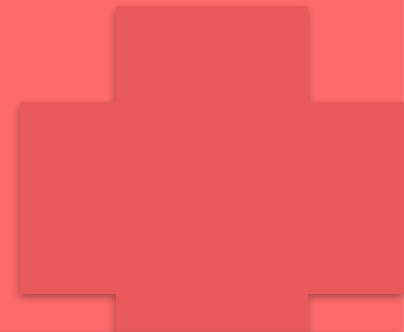




Justice Deferred: The Paradox of Recognition and Responsibility in the Palestinian Holocaust

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Presentation Outline

Comprehensive overview of research examining definitional ambiguity in genocide discourse and its application to Palestinian suffering

Research Agenda

- ◆ Introduction to definitional ambiguity of genocide in international law
- ◆ Analysis of Palestinian suffering and the recognition paradox
- ◆ **Conceptual framework:** 'Procedural Absolution'
- ◆ Examination of institutional frameworks and discursive mechanisms
- ◆ Methodological approach and analytical framework
- ◆ **Results:** How definitional debates function as political mechanisms
- ◆ Conclusions and implications for justice discourse

Research Context & Background

- ◆ **Problem Domain:** Persistent ambiguity in genocide definition within international law and moral philosophy
- ◆ **Current State:** 1948 UN Genocide Convention provides foundational framework but lacks consensus on application
- ◆ **Scholarly Divide:** Critical approaches (power dynamics) vs. Positivist approaches (legal certainty)
- ◆ **Research Gap:** How definitional ambiguity is strategically deployed to obscure specific cases of suffering
- ◆ **Palestinian Context:** Extensive documentation of systematic displacement, blockade, and violence
- ◆ **Paradoxical Position:** Suffering documented yet excluded from formal recognition within dominant institutions

Motivation & Research Objectives

1

Primary Motivation

Address how definitional ambiguity surrounding genocide is strategically used to obscure Palestinian suffering and defer justice

2

Research Questions

How do institutional frameworks create double binds for victims? How does procedural absolution transform moral responsibility into technical compliance?

3

Key Objectives

1. Analyze the discursive mechanisms of denial 2. Introduce 'procedural absolution' concept 3. Examine tension between critical and positivist approaches

4

Expected Impact

Reframe genocide discourse to foreground power dynamics and challenge institutional mechanisms of erasure

Related Work & Literature Review

Critical Approaches (Power-Focused) Positivist Approaches (Law-Focused)

- ◆ Meiches (2017): Genocide discourse occurs within socio-linguistic fields shaped by power relations
- ◆ Focus on how language constructs reality and enables political action
- ◆ Emphasizes historical and contextual specificity of genocidal processes
- ◆ Critiques universalizing tendencies in legal definitions

- ◆ Schabas (2009): Rigorous legal standards essential to preserve genocide's moral significance
- ◆ Emphasis on precise, enforceable definitions for international law
- ◆ Focus on evidentiary standards and legal certainty
- ◆ Advocates for consistent application across cases

Limitations of Existing Approaches

- ◆ **Critical Approaches:** Risk relativism that undermines legal accountability mechanisms
- ◆ **Positivist Approaches:** Overly rigid definitions exclude contemporary cases and evolving patterns
- ◆ **Both Approaches:** Can function within institutions to defer substantive engagement with ongoing atrocities
- ◆ **Methodological Gap:** Lack of frameworks analyzing how both positions enable procedural absolutism
- ◆ **Palestinian Case:** Demonstrates limitations of current genocide studies paradigms
- ◆ **Institutional Bias:** Frameworks presuppose political legitimacy of recognized states

02

Conceptual Framework & Methodology

Introducing 'Procedural Absolution' and methodological approach for analyzing discursive mechanisms

Core Concept: Procedural Absolution

- ◆ **Definition:** Bureaucratic and legal mechanisms that transform moral responsibility into technical compliance
- ◆ **Mechanism:** Converts ethical imperatives into procedural checklists and definitional debates
- ◆ **Function:** Enables institutions to appear responsive while avoiding substantive action
- ◆ **Outcome:** Creates appearance of due process while maintaining status quo of suffering
- ◆ **Example:** Endless debates about whether Palestinian case 'qualifies' as genocide under specific definitions
- ◆ **Effect:** Shifts focus from humanitarian response to semantic classification

Methodology Overview



Research Design & Approach

- ◆ **Method:** Critical discourse analysis combined with legal hermeneutics
- ◆ **Data Sources:** UN documents, legal texts, scholarly debates, historical records
- ◆ **Analytical Focus:** How language progresses from acknowledging contestation to imposing closure
- ◆ **Theoretical Framework:** Draws from critical legal studies and postcolonial theory
- ◆ **Case Selection:** Palestinian context selected for its paradigmatic demonstration of definitional politics
- ◆ **Validation:** Triangulation through multiple methodological approaches and source types

Constraints & Assumptions

1

Geographic Focus

Specifically examines Palestinian context as primary case study, though framework applicable to other cases

2

Legal Framework

Engages with existing international law, particularly 1948 UN Genocide Convention as foundational text

3

Institutional Scope

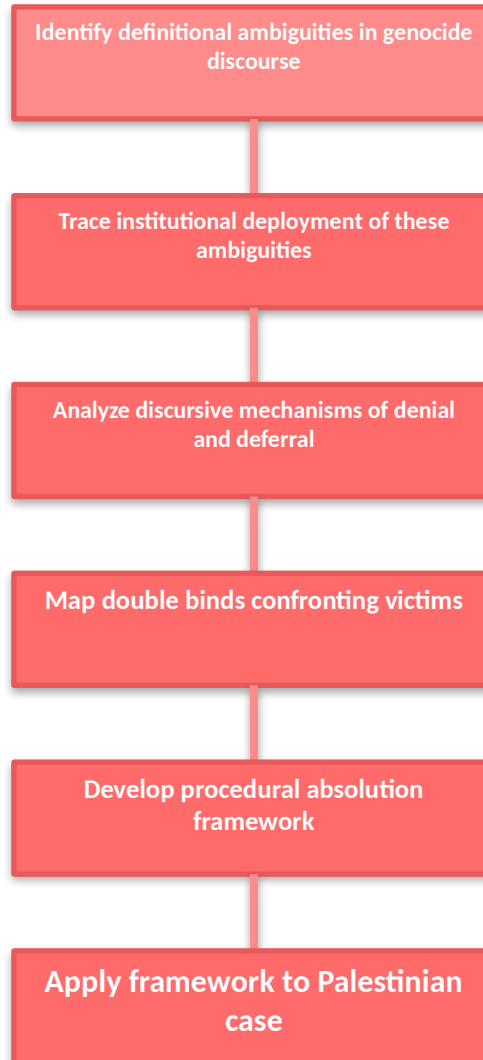
Focuses on UN mechanisms, international courts, and academic institutions as primary sites of discourse

4

Methodological Engagement

Explicitly addresses tension between critical and positivist approaches in genocide studies

Analytical Process



Key Analytical Dimensions

Dimension	Focus	Method	Outcome
Discursive Analysis	Language and classification debates	Textual analysis of legal/scholarly documents	Map progression from contestation to closure
Institutional Analysis	UN bodies, courts, academic institutions	Process tracing of decision-making	Identify mechanisms of procedural absolution
Conceptual Analysis	Development of 'procedural absolution'	Theoretical synthesis	Framework for analyzing justice deferral
Case Analysis	Palestinian context	Historical and contemporary evidence	Illustrate framework application

03

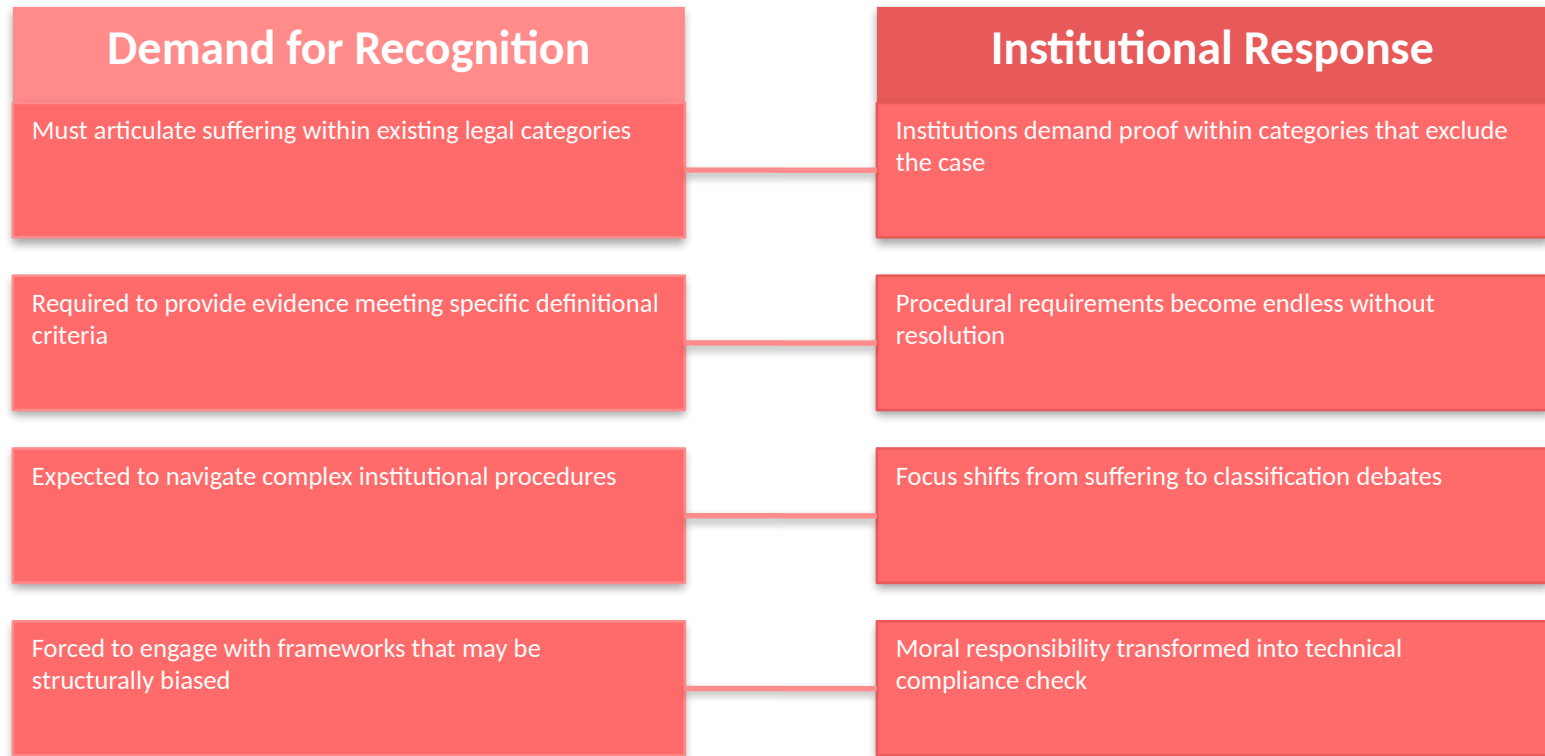
Findings & Results

How definitional debates function as political mechanisms enabling systematic erasure

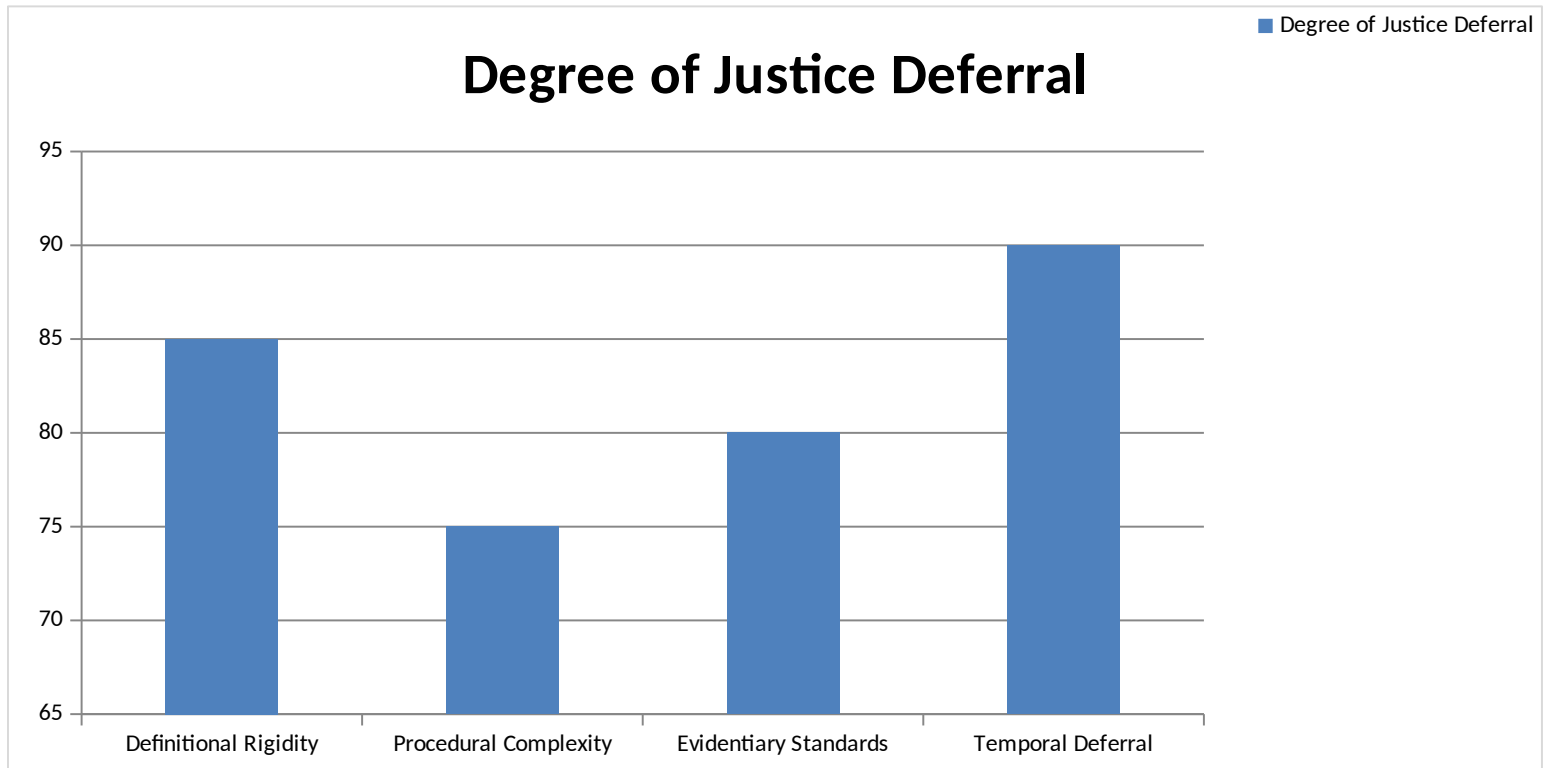
Primary Finding: Definitional Debates as Political Mechanisms

- ◆ Definitional ambiguity not merely semantic but strategically deployed for political ends
- ◆ Institutional frameworks transform moral questions into technical classification problems
- ◆ Process creates infinite deferral of substantive justice while maintaining appearance of due process
- ◆ **Palestinian claims caught in double bind:** must prove suffering meets definitions that presuppose their political illegitimacy
- ◆ **Epistemic violence:** Denial normalizes ongoing subjugation through procedural mechanisms
- ◆ Language functions as instrument of power rather than neutral descriptor

The Double Bind Confronting Victims



Mechanisms of Procedural Absolution



Discursive Progression Analysis



Case Study: Palestinian Context

- ◆ Extensive documentation of systematic displacement since 1948 (Nakba)
- ◆ Ongoing blockade and restriction of movement in Gaza and West Bank
- ◆ Documented patterns of violence, home demolitions, and settlement expansion
- ◆ Yet consistently excluded from formal genocide recognition in dominant institutions
- ◆ Debates focus on whether case 'qualifies' rather than addressing humanitarian crisis
- ◆ Illustrates how procedural absolutism operates in practice

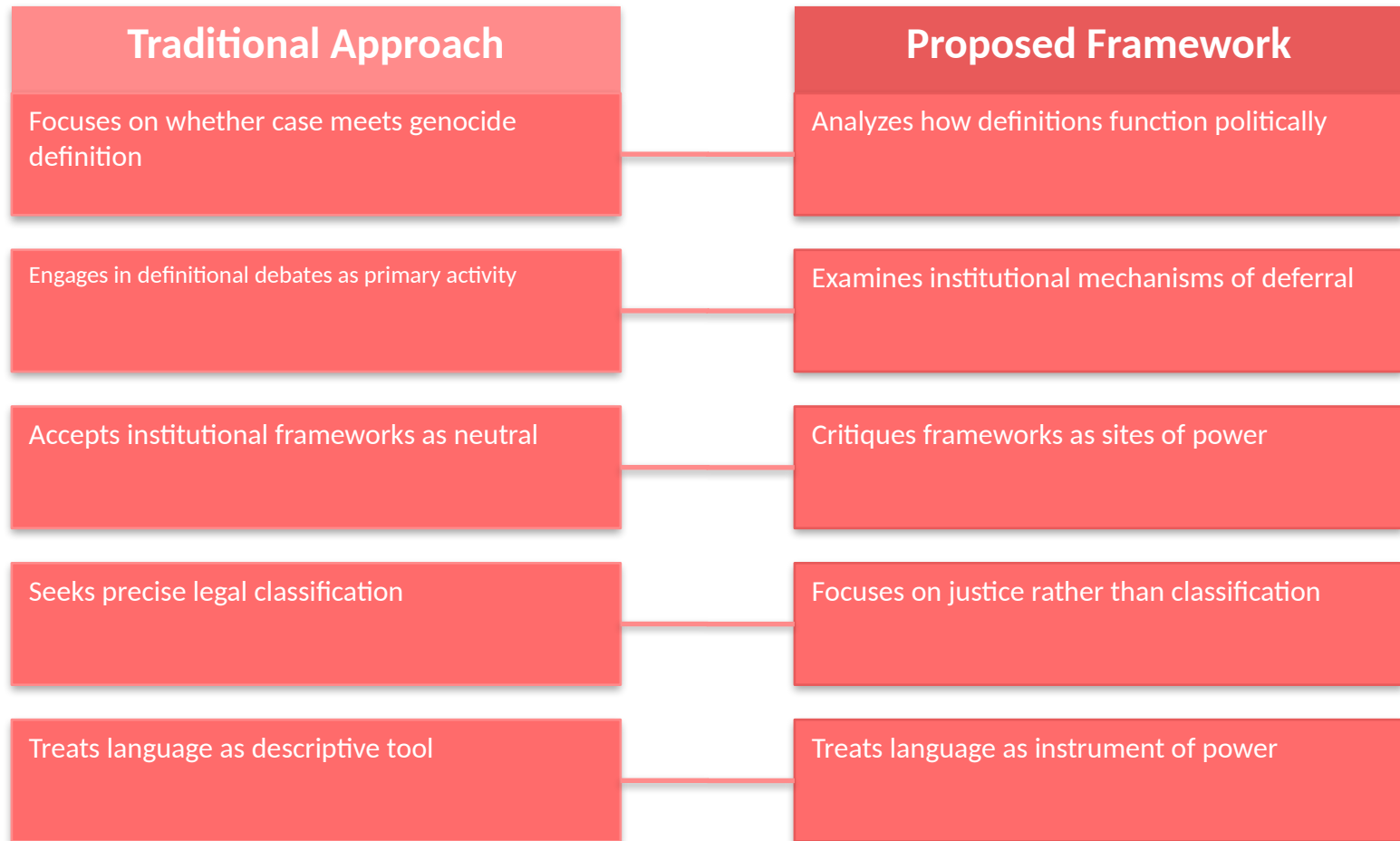
Institutional Framework Analysis

Institution	Mechanism	Outcome	Example
UN Bodies	Definitional debates in committees	Deferral of action	Endless discussions in Human Rights Council
International Courts	Jurisdictional limitations	Limited case acceptance	ICC preliminary examinations without prosecution
Academic Institutions	Methodological debates	Theoretical impasse	Scholarly journals debating definitions
Media Outlets	Balanced reporting norms	False equivalence	Equal time for denial and evidence

Qualitative Insights & Patterns

- ◆ **Pattern 1:** The more evidence presented, the more rigorous the definitional standards become
- ◆ **Pattern 2:** Institutional responses focus on process rather than substance of claims
- ◆ **Pattern 3:** Victims forced into impossible position of proving what institutions predetermined to exclude
- ◆ **Pattern 4:** Critical and positivist approaches, despite opposition, both enable procedural absolution
- ◆ **Pattern 5:** Time becomes weaponized through endless reviews and procedural delays
- ◆ **Pattern 6:** Moral outrage transformed into technical discussion of legal criteria

Comparative Analysis: Traditional vs Proposed Framework



Impact & Applications of Findings

1

Legal Reform

Suggests need for more flexible, context-sensitive approaches in international law

2

Advocacy Strategy

Provides framework for challenging procedural mechanisms that defer justice

3

Academic Research

Offers new analytical lens for genocide studies and critical legal studies

4

Public Discourse

Tools for identifying and challenging mechanisms of denial in media and politics

Key Contributions Summary

1

Conceptual Innovation

Introduces 'procedural absolution' to analyze bureaucratic transformation of moral responsibility

2

Analytical Framework

Demonstrates how definitional debates function as political mechanisms enabling systematic erasure

3

Discursive Analysis

Traces how discourse progresses from acknowledging contestations to re-imposing conceptual closure

4

Methodological Synthesis

Examines tension between critical approaches (power) and positivist approaches (legal certainty)

Limitations & Challenges

- ◆ **Scope Limitation:** Focuses primarily on Palestinian case, though framework designed for broader application
- ◆ **Methodological Challenge:** Balancing critical analysis with constructive proposals for reform
- ◆ **Data Access:** Reliance on publicly available documents may miss internal institutional dynamics
- ◆ **Theoretical Risk:** Critical approach could be misinterpreted as undermining all legal frameworks
- ◆ **Practical Constraint:** Difficulty proposing alternatives that avoid creating new forms of procedural absolutism
- ◆ **Temporal Limitation:** Analysis captures current institutional dynamics which continue to evolve

Future Research Directions

- ◆ Expand case studies to other contexts experiencing similar definitional exclusion
- ◆ Develop metrics for measuring degrees of procedural absolutism in different institutions
- ◆ Explore alternative institutional designs that minimize justice deferral mechanisms
- ◆ Investigate historical evolution of definitional politics in international law
- ◆ Examine intersection with other forms of epistemic injustice and hermeneutical marginalization
- ◆ Develop pedagogical approaches for teaching about procedural absolutism in law and humanities

Conclusions

- ◆ Definitional ambiguity in genocide discourse functions as political mechanism, not merely semantic debate
- ◆ Procedural absolution transforms moral responsibility into technical compliance through institutional mechanisms
- ◆ Palestinian case illustrates double bind where victims must prove suffering within frameworks that exclude them
- ◆ Both critical and positivist approaches, despite opposition, can enable justice deferral in practice
- ◆ Justice remains perpetually deferred while violence continues through these discursive mechanisms

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Thank You!

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Project Archive: justice-deferred.uab.iram/palestinian-holocaust