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Transitional Justice in Historical Perspective

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Closing the Books Jon Elster, 2004-09-06 An analysis of transitional justice retribution and reparation after a change of political regime from Athens in the fifth century BC to the present Part I The Universe of Transitional Justice describes more than thirty transitions some of them in considerable detail others more succinctly Part II The Analytics of Transitional Justice proposes a framework for explaining the variations among the cases why after some transitions wrongdoers from the previous regime are punished severely and in other cases mildly or not at all and victims sometimes compensated generously and sometimes poorly or not at all After surveying a broad range of justifications and excuses for wrongdoings and criteria for selecting and indemnifying victims the 2004 book concludes with a discussion of three general explanatory factors economic and political constraints the retributive emotions and the play of party politics Research Handbook on Transitional Justice Cheryl Lawther, Luke Moffett, Dov Jacobs, 2017-06-30 Providing detailed and comprehensive coverage of the transitional justice field this Research Handbook brings together leading scholars and practitioners to explore how societies deal with mass atrocities after periods of dictatorship or conflict Situating the development of transitional justice in its historical context social and political context it analyses the legal instruments that have emerged Transitional Justice Olivera Simić, 2020-07-30 The Second Edition of An Introduction to Transitional Justice provides a comprehensive overview of transitional justice judicial and non judicial measures implemented by societies to redress legacies of massive human rights abuse Written by some of the leading experts in the field it takes a broad interdisciplinary approach to the subject addressing the dominant transitional justice mechanisms as well as key themes and challenges faced by scholars and practitioners Using a wide historic and geographic range of case studies to illustrate key concepts and debates and featuring discussion questions and suggestions for further reading this is an essential introduction to the subject for students Lustration and Transitional Justice Roman David, 2011-09-21 How do transitional democracies deal with officials who have been tainted by complicity with prior governments Should they be excluded or should they be incorporated into the new system In Lustration and Transitional Justice Roman David examines major institutional innovations that developed in Central Europe following the collapse of communist regimes While the Czech Republic approved a lustration vetting law based on the traditional method of dismissals Hungary and Poland devised alternative models that granted their tainted officials a second chance in exchange for truth David classifies personnel systems as exclusive inclusive and reconciliatory they are based on dismissal exposure and confession respectively and they represent three major classes of transitional justice David argues that in addition to their immediate purposes personnel systems carry symbolic meanings that help explain their origin and shape their effects In their effort to purify public life personnel systems send different ideological messages that affect trust in government and the social standing of former adversaries Exclusive systems may establish trust at the expense of reconciliation while inclusive and reconciliatory systems may promote both trust and

reconciliation In spite of its importance the topic of inherited personnel has received only limited attention in research on transitional justice and democratization Lustration and Transitional Justice is the first attempt to fill this gap Combining insights from cultural sociology and political psychology with the analysis of original experiments historical surveys parliamentary debates and interviews the book shows how perceptions of tainted personnel affected the origin of lustration systems and how dismissal exposure and confession affected trust in government reconciliation and collective memory

Transitional Justice Hakeem O. Yusuf, Hugo van der Merwe, 2021-09-06 Transitional justice is the way societies that have experienced civil conflict or authoritarian rule and widespread violations of human rights deal with the experience With its roots in law transitional justice as an area of study crosses various fields in the social sciences This book is written with this multi and inter disciplinary dynamic of the field in mind The book presents the broad scope of transitional justice studies through a focus on the theory mechanisms and debates in the area covering such topics as The origin context and development of transitional justice Victims victimology and transitional justice Prosecutions for abuses and gross violations of human rights Truth commissions Transitional justice and local justice Gender political economy and transitional justice Apology reconciliation and the politics of memory Offering a discussion of the impact and outcomes of transitional justice this approach provides valuable insight for those who seek both an introduction alongside relatively advanced engagement with the subject Transitional Justice Theories Mechanisms and Debates is an important text for postgraduate and advanced undergraduate students who take courses in transitional justice human rights and criminal law as well as a systematic Truth Recovery and Transitional Justice Iosif Kovras, 2014-05-16 This book investigates reference text for researchers why some societies defer transitional justice issues after successful democratic consolidation Despite democratisation the exhumation of mass graves containing the victims from the violence in Cyprus 1963 1974 and the Spanish civil war 1936 1939 was delayed until the early 2000s when both countries suddenly decided to revisit the past Although this contradicts the actions of other countries such as South Africa Bosnia and Guatemala where truth recovery for disappeared missing persons was a central element of the transition to peace and democracy Cyprus and Spain are not alone this is an increasing trend among countries trying to come to terms with past violence Truth Recovery and Transitional Justice considers the case studies of Spain and Cyprus and explores three interrelated issues First the book examines which factors can explain prolonged silence on the issue of missing persons in transitional settings It then goes on to explore the transformation of victims groups from opponents of truth recovery to vocal pro reconciliation pressure groups and examines the circumstances in which it is better to tie victims rights to an overall political settlement Finally the author goes on to compare Spain and Cyprus with Greece a country that remains resistant to post transitional justice norms This book will be of interest to students of transitional justice human rights peace and conflict studies and security studies in general Transitional <u>Justice in South Asia</u> Tazreena Sajjad, 2013-08-21 Offering a comparative case study of transitional justice processes in

Afghanistan and Nepal this book critically evaluates the way the local is consulted in post conflict efforts toward peace and reconciliation It argues that there is a tendency in transitional justice efforts to contain the discussion of the local within religious and cultural parameters thus engaging only with a static local as interpreted by certain local stakeholders Based on data collected through interviews and participant observation carried out in the civil societies of the respective countries this book brings attention to a dynamic local where societal norms evolve and realities on the ground are shaped by shifting power dynamics local hierarchies and inequalities between actors It suggests that the local must be understood as an intersubjective concept the meaning of which is not only an evolving and moving target but also dependent on who is consulted to interpret it to external actors This timely book engages with the divergent range of civil society voices and offers ways to move forward by including their concerns in the efforts to help impoverished war torn societies transition from a state of war Transitions Austin Sarat, 2012-06 Transitions Legal Change Legal Meanings illustrates the to the conditions of peace various intersections crises and shifts that continually occur within the law and how these moments of change interact with and comment on contemporary society Together the essays in this volume investigate the transformation of US law during moments of political change and explore what we can learn about law by examining its role and its use in times of transition Whether by an abrupt shift in regime or an orderly progression from one government to the next political change often calls into question the stability and versatility of the law making it appear temporarily absent or in suspension What challenges to the law arise at these times To what extent do transitional periods foster ingenuity and resourcefulness and how might they precipitate crises in legal authority What do moments of legal change mean for law itself and how legal institutions bring about and respond to times of transition in legal arrangements Transitions begins the scholarly exploration of these questions that have largely been neglected Contributors Akhil Reed Amar William L Andreen Jack M Beermann Heather Elliott Joshua Alexander Geltzer David Gray Paul Horwitz Daniel H Joyner Nina Mendelson Meredith Render Austin Sarat Ruti Teitel Lindsey Ohlsson Worth Routledge Handbook of Contemporary Taiwan Gunter Schubert, 2024-12-31 This fully revised 2nd edition of the Routledge Handbook of Contemporary Taiwan provides a comprehensive overview of both contemporary Taiwan and the Taiwan studies field Written by an international team of Taiwan experts the Handbook includes major topics in Taiwanese history domestic politics political economy society culture and international relations Each chapter summarises the major findings in the field and highlights long term trends recent observations and potential future developments in Taiwan revealing its long journey from a frontier island to a highly industrialised country struggling for international recognition Up to date interdisciplinary and academically rigorous the Handbook offers the reader an accessible and fascinating insight into contemporary Taiwan and will be of interest to students academics and policymakers with an interest in all things Taiwan Rethinking Transitional Justice for the Twenty-First Century Dustin N. Sharp, 2018-03-01 Transitional justice is the dominant lens through which the world grapples with legacies of mass atrocity and yet it has rarely

reflected the diversity of peace and justice traditions around the world Hewing to a largely western and legalist script truth commissions and war crimes tribunals have become the default means of doing justice Rethinking Transitional Justice for the Twenty First Century puts the blind spots and assumptions of transitional justice under the microscope and asks whether the field might be re imagined to better suit the diversity and realities of the twenty first century At the core of this re imagining is an examination of the broader field of post conflict peace building and associated critical theory from which both caution and inspiration can be drawn By using this lens Dustin N Sharp shows how we might begin to generate a more cosmopolitan and mosaic theory and imagine more creative and context sensitive approaches to building peace with justice

Transitional Justice Theories Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun, Friederike Mieth, 2013-10-30 Transitional Justice Theories is the first volume to approach the politically sensitive subject of post conflict or post authoritarian justice from a theoretical perspective It combines contributions from distinguished scholars and practitioners as well as from emerging academics from different disciplines and provides an overview of conceptual approaches to the field The volume seeks to refine our understanding of transitional justice by exploring often unarticulated assumptions that guide discourse and practice To this end it offers a wide selection of approaches from various theoretical traditions ranging from normative theory to critical theory In their individual chapters the authors explore the concept of transitional justice itself and its foundations such as reconciliation memory and truth as well as intersections such as reparations peace building and norm compliance This book will be of particular interest for scholars and students of law peace and conflict studies and human rights studies Even though highly theoretical the chapters provide an easy read for a wide audience including readers not familiar with theoretical investigations The Arts of Transitional Justice Peter D. Rush, Olivera Simić, 2013-09-25 The Art of Transitional Justice examines the relationship between transitional justice and the practices of art associated with it Art which includes theater literature photography and film has been integral to the understanding of the issues faced in situations of transitional justice as well as other issues arising out of conflict and mass atrocity The chapters in this volume take up this understanding and its demands of transitional justice in situations in several countries Afghanistan Serbia Srebenica Rwanda Northern Ireland Cambodia as well as the experiences of resulting diasporic communities In doing so it brings to bear the insights from scholars civil society groups and art practitioners as well as interdisciplinary collaborations <u>Understanding Quality Peace</u> Madhav Joshi, Peter Wallensteen, 2018-01-29 This book provides an analytical framework for understanding how the concept of quality peace can be used to evaluate post conflict peacebuilding using social science statistics and case studies Including contributions from more than 20 researchers and practitioners it argues that the quality of the peace in a post conflict state relates to the extent to which peace accords are implemented the agreed upon mechanism for the non violent resolution of the conflict and the available social space for civil and political actors To arrive at the concept of quality peace the authors evaluate the existing literature and identify a lack of a satisfactory means of measuring outcomes and consequently how these might be researched comparatively. The volume problematizes the quality peace concept as a way to understand the origins of armed conflict as well as problems deriving from the conflict dynamics and the need for social political and economic changes in the post conflict periods. The book emphasizes five dimensions as crucial for quality peace in a post accord society. Negotiations and agreements not only aim at avoiding the return of war but also seek to 1 promote reconciliation 2 develop mechanisms for resolving future disputes 3 provide for reliable security 4 open economic opportunities for marginalized segments of the population and 5 generate space for civil society. These five dimensions together provide for quality peace after war. They are studied in the context of internal armed conflicts in which multiple parties have signed a peace agreement. This book will be of great interest to students of peace and conflict studies civil wars global governance security studies and International Relations in general

Engaging Displaced Populations in a Future Syrian Transitional Justice Process Grace Mieszkalski, Benjamin Zyla, 2021-08-23 This book offers an analysis of a prospective transitional justice process in Syria As the Syrian conflict enters into its tenth year this book asks how the sustained human rights violations and war crimes could possibly be addressed in a post conflict setting particularly in the context of the widespread displacement crisis Despite a recent movement in scholarship toward bottom up peacebuilding approaches and participatory transitional justice models the transitional justice and local peacebuilding nexus remains under theorized particularly as it relates to the engagement of displaced populations This book seeks to address this gap through the conceptualization of a locally driven transitional justice process for Syria that is founded on the integration of refugees and displaced populations Through offering a series of policy recommendations on how to implement such a process it aims to make a contribution to building a bridge of exchange between the policy practitioner world and the academy in this area of study The Role of Courts in Transitional Justice Jessica Almqvist, Carlos Esposito, 2013-06-17 Bringing together a group of outstanding judges scholars and experts with first hand experience in the field of transitional justice in Latin America and Spain this book offers an insider s perspective on the enhanced role of courts in prosecuting serious human rights violations and grave crimes such as genocide and war crimes committed in the context of a prior repressive regime or current conflict. The book also draws attention to the ways in which regional and international courts have come to contribute to the initiation of national judicial processes All the contributions evince that the duty to investigate and prosecute grave crimes can no longer simply be brushed to the side in societies undergoing transitions The Role of Courts in Transitional Justice is essential reading for practitioners policy makers and scholars engaged in the transitional justice processes or interested in judicial and legal perspectives on the role of courts obstacles faced and how they may be overcome It is unique in its ambition to offer a comprehensive and systematic account of the Latin American and Spanish experience and in bringing the insights of renowned judges and experts in the field to the forefront of the discussion 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 Their Victims Roman David, 2018-03-14 In Communists and Their Victims Roman David identifies and examines four classes of justice measures retributive reparatory revelatory and reconciliatory to discover which if any rectified the legacy of human rights abuses committed during the communist era in the Czech Republic Conducting interviews focus groups and nationwide surveys between 1999 and 2015 David looks at the impact of financial compensation and truth sharing on victims healing and examines the role of retribution in the behavior and attitudes of communists and their families Emphasizing the narratives of former political prisoners secret collaborators and former Communist Party members David tests the potential of justice measures to contribute to a shared sense of justice and their ability to overcome the class structure and ideological divides of a formerly communist regime Complementing his original research with analysis of legal judgments governmental reports and historical records David finds that some justice measures were effective in overcoming material and ideological divides while others obstructed victims healing and inhibited the transformation of communists Identifying justice without reconciliation as the primary factor hampering the process of overcoming the past in the Czech Republic Communists and Their Victims promotes a transformative theory of justice that demonstrates that justice measures in order to be successful Reparations for Nazi Victims in Postwar Europe Regula Ludi, 2012-08-27 require a degree of reconciliation Reparations of Nazi Victims in Postwar Europe traces reparations back to their origins in the final years of the Second World War when victims of Nazi persecution for the first time articulated demands for indemnification en masse Simultaneous appearance of claims in New York London Paris and Tel Aviv exemplified the birth of a new standard in political morality Across Europe the demand for compensation to individuals who suffered severe harm gained momentum Despite vast differences in their experiences of mass victimisation post war societies developed similar patterns in addressing victims claims Regula Ludi chronicles the history of reparations from a comparative and trans national perspective This book explores the significance of reparations as a means to provide victims with a language to express their unspeakable suffering in a politically meaningful way Transitional Justice, Corporate Accountability and Socio-Economic Rights Laura García Martín, 2019-07-25 This book explores the intersection of two emergent and vibrant fields of study in international human rights law transitional justice and corporate accountability for human rights abuses While both have received significant

academic and political attention the potential links between them remain largely unexplored This book addresses the normative question of how international human rights law should deal with corporate accountability and violations of economic social and cultural rights in transitional justice processes Drawing on the Argentinian transitional justice process the book outlines the theoretical and practical challenges of including corporate accountability in transitional justice processes through existing mechanisms Offering specific insights about how to deal with those challenges it argues that consideration of the role of all actors and the whole spectrum of human rights violated is crucial to properly address the root causes of violence and conflict as well as to contribute to a sustainable and positive peace This interdisciplinary book will be of interest to students and scholars of transitional justice human rights law corporate law and international law

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

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