

Theorizing Transitional Justice



Edited by
**Claudio Corradetti,
Nir Eisikovits and
Jack Volpe Rotondi**

Theorizing Transitional Justice 2015 02 28

Colleen Murphy



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Research Handbook on Transitional Justice Cheryl Lawther, Luke Moffett, 2023-08-14 Providing a refreshing take on transitional justice this second edition Research Handbook brings together an expanse of scholarly expertise to reconsider how societies deal with gross human rights violations structural injustices and mass violence Contextualised by historical developments it covers a diverse range of concepts actors and mechanisms of transitional justice while shedding light on new and emerging areas in the field

Truth, Reparations and Social Cohesion Elisabeth Bunselmeyer, 2020-02-25 This book addresses the effectiveness of transitional justice mechanisms for repairing social cohesion Truth commissions and reparation programs are implemented worldwide to enhance social cohesion peace and democracy in post conflict settings Most claims about transitional justice measures are however normatively and not empirically based The book questions whether attention from a truth and reconciliation commission can truly change the lives of the violence affected people and whether monetary compensations or communal projects in form of milk cows can ever truly repair the harm suffered The within country comparative case study analyzes the effects of the commission and reparation program in Peru It studies the post conflict situation and the development of social cohesion in communities affected by the internal armed conflict Using detailed empirical data this analysis reveals why the reparation of social cohesion in Peru was an impossible task

Contributing to a broader understanding of the impact of nationally applied transitional justice instruments in local settings the book further offers a new framework for analyzing social cohesion as one of the aims of transitional justice processes Offering a detailed account of transitional justice processes and social cohesion on the micro level as well as an important analysis of their relationship this innovative monograph will be invaluable for transitional justice scholars and students as well as for international political and societal actors who are involved in transitional justice measures

Transitional Justice in Nepal Yvette Selim, 2018-06-27 The conflict in Nepal 1996 2006 resulted in an estimated 15 000 deaths 1 300 disappearances along with other serious human rights and humanitarian law violations Demands for peace democracy accountability and development have abounded in the post conflict context Although the conflict catalysed major changes in the social and political landscape in Nepal the transitional justice TJ process has remained deeply contentious and fragmented This book provides an in depth analysis of transitional justice process in Nepal Drawing on interviews with a diverse range of stakeholders including victims ex combatants community members human rights advocates journalists and representatives from diplomatic missions international organisations and the donor community it reveals the differing viewpoints knowledge attitudes and preferences about TJ and other post conflict issues in Nepal The author develops an actor typology and an action spectrum which can be used in Nepal and other post conflict contexts The actor typology identifies four main groups of TJ actors experts brokers implementers and victims and highlights who is making claims and on behalf of whom The action spectrum based on contentious politics literature and resistance literature demonstrates the

strategies actors use to shape the TJ process This book argues that the potential of TJ lies in these dynamics of contention It is by letting these dynamics play out that different conceptualisations of TJ can arise While doing so may lead to practical challenges and produce situations that are normatively undesirable for some actors particularly when certain political parties and national actors seem to hijack TJ remaining steadfast to the dominant TJ paradigm is also undesirable As the first book to provide a single case study on TJ in Nepal it makes theoretical and empirical contributions to TJ research in Nepal and the Asia Pacific more broadly the politics versus justice binary and the concept of victimhood among others It will be of interest to a wide range of scholars in the study of transitional justice peace and conflict studies human rights sociology political science criminology law anthropology and South Asian Studies as well as policy makers and NGOs Routledge Handbook of Development Ethics Jay Drydyk, Lori Keleher, 2018-07-16 The Routledge Handbook of Development Ethics provides readers with insight into the central questions of development ethics the main approaches to answering them and areas for future research Over the past seventy years it has been argued and increasingly accepted that worthwhile development cannot be reduced to economic growth Rather a number of other goals must be realised Enhancement of people s well being Equitable sharing in benefits of development Empowerment to participate freely in development Environmental sustainability Promotion of human rights Promotion of cultural freedom consistent with human rights Responsible conduct including integrity over corruption Agreement that these are essential goals has also been accompanied by disagreements about how to conceptualize or apply them in different cases or contexts Using these seven goals as an organizing principle this handbook presents different approaches to achieving each one drawing on academic literature policy documents and practitioner experience This international and multi disciplinary handbook will be of great interest to development policy makers and program workers students and scholars in development studies public policy international studies applied ethics and other related disciplines Gender, Transitional Justice and Memorial Arts Jelke Boesten, Helen Scanlon, 2021-05-17 This book examines the role of post conflict memorial arts in bringing about gender justice in transitional societies Art and post violence memorialisation are currently widely debated Scholars of human rights and of commemorative arts discuss the aesthetics and politics not only of sites of commemoration but of literature poetry visual arts and increasingly film and comics Art memory and activism are also increasingly intertwined But within the literature around post conflict transitional justice and critical human rights studies there is little questioning about what memorial arts do for gender justice how women and men are included and represented and how this intertwines with other questions of identity and representation such as race and ethnicity The book brings together research from scholars around the world who are interested in the gendered dimensions of memory making in transitional societies Addressing a global range of cases including genocide authoritarianism civil war electoral violence and apartheid they consider not only the gendered commemoration of past violence but also the possibility of producing counter narratives that unsettle and challenge established stereotypes Aimed at

those interested in the fields of transitional justice memory studies post conflict peacebuilding human rights and gender studies this book will appeal to academics researchers and practitioners

Theorizing Transitional Justice Claudio Corradetti, Nir Eisikovits, 2016-02-17 This book addresses the theoretical underpinnings of the field of transitional justice something that has hitherto been lacking both in study and practice With the common goal of clarifying some of the theoretical profiles of transitional justice strategies the study is organized along crucial intersections evaluating aspects connected to the genealogy the nature the scope and the most appropriate methodology for the study of transitional justice The chapters also take up normative and political considerations pertaining to specific transitional instruments such as war crime tribunals truth commissions administrative purges reparations and historical commissions Bringing together some of the most original writings from established experts as well as from promising young scholars in the field the collection will be an essential resource for researchers academics and policy makers in Law Philosophy Politics and Sociology

Palestine and the International Criminal Court Seada Hussein Adem, 2019-04-05 This book deals with the possible investigation and prosecution by the International Criminal Court ICC of crimes allegedly committed in the Israeli Palestinian conflict In light of the Rome Statute and the Practice of the Office of the Prosecutor of the Court among others it examines the route possible outcomes and challenges that may arise were the Palestine situation to be brought before the ICC The subject matter is approached using the route the Prosecutor of the Court would generally employ to deal with situations The publication offers a step by step procedure by which to conduct the preliminary examination and investigation of the situation in Palestine and deals with matters of jurisdiction followed by a discussion of the fundamental concepts of complementarity and gravity to determine the admissibility before the ICC Alleged crimes particularly unique to the Israeli Palestinian conflict such as the construction of settlements forced displacement house demolitions the expropriation of land the crime of apartheid and the blockade of Gaza are dealt with in light of the Rome Statute and international law On the basis of the established theories of transitional justice the possible impacts of an ICC investigation and prosecution on the conflict are analysed and a number of insights are shared with regard to the impacts of the ICC on combatting impunity fostering Palestine's statehood peace negotiations and the stability of the region Due to the politicisation of the conflict and the various interests at stake the impact of the ICC's involvement on the credibility of the ICC itself is also reviewed Recognizing the numerous impacts of the conflict on the existence of the two nations and the multitude of causes for its perpetuity it does not limit itself to the ICC but also provides other conflict resolution alternatives that could enable reconciliation and sustainable peace in the region This book provides an array of opinions and a crucial input for researchers and practitioners alike while it is also useful to those investigating and possibly involved in prosecutions regarding Palestine or other similar situations before the ICC Seada Hussein Adem obtained a PhD from Humboldt University of Berlin Germany an LLM from the University of the Western Cape South Africa and an LLB from Haramaya University Ethiopia

The Routledge

Handbook of Memory Activism Yifat Gutman,Jenny Wüstenberg,2023-02-15 This Handbook is the first systematic effort to map the fast growing phenomenon of memory activism and to delineate a new field of research that lies at the intersection of memory and social movement studies From Charlottesville to Cape Town from Santiago to Sydney we have recently witnessed protesters demanding that symbols of racist or colonial pasts be dismantled and that we talk about histories that have long been silenced But such events are only the most visible instances of grassroots efforts to influence the meaning of the past in the present Made up of more than 80 chapters that encapsulate the rich diversity of scholarship and practice of memory activism by assembling different disciplinary traditions methodological approaches and empirical evidence from across the globe this Handbook establishes important questions and their theoretical implications arising from the social political and economic reality of memory activism Memory activism is multifaceted takes place in a variety of settings and has diverse outcomes but it is always crucial to understanding the constitution and transformation of our societies past and present This volume will serve as a guide and establish new analytic frameworks for scholars students policymakers journalists and activists alike

Netherlands Yearbook of International Law 2022 Otto Spijkers,Julie Fraser,Emmanuel Giakoumakis,2025-04-04 This book on international law explores the ways in which traditional forms of reparation restitution compensation and satisfaction have been re interpreted since the rendering of the landmark Factory at Chorz w judgment in 1928 of the Permanent Court of International Justice It examines how the concept of reparations has developed in international law and evolved to reflect broader community values like human rights as well as criminal and transitional justice Contributions to this year s volume of the Netherlands Yearbook of International Law examine the ways in which reparation has been understood in the jurisprudence of various courts and jurisdictions including the International Court of Justice the International Criminal Court and the UN human rights treaty body system Several regional or internationalised bodies are also examined including the Inter American and European Courts of Human Rights and the Extraordinary Chambers in the Courts of Cambodia The volume includes chapters focusing on recent efforts to repair historical wrongs such as reparations for colonial times dictatorial oppression and failed peacekeeping missions and the ways in which the legal principle of reparation has been conceptualised in support of these claims The book illustrates the shift of reparations from a largely state centric approach concerned with financial compensation to a more victim centred one that encompasses a diverse range of reparative measures Despite this positive shift multiple complex obstacles remain in the way of victims realising their right to reparation including limited financial resources ineffective victim consultation long delays and the absence of political will The Netherlands Yearbook of International Law was first published in 1970 It offers a forum for the publication of scholarly articles in a varying thematic area of public international law Chapter 13 is available open access under a Creative Commons Attribution 4 0 International License via link [springer.com](https://www.springer.com)

Guarantees of Non-Repetition in International Human Rights Law and Transitional Justice Nita Shala,2024-06-07 This book examines the

understudied yet increasingly applied concept of Guarantees of Non Repetition under international human rights law and transitional justice Guarantees of Non Repetition GNRs are measures taken to ensure that human rights abuses do not recur They are especially crucial in post war contexts marked by severe and systematic violations However although they are increasingly invoked GNRs are not well understood and they have so far received only limited theoretical and practical analysis Tracing their development to the influence of international human rights law this book considers what GNRs are how and why they have come about and how GNRs are implemented Through an explication of the history law and jurisprudence of GNR s in regional mechanisms in Latin America Europe and Asia as well as in international bodies the book maintains the increasing importance and as yet unfulfilled potential of this legal obligation in transitional justice settings This first book to analyse the development of GNRs and their application will appeal to scholars in the areas of law and transitional justice public policy and socio legal studies as well as lawyers and policy makers working in post conflict situations

Theorizing Transitional Justice Claudio Corradetti, Nir Eisikovits, Jack Rotondi, 2015-02-01 With the common goal of clarifying some of the theoretical profiles of transitional justice strategies the study is organized along crucial intersections evaluating aspects connected to the genealogy the nature the scope and the most appropriate methodology for the study of transitional justice The specific transitional instruments of war crime tribunals truth commissions administrative purges reparations and historical commissions are considered The book brings together some of the most original writings from established experts as well as from promising young scholars in the field

Theorizing 'Transitional Justice' David Anton Hoogenboom, 2014 Early literature in the field of transitional justice was dominated by debates over the meaning of justice with retributivists arguing for the need for criminal prosecutions following mass human rights violations and advocates of restorative justice claiming that non prosecutorial forms of justice like truth telling are better suited for post conflict societies This debate was eventually settled at least in the field by a belief that post conflict societies require both criminal prosecutions and truth telling More recently the debate over justice has centred on the question of whether the field and practice of transitional justice has prioritized civil and political rights over economic and social rights While this is a significant development in the field it points to a more fundamental reality Debates over justice are interminable To try to sculpt justice to fit a preconceived definition limits its capacity to respond to the needs of survivors This realization serves as the starting point for this project that justice must remain open to re interpretation for it to maintain its relevance in post conflict societies There is however a central problem in the field Transitional justice implies a justice that is in the service of the transition What this suggests then is that the debates over justice or the justice question have been substantially circumscribed by the transition question thereby limiting the possible definitions of justice While the justice question has received a great deal of attention this project suggests that if debates over justice are to indeed remain interminable the more fundamental concern of the field should be the way the transition question has in fact shaped our theorizing about

justice *The Conceptual Foundations of Transitional Justice* Colleen Murphy, 2017-04-19 Many countries have attempted to transition to democracy following conflict or repression but the basic meaning of transitional justice remains hotly contested In this book Colleen Murphy analyses transitional justice showing how it is distinguished from retributive corrective and distributive justice and outlines the ethical standards which societies attempting to democratize should follow She argues that transitional justice involves the just pursuit of societal transformation Such transformation requires political reconciliation which in turn has a complex set of institutional and interpersonal requirements including the rule of law She shows how societal transformation is also influenced by the moral claims of victims and the demands of perpetrators and how justice processes can fail to be just by failing to foster this transformation or by not treating victims and perpetrators fairly Her book will be accessible and enlightening for philosophers political and social scientists policy analysts and legal and human rights scholars and activists *Assessing the Impact of Transitional Justice* Hugo Van der Merwe, Victoria

Baxter, Audrey R. Chapman, 2009 In *Assessing the Impact of Transitional Justice* fourteen leading researchers study seventy countries that have suffered from autocratic rule genocide and protracted internal conflict *Transitional justice*, 2010

Globalizing Transitional Justice Ruti G. Teitel, 2014 Among the most prominent and significant political and legal developments since the end of the Cold War is the proliferation of mechanisms for addressing the complex challenges of transition from authoritarian rule to human rights based democratic constitutionalism particularly with regards to the demands for accountability in relation to conflicts and abuses of the past Whether one thinks of the Middle East South Africa the Balkans Latin America or Cambodia an extraordinary amount of knowledge has been gained and processes instituted through transitional justice No longer a byproduct or afterthought transitional justice is unquestionably the driver of political change In *Globalizing Transitional Justice* Ruti G Teitel provides a collection of her own essays that embody her evolving reflections on the practice and discourse of transitional justice since her book *Transitional Justice* published back in 2000 In this new book Teitel focuses on the ways in which transitional justice concepts have found legal expression especially through human rights law and jurisprudence and international criminal law These essays shed light on some of the difficult choices encountered in the design of transitional justice criminal trials vs amnesties or truth commissions domestic or international processes peace and reconciliation vs accountability and punishment Transitional justice is considered not only in relation to political events and legal developments but also in relation to the broader social and cultural tendencies of our times **After Violence** Elin Skaar, Camila Gianella Malca, Trine Eide, 2015-04-17

After Violence Transitional Justice Peace and Democracy examines the effects of transitional justice on the development of peace and democracy Anticipated contributions of transitional justice mechanisms are commonly stated in universal terms with little regard for historically specific contexts Yet a truth commission for example will not have the same function in a society torn by long term civil war or genocide as in a society emerging from authoritarian repression Addressing trials reparations truth commissions and

amnesties the book systematically addresses the experiences of four very different contemporary transitional justice cases post authoritarian Uruguay and Peru and post conflict Rwanda and Angola Its analysis demonstrates that context is a crucial determinant of the impact of transitional justice processes and identifies specific contextual obstacles and limitations to these processes The book will be of much interest to scholars in the fields of transitional justice and peacebuilding as well as students generally concerned with human rights and democratisation *Transformative Transitional Justice and the Malleability of Post-Conflict States* Padraig McAuliffe, 2017-03-31 Despite the growing focus on issues of socio economic transformation in contemporary transitional justice the path dependencies imposed by the political economy of war to peace transitions and the limitations imposed by weak statehood are seldom considered This book explores transitional justice s prospects for seeking economic justice and reform of structures of poverty in the specific context of post conflict states

Transitional Justice Neil J. Kritz, 1995 3 Purge and Screening **Transitional Justice in Troubled Societies** Aleksandar Fatić, Klaus Bachmann, Igor Lyubashenko, 2018 This book discusses the crucial strategic topic for the practical implementation of transitional justice in post conflict societies by arguing that the dilemma is defined by the extent to which the actual achievement of the political goals of transition is a necessary condition for the long term observance and implementation of justice While in many cases the blind criminal justice does not enhance and even militates against the achievement of political transitions an understanding of transitional justice as a fundamentally political process is novel controversial and a concept which may shape the future of transitional justice This collection contributes to developing this concept both theoretically and through concrete and current case studies from the worlds most pronounced crisis spots for transitional justice

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