

Transitional Justice and Rule of Law Reconstruction

A contentious relationship

Pádraig McAuliffe



Transitional Justice And Rule Of Law Reconstruction A Contentious Relationship

Paul Gready, Simon Robins



Transitional Justice And Rule Of Law Reconstruction A Contentious Relationship:

Transitional Justice and Rule of Law Reconstruction Pdraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of *Transitional Justice Judicial Accountability and the Rule of Law* *Transitional Justice in Peacebuilding* Djeyhoun Ostowar, 2020-11-22 This book explores the role of actors in determining transitional justice in peacebuilding contexts In recent decades transitional justice mechanisms and processes have been introduced to a variety of settings becoming widely regarded as essential elements in the peacebuilding toolbox While it has increasingly been suggested that transitional justice is imposed by neo imperial actors with little regard for the needs and cultures of local populations evidence suggests that dismissing these policies as neo imperial or neo liberal impositions would result in grossly overlooking their dynamics which involve a whole range of relevant actors operating at multiple levels This book interrogates this theme through empirical analysis of three sites of peacebuilding that have seen extensive international involvement Kosovo East Timor and Afghanistan It proposes a novel framework for analysing and approaching transitional justice in peacebuilding that disaggregates three broad sets of actors operating at different levels in relevant processes external actors international and regional levels transitional justice promoters local national international and transnational levels and transitional regimes national and local levels The book argues that transitional justice in peacebuilding must be conceived of as actor contingent and malleable due

to the significance of agency and inter actions of key categories of actors throughout peacebuilding transition This book will be of interest to students and practitioners of transitional justice peacebuilding law and International Relations **From Transitional to Transformative Justice** Paul Gready, Simon Robins, 2019-02-21 Builds on micro level critiques of transitional justice to debate a more comprehensive alternative at the level of theory and practice **Transitional Justice for Foxes** Frank Haldemann, 2022-12-08 Offers a pluralist reading of transitional justice to deal with conflicts constructively and to enable diversity in approaches **Justice Framed** Marcos Zunino, 2019-03-14 Why are certain responses to past human rights violations considered instances of transitional justice while others are disregarded This study interrogates the history of the discourse and practice of the field to answer that question Zunino argues that a number of characteristics inherited as transitional justice emerged as a discourse in the 1980s and 1990s have shaped which practices of the present and the past are now regarded as valid responses to past human rights violations He traces these influential characteristics from Argentina's transition to democracy in 1983 the end of communism in Eastern Europe the development of international criminal justice and the South African truth commission of 1995 Through an analysis of the post World War II period the decolonisation process and the Cold War Zunino identifies a series of episodes and mechanisms omitted from the history of transitional justice because they did not conform to its accepted characteristics *Islam dalam perlembagaan negara* Siti Zalikah Md. Noor, Zuliza Mohd. Kusrin, 2019 Islam and the constitution in Malaysia **The New Law Journal**, 1972

Sociological Abstracts, 2004 CSA Sociological Abstracts abstracts and indexes the international literature in sociology and related disciplines in the social and behavioral sciences The database provides abstracts of journal articles and citations to book reviews drawn from over 1 800 serials publications and also provides abstracts of books book chapters dissertations and conference papers **Legal Systems of the World [4 volumes]** Herbert M. Kritzer, 2002-06-20 Legal Systems of the World is the only comprehensive reference work that covers the legal systems of every nation on earth every state in the Union and every province of Canada Legal Systems of the World A Political Social and Cultural Encyclopedia is the only comprehensive reference work geared to the ordinary reader and legal scholar alike that answers these critical questions From Afghanistan to Zimbabwe this exhaustive four volume set with nearly 400 entries explores the structure operation and history of legal and judicial systems in every country on earth every state in the Union and every province of Canada That alone would make it a must have for every library But there's more The international team of legal scholars assembled by Editor Herbert M Kritzer professor of political science and law at the University of Wisconsin also analyzes transnational judicial bodies such as the World Court and the European Court of Human Rights examines alternative legal systems from Roman to Islamic law and explains universal legal institutions and concepts from law schools to constitutional review 400 A Z entries on places from Scotland to Suriname concepts and terms like legal realism and retribution and key documents such as the Writ of Certiorari Entries by an international team of over 350 contributors Highly readable maps of every country in

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A glossary of hundreds of key terms like adversarialism and sharia

United States Law and Policy on Transitional Justice Zachary D. Kaufman, 2017 In *United States Law and Policy on Transitional Justice Principles Politics and Pragmatics* Zachary D Kaufman explores the U S government s support for or opposition to certain transitional justice institutions By first presenting an overview of possible responses to atrocities such as war crimes tribunals and then analyzing six historical case studies Kaufman evaluates why and how the United States has pursued particular transitional justice options since World War II This book challenges the legalist paradigm which postulates that liberal states pursue war crimes tribunals because their decision makers hold a principled commitment to the rule of law Kaufman develops an alternative theory prudentialism which contends that any state liberal or illiberal may support bona fide war crimes tribunals More generally prudentialism proposes that states pursue transitional justice options not out of strict adherence to certain principles but as a result of a case specific balancing of politics pragmatics and normative beliefs Kaufman tests these two competing theories through the U S experience in six contexts Germany and Japan after World War II the 1988 bombing of Pan Am flight 103 the 1990 1991 Iraqi offenses against Kuwaitis the atrocities in the former Yugoslavia in the 1990s and the 1994 Rwandan genocide Kaufman demonstrates that political and pragmatic factors featured as or more prominently in U S transitional justice policy than did U S government officials normative beliefs Kaufman thus concludes that at least for the United States prudentialism is superior to legalism as an explanatory theory in transitional justice policymaking

Trauma and Transitional Justice in Divided Societies Judith Marie Barsalou, 2005

Transitional Justice and the Rule of Law in New Democracies A. James McAdams, 1997 This is the first focused study on the relationship between the use of national courts to pursue retrospective justice and the construction of viable democracies Included in this interdisciplinary volume are fascinating detailed essays on the experiences of eight countries Argentina Bolivia Chile Germany Greece Hungary Poland and South Africa According to the contributors the most important lesson for leaders of new democracies who are wrestling with the human rights abuses of past dictatorships is that they have many options Democratizing regimes are well advised to be attentive to the significant political ethical and legal constraints that may limit their ability to achieve retribution for past wrongs On prudential ground alone some fledgling regimes will have no choice but to restrain their desire for punishment in the interest of political survival However it would be incorrect to think that all new democracies are therefore bereft of the political and legal resources needed to bring the perpetrators of egregious human rights violations to justice In many instances governments have overcome the obstacles before them and by appealing to both national and international legal standards have brought their former dictators to trial When these judicial proceedings have been properly conducted and insulated from partisan political pressures they have provided tangible evidence of the guiding principles equality fairness and the rule of law that are essential to the post authoritarian order This collection shows that the quest for transitional

justice has amounted to something more than merely a break with the past it constitutes a formative act which directly affects the quality and credibility of democratic institutions 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 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, Judicial Accountability and the Rule of Law Hakeem O. Yusuf,2010-04-29 Transitional Justice Judicial Accountability and the Rule of Law addresses the importance of judicial accountability in transitional justice processes Despite a general consensus that the judiciary plays an important role in contemporary governance accountability for the judicial role in formerly authoritarian societies remains largely elided and under researched Hakeem O Yusuf argues that the purview of transitional justice mechanisms should as a matter of policy be extended to scrutiny of the judicial role in the past Through a critical comparative approach that cuts through the transitioning experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa the book focuses specifically on Nigeria It demonstrates that public accountability of the judiciary through the mechanism of a truth seeking process is a necessary component in securing comprehensive accountability for the judicial role in the past Transitional Justice Judicial Accountability and the Rule of Law further shows that an across the board transformation of state institutions an important aspiration of transitional processes is virtually impossible without incorporating the third branch of government the judiciary into the accountability process *Transitional Justice* Ruti G. Teitel,2000 One The rule of law in transition *Transitional Justice* Kieran McEvoy,Louise Mallinder,2017 Scholars and practitioners working in transitional justice are concerned with remedies of accountability and redress in the aftermath of conflict and state repression Transitional justice it is argued provides recognition of the rights of victims promotes civic trust and strengthens the democratic rule of law The collection covers themes such as truth and history acknowledgement reconciliation and forgiveness retribution restorative justice and reparations and democracy state building identity and civil society **United States Law and Policy on Transitional Justice** Zachary Daniel Kaufman,2016 This book explores the U S government s support for or opposition to certain transitional justice institutions By first presenting an overview of possible responses to atrocities such as war crimes tribunals and then analyzing six historical case studies Kaufman evaluates why and how the United States has pursued particular transitional justice options since World War II This book challenges the legalist paradigm which postulates that liberal states pursue war crimes tribunals because their decision makers hold a principled

commitment to the rule of law Kaufman develops an alternative theory prudentialism Which contends that any state liberal or illiberal may support bona fide war crimes tribunals More generally prudentialism proposes that states pursue transitional justice options not out of strict adherence to certain principles but as a result of a case specific balancing of politics pragmatics and normative beliefs Kaufman tests these two competing theories through the U S experience in six contexts Germany and Japan after World War II the 1988 bombing of Pan Am flight 103 the 1990 1991 Iraqi offenses against Kuwaitis the atrocities in the former Yugoslavia in the 1990s and the 1994 Rwandan genocide Kaufman demonstrates that political and pragmatic factors featured as or more prominently in U S transitional justice policy than did U S government officials normative beliefs Kaufman thus concludes that at least for the United States prudentialism is superior to legalism as an explanatory theory in transitional justice policymaking Jacket 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 Pieces of the Puzzle Charles Villa-Vicencio,Erik Doxtader,2004 Reconciliation Ubuntu Peace processes Reparation Restorative justice Amnesty Memory Testimony Transitional justice Genocide The international criminal court Truth commissions Traditional and customary law Human rights Rights and reconciliation Economic transformation National truth commissions Online resources on transitional

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web art glass or light screens as wright called them are a prominent feature of the home the martin house estate contains sixteen individual abstract patterns of art glass more than for any other commission during this period the most iconic of these is the design popularly known as the tree of life

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web the 394 pieces of art glass contain eleven interrelated primary art glass themes some of which are artificially lit from behind the art glass combines detailed highly stylized organic designs in colored glass to maintain privacy coupled with large panels of clear glass to bring in the surrounding outdoors

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web of particular significance are the nearly 400 art glass windows throughout the complex that act as light screens to visually connect exterior views with the spaces within more patterns of art glass were designed for the martin house than

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web this frank lloyd wright martin house wood art screen wall panel is inspired by an art glass window in the darwin d martin house buffalo new york 1903 05 the square and rectangular art glass patterns mirror the geometry of the modular floor plan of the house

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web this distinctive structure which was commissioned by a ds hollyhock house art glass 137 00 aline barnsdall commissioned wright to build one of his greatest architectural achievements atop a hill in hollywood the hollyhock house in honor of her favorite flower the geometric pattern found ds thomas entry light art glass 124 00

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web martin house maintains preserves and exhibits a fine collection of works of art designed or selected by frank lloyd wright for the martins as well as objects related to the family and the history of their home a historic furnishings plan was completed in 2008

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