

Theorizing Transitional Justice



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

Theorizing Transitional Justice 2015 02 28

Elisabeth Bunselmeyer



Theorizing Transitional Justice 2015 02 28:

Theorizing Transitional Justice Claudio Corradetti, Nir Eisikovits, Jack Volpe Rotondi, 2015-02-28 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 *Transitional Justice* Norman Weiß, Stephanie Verlaan, Juan Francisco Vasquez Carruthers, Theresa Mair, Sean Conner, Lucas Maaser, Livia Röthlisberger, 2022-01-28 This publication deals with the topic of transitional justice In six case studies the authors link theoretical and practical implications in order to develop some innovative approaches Their proposals might help to deal more effectively with the transition of societies legal orders and political systems Young academics from various backgrounds provide fresh insights and demonstrate the relevance of the topic The chapters analyse transitions and conflicts in Sierra Leone Argentina Nicaragua Nepal and South Sudan as well as Germany's colonial genocide in Namibia Thus the book provides the reader with new insights and contributes to the ongoing debate about transitional justice Gegenstand dieser Publikation ist das Thema Transitional Justice In sechs Fallstudien verknüpfen die Autoren theoretische und praktische Implikationen um innovative Ansätze zu entwickeln Ihre Vorschläge wollen dazu beitragen den Bergangsprozess von Gesellschaften Rechtsordnungen und politischen Systemen effektiver zu gestalten Nachwuchswissenschaftler mit unterschiedlichem fachlichem Hintergrund geben hier neue Einblicke und zeigen die fortdauernde Relevanz des Themas Die Kapitel analysieren Bergänge und Konflikte in Sierra Leone Argentinien Nicaragua Nepal und Südsudan sowie den kolonialen Völkermord in Namibia So liefert das Buch dem Leser neue Erkenntnisse und trägt zur laufenden Debatte über das Thema Transitional Justice bei Reparative Futures and Transformative Learning Spaces Melanie Walker, Alejandra Boni, Diana Velasco, 2024-01-19 This edited book draws on an international cohort of authors all working towards sustainable decolonizing human development for more just futures in a variety of learning spaces Integrating sustainable human development with reparative futures the chapters present diverse examples of how transformative learning spaces can be created through different participatory methodologies and with different stakeholders The book will be of interest to researchers graduate students practitioners and policymakers in the areas of higher education development studies and transformative innovation *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

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 Truth and Transitional Justice Alice

Panepinto,2022-02-24 With a unique transitional justice perspective on the Arab Spring this book assesses the relocation of transitional justice from the international paradigm to Islamic legal systems The Arab uprisings and new and old conflicts in the Middle East North Africa and other contexts where Islam is a prominent religion have sparked an interest in localising transitional justice in the legal systems of Muslim majority communities to uncover the truth about past abuse and ensure accountability for widespread human rights violations This raises pressing questions around how the international paradigm of transitional justice and in particular its truth seeking aims might be implemented and adapted to local settings characterised by Muslim majority populations and at the same time drawing from relevant norms and principles of Islamic law This book offers a critical analysis of the relocation of transitional justice from the international paradigm to the legal systems of Muslim majority societies in light of the inherently pluralistic realities of these contexts It also investigates synergies between international law and Islamic law in furthering truth seeking the formation of collective memories and the victims right to know the truth as key aims of the international paradigm of transitional justice and broadly supported by the shari ah This book will be a useful reference for scholars practitioners and policymakers seeking to better understand the normative underpinnings of potential transitional truth seeking initiatives in the legal systems of Muslim majority societies At the same time it also proposes a more critical and creative way of thinking about the challenges and opportunities of localising transitional justice in contexts where the principles and ideas of Islamic law carry different meanings

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 **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 **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 *Transitional Justice in Troubled Societies* Aleksandar Fatic, Klaus Bachmann, Igor Lyubashenko, 2018-11-26 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

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

Awake, Emerging, and Connected Victoria Turner, 2024-07-31 Millennials and Gen Zers have been characterized as individualistic capitalist consumers as politically unengaged and spiritually selfish or only interested in identity politics This edited collection by bringing together younger generations of theologians activists campaigners artists and those working in politics academia the church economics or community work offers a new narrative of justice one that is globally aware and actively intersectional Bringing together powerful young voices with a wealth of contextually grounded experiences of faith and justice spreading over Mexico India Nagaland Germany Wales Ecuador South Africa Palestine Brazil Canada Indonesia Scotland England and the Pacific the chapters in this book imagine daring new possibilities Together the chapters reveal a generation who face a burning politically and religiously right leaning egotistical world and who know clearly that the legacies of Empire which continue white hegemony patriarchy heterosexuality normalized cisgender identities the class war colonial debts Western epistemology and ecological extraction must be overcome and replaced by a transnational solidarity of resistance and reimagination

Truth, Justice, and Reparations in Peru, Uruguay, and South Korea Ñusta Carranza Ko, 2021-01-29 This book presents the first cross regional analysis of post transitional justice periods and the conditions that influence states behaviors Specifically the book examines why states that adopt and ostensibly implement transitional justice norms as

policies criminal prosecutions reparations policies and truth commissions fail to follow through with their recommendations Applying these perspectives to a comparative study of states from Latin America and East Asia namely Peru Uruguay and South Korea which accepted and implemented transitional justice norms but took different trajectories of behavior after the implementation of policies this book contributes to understanding the relationship of norm influence on states and why states change in compliance after norm adoption The book explores the conditions that contribute or limit the continued respect for transitional justice norms emphasizing the political interests and transnational advocacy networks roles in affecting states policies of addressing past abuses

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

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

Transitional Justice, Distributive Justice, and Transformative Constitutionalism David Bilchitz, Raisa Cachalia, 2023-11-28 Emerging from national pasts marred by violence conflict and injustice South African and Colombian societies have sought to establish futures founded on equality democracy and constitutionalism Transitional Justice Distributive Justice and Transformative Constitutionalism Comparing Colombia and South Africa offers the first dedicated scholarly comparison of the two countries in relation to the intersecting ideas of transitional justice distributive justice and transformative constitutionalism Featuring contributions by Colombian and South African authors this volume richly examines each country from a range of thematic perspectives as the basis for deep reflection and comparison between them Transitional Justice Distributive Justice and Transformative Constitutionalism brings together three interconnected concepts the need for redress of past historical wrongs the imperative to ensure fairness in the distribution of resources and the commitment to law governed social change mediated through a constitution Part one explores innovative approaches to transitional justice that go beyond law such as novel philosophical approaches to reconciliation the use of art to address past wrongs and the role of museums in memorialising the past Part two considers one of the central components of transformative constitutionalism socio economic rights It addresses the role of history in the interpretation of socio economic rights and the procedural mechanisms that enable access to these rights Part three looks at the development of legal structures designed to achieve both transitional and distributive justice in the areas of indigenous people s rights procedural law and international law A timely work of innovative methodology and rare engagement between two constitutional democracies in the Global South this title will be of interest to academics working in the fields of transitional justice distributive justice and transformative constitutionalism in Colombia and South Africa

New Directions in Theorizing Qualitative Research Norman K. Denzin, James Salvo, 2020-03-09 The chapters in this volume collect together perspectives on Indigenous epistemologies These Indigenous ways of knowing pay particular attention to the relational aspects of language culture and place They are not identified as specific themes but as integrated parts of a philosophy for Indigenous epistemologies think within a relational framework so that all aspects are best understood from this perspective Indigenous ways of knowing have resisted colonization and oppression and as such Indigenous research perspectives exemplify a commitment to social justice one that recovers knowledges that have been

silenced or subjugated When such knowledge is shared we can see how to challenge oppressive regimes We can see how to seek truth in a relational way that is attendant to being together Indigenous Research takes up issues of social justice in a way that is informed by Indigenous epistemologies an important practice in contemporary research particularly qualitative inquiry

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

Legalized Identities Lucas Lixinski, 2021-04-08 Cultural heritage is a feature of transitioning societies from museums commemorating the end of a dictatorship to adding places like the Auschwitz Birkenau concentration camp to the World Heritage List These processes are governed by specific laws and yet transitional justice discourses tend to ignore law's role assuming that memory in transition emerges organically This book debunks this assumption showing how cultural heritage law is integral to what memory and cultural identity is possible in transition Lixinski attempts to reengage with the original promise of transitional justice to pragmatically advance societies towards a future where atrocities will no longer happen The promise in the UNESCO Constitution of lasting peace through cultural understanding is possible through focusing on the intersection of cultural

heritage law and transitional justice as Lixinski shows in this ground breaking book **Reparative Environmental Justice in a World of Wounds** Ben Almassi, 2020-11-24 One of the penalties of an ecological education wrote Aldo Leopold is that one lives alone in a world of wounds Ideally we would not do each other or the rest of our biotic community wrong but we have and still do We need non ideal environmental ethics for living together in this world of wounds Ethics does not stop after wrongdoing the aftermath of environmental harm demands ethical action How we work to repair healthy relationality matters as much as the wounds themselves Reparative Environmental Justice in a World of Wounds discusses the possibilities and practices of reparative environmental justice It builds on theories of justice in political philosophy feminist ethics indigenous studies and criminal justice as extended to non ideal environmental ethics How can reparative environmental justice provide a useful perspective on ecological restoration human animal entanglements climate change environmental racism and traditional ecological knowledge How can it promote just practices and policies while enabling effective opposition to business as usual And how does reparative justice look different when we go beyond narrowly construed human conflicts to include relational repair with ecosystems other animals and future generations

Adopting the Beat of Expression: An Mental Symphony within **Theorizing Transitional Justice 2015 02 28**

In some sort of used by screens and the ceaseless chatter of immediate communication, the melodic beauty and emotional symphony developed by the published word frequently diminish into the background, eclipsed by the constant sound and disturbances that permeate our lives. Nevertheless, nestled within the pages of **Theorizing Transitional Justice 2015 02 28** a stunning fictional treasure full of organic emotions, lies an immersive symphony waiting to be embraced. Crafted by a masterful musician of language, this fascinating masterpiece conducts visitors on an emotional trip, well unraveling the concealed melodies and profound influence resonating within each cautiously constructed phrase. Within the depths of this touching analysis, we will examine the book is key harmonies, analyze their enthralling writing model, and submit ourselves to the profound resonance that echoes in the depths of readers souls.

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