debate now in Israel about the commemoration day. There are alternative commemorations, alternative narratives. People are labeled as criminals because they don't honor the official narrative. So, it's very complicated. I do feel that universities should take part in these ceremonies. Different countries do different things. For example, in Israel, the day that we commemorate the victims of the Shoá, we have normal classes in the morning, then we commemorate at ten and then we go back to class. But in France, for example, the commemoration of the end of Second World War is in May, while on the 27th of January is the European commemoration of the genocides, 'genocides' in plural because we include all the population that has been a victim of Nazism. The 8th of May is the day off. You can just go to the beach and enjoy a day off. You don't do memory work. I do feel that whatever you do is important, that it's part of your day. Memory is not something that is done in an individual because it's not like we can't trust an individual to do it, but it's along these lines. Of course, you cannot force people to commemorate.

That's not what I'm saying at all. But what I'm saying is that maybe you need to create a space where everyone is enabled to commemorate if they want, because they're free to do it at that time. But it also needs to be really part of your everyday life. It's a very Jewish thing to do. I'm aware that maybe it's not suitable for other cultures or religions, but I do feel that we managed to make it feel part of who we are as a collective in Israel because kids go to school at 8:00, we stop at 10:00 for the siren and then we go back to business. In classes, of course, we debrief, we talk about it a lot and students prepare in advance research, stories or interviews that they share. That's maybe the side that is very interesting. The memory is part of everyday life. I'm not sure if it is the ideal recipe, but it's one recipe.

**Lecciones y Ensayos:** —*That's amazing. In Argentina right now we're very concerned about how to keep this collective memory alive, despite the different challenges that we're currently facing. In your work there was a phrase that really stuck with to us, which is this idea that the effectiveness of transitional justice may be judged on the basis of the circulation of the newly updated, mutually agreed upon, historical narratives. So, how do you think it's a good way to deal with negationism? Speeches that appear oftentimes, for example, in the media, which are very complex.*

**Alexandra Herfroy-Mischler:** —About the negationist speeches, I'm not sure I'm qualified because in Israel there's just no way. What I tackled here in the research, I tried to show it in order to know that transitional justice is effective. It's really producing long—lasting fruits: that the narrative of the victims becomes the narrative. If that's not the case, if they're still voices that are saying 'oh, they just lied or they made it up. It's not that bad or just they were terrorists anyway. They deserve it'. If that happens it means that we didn't do it right. The transitional justice process somehow failed because the way that you can evaluate effectiveness is the fact that what was okay to say is not anymore. It's criminal. And if you buy into it still, after the transition somehow you can go to jail for incitement to hatred or negationism. For me, countries that are still struggling with that, I would tell them 'you know what, maybe look into it. Maybe you need to adapt stuff. Maybe you need to push a little bit more for the commemoration. Maybe you need to have more education in school about it so that no one can say that that never happened. It's just a conspiracy and lie'. Also, field trip to places. With the Shoá we have these camps, unfortunately we have many of them. I wonder, for example, if they have sites that you can visit where mass murders hap-

pened. If you bring every kid from school there, I don't think that tomorrow they're going to say 'it didn't happen'.

The generation that probably would be negationist is maybe the first generation whose parents didn't tell them, whose parents didn't or could not speak about it because they were too traumatized. Or people who have genuine anchored hatred inside them. And that's very hard because it's not like you can't have a cup of coffee with them. We are still buying into Nazism for example. It's really hard to rationalize it and to speak about that. But I think we have to, there's just no choice.

**Lecciones y Ensayos:** —*That's so interesting. Returning to the transitional justice process, what do you think is the role of truth in that process?*

**Alexandra Herfroy-Mischler:** —I think that truth is a postmodern understanding. What is the Truth? You have two steps of Truth. You have the Truth about facts. That's the journalism part. Truth as facts is non-negotiable tangible factual information that we've verified scientifically and is edified as the truth of what actually happened. And then you have the truth with a small 't', which is a postmodern understanding. It is people's perspective on what happened. In journalism, you have to answer the four questions of who, what, when and where. This can be factual. But the 'why?' starts to be subjective amongst the victim and amongst the perpetrator. I think Eichmann was extremely creative about answering the 'why?'. And that just doesn't fit with the victim's perspective on 'why?' Transitional justice is this capacity to have the small individual truths of the victim. That is conceivable to the perpetrator as also part of the truth. That's why he did all this crime. So that's one angle. True telling is about defining the facts in a truth commission. But it's also making sure that all these victims that were silenced during the whole process of the abusive regime and the fact that they were basically misrepresented in their narrative and their perspective is not happening anymore. The voiceless now is heard. The victim is heard and the perpetrator usually has to listen. He's forced by law. He has no other choice. Does he really understand the narrative? I'm not sure. Like when Eichmann was hanged. He stayed the same up until the end despite having heard more than a hundred testimonies of people about what happened, he would stick to his truth somehow.

But what is important for us as a community? Us, who were completely brought into the narrative of the perpetrator, having heard the truth of the victim, cannot follow that other truth anymore. It is this realization of 'whatever I thought was true cannot exist in the realm of truth anymore

because I’m aware of the small truths of the victim. Therefore, my global truth is completely changed and this is transitional justice for me’. It is capacity from perpetrators saying ‘wow I was completely brainwashed’ or maybe they were acting purposefully in the worst—case scenario. But the ones who are going to transit are the ones who are able to acknowledge the truth of the victim. That is part of the real truth as well. Being able to find them in a supermarket, at the cinema, coexisting together. Also, that their truth can exist because they updated their own truths as perpetrators in light of what they heard from the victim.

**Lecciones y Ensayos:** —*And in the same sense, what role does reconciliation place in the transitional justice process?*

**Alexandra Herfroy-Mischler:** —I think that reconciliation is the ultimate purpose of transitional justice. Transitional justice is happening. Perpetrators get either a judge send them to jail and they end up outside of the community that we’re building after the transition or there is amnesty because they confess their regret and validate the truth of the victim. This could grant them the capacity to be part of this new state, this new regime as full citizens. It’s not clear—cut or black and white, but this is pretty much the option.

Reconciliation is trying to secure a democratic regime, where enemies from the past could coexist peacefully in the present. That’s not easy at all and sometimes, on the local level, there’s some purge that is happening between civilians due to they remembering what this person did and wanting to do justice to themselves. Most of the time it doesn’t happen but sometimes it can. So, if the transitional justice process is well done, the victims feel that they’ve been heard, that they’ve been validated, that they’re complete and that they’re part of this new society. Therefore, co-existence is happening in a peaceful way and there is a long-lasting peace that is happening in the future.

We’re building sites about who are the good guys and who are the bad guys. But at the end of the day, the good guys and the bad guys have to live together as a new society. Those who were able to acknowledge the pain and the truth of the victim, because those who were not end up in jail and are dealt with through the trials. There can be a regime where 90% of the population was the oppressor and 10% was the victim, and you can’t have a prison full of perpetrators. You have to find a way to get them active again in this new regime. I would not be surprised if some people say ‘oh, you’re Asian. I wonder what you did during those years’. Questioning

and being feeling like, ‘oh wow. I don’t know if I can trust you’. You are calculating whether or not it is safe for you to be in the same room with this person. Do they really change? Do they really amend? Do they really regret it? It’s just fake for them to survive and not end up in jail. It creates a lot of resentment that will last at least one generation. We have to be aware of that. There is thick and thin reconciliation: thin reconciliation is that ‘I know you’re not going to stab me in a street or in a supermarket and that I will not kill you in a street or in a supermarket’, and thick reconciliation is about not forgiveness but, if possible, some kind of will on both sides to live together peacefully and to grant a peaceful future for the next generation. Saying that, we sacrificed this generation and things are never going to be like 100%. We are in doubt, we are in fear, despite the fact that we’ve been through all of this, but for the sake of the next generation, I’ll make an effort to somehow reconcile, either thin or thick. It really depends on each person.

**Lecciones y Ensayos:** —*And regarding the next generations, how do you think that cultural productions, like films and books, influence the process of building memory, truth and justice?*

**Alexandra Herfroy-Mischler:** —This is a very important input and not very well researched actually. There is some research about the rule of theater, like embodying the crime on the scene and talking about it in a different way than with a conference, for example. There are also songs that are written, books, of course, as well, exhibitions of survivors who are trying to communicate what they’ve been through. Sometimes these perspectives kind of happen very naturally. I think everyone is an artist somehow. It’s really helping to heal the trauma, to go through these venues. Unfortunately, I think it’s very under—researched because it looks like social sciences have to work with qualitative data: interviews, surveys, numbers and stuff. But I know some issues from the Oxford International Journal of Transitional Justice are opening up to some research about theater and painting and how this is a healing part and that probably should be more researched in terms of like the appeasing potential and the coexistence construction through arts and cultural production.

**Lecciones y Ensayos:** —*As a last question we would like to ask you what do you recommend for young people who are interested in research and also still in the university.*

**Alexandra Herfroy-Mischler:** —My advice would be to research with your gut. I think that, for me, the journey had a starting point in a

personal history from my family that I wanted to figure out. That gave me the strength to get up at 5 am and get to work, read articles, make interviews. There's something very cathartic about researching something that is very dear to you, about trying to heal these wounds by knowledge and by understanding it from the brain. Because sometimes it's easier to articulate a theoretical understanding of what you're going through yourself as a third or fourth generation, and I also want to encourage people to do their research as a duty. As a memory duty to the victims as well. I feel, at least because of my doctorate, a very strong blessing to be alive in a democracy, during times of peace. I felt like I owed the victims to research them and to give voice to what they have been through to publicize, to speak up, to do the best I could to honor their memory. That's my way of, somehow, dedicating my life to carrying out their memory. Of course, it's not perfect, but I do feel that it's driving me in strengths and productivity, that researching something that would not grasp me and get a hold on me would never achieve basically.

That's what I would tell the students. But naturally, I do feel like we all do that. I have a lot of students who write seminar papers with me and there's a healing process going on by understanding, it is very important because we do feel emotions anyways, but sometimes we need to label these emotions and sort them out. Then, the more we research and the more we realize that all humanity is going through the same process of trauma healing. When we're dealing with gross human rights violations, we have to help each other through that. And I think it's a beautiful thing to do in your life to be part of the healing process of humanity by documenting how, basically, it destroyed itself, and how it's moving towards healing itself as well.