

GLOBALIZING TRANSITIONAL JUSTICE

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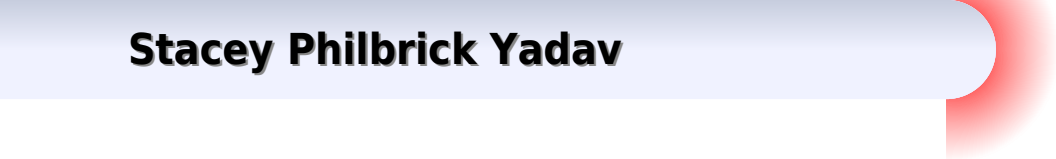


RUTI G. TEITEL

OXFORD

Book Globalizing Transitional Justice Ruti Teitel

Stacey Philbrick Yadav



Book Globalizing Transitional Justice Ruti Teitel:

Globalizing Transitional Justice Ruti G. Teitel, 2014-04-02 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

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

Presidential Visions of Transitional Justice Ruti G. Teitel, 2025 *Presidential Visions of Transitional Justice* examines the role of the American President in carrying out transitional justice through foreign policy Professor Ruti G Teitel a leading authority in transitional justice interrogates executive practices in peace making that address former injustices committed by

the United States throughout history This book covers a myriad of topics ranging from constitutionalism foreign affairs and international law

An Introduction to Transitional Justice Olivera Simić, 2016-11-25 An Introduction to Transitional Justice provides the first 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

United States Law and Policy on Transitional Justice Zachary D. Kaufman, 2017-01-02 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

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

Globalizing Critical Theory Max Pensky, 2005-01-28 Across a spectrum of academic disciplines the topic of globalization is at the forefront of contemporary efforts to understand a dynamically changing world society How might critical social theory respond creatively to the challenge of thinking and theorizing globalization in its full complexity *Globalizing Critical Theory* collects essays by scholars at the forefront of Critical Theory as they confront this timely topic This book offers readers a chance to see contemporary Critical Theory in its full range from political analyses of a global public sphere critical race theory and the politics of memory to aesthetics and media studies It includes crucial new essays by Jürgen Habermas on the transformations of the global order in the wake of the American invasion of Iraq and major interventions by Nancy Fraser Peter Hohendahl Andreas Huyssen James Bohman and others *Globalizing Critical Theory* provides a fascinating exploration of how Critical Theory is confronting the question of globalization and how globalization is transforming Critical Theory

Seeking Accountability for the Unlawful Use of Force Leila Nadya Sadat, 2018-05-31 Despite the conclusion of the International Military Tribunal at Nuremberg that aggression is the supreme international crime armed conflict remains a frequent and ubiquitous feature of international life leaving millions of victims in its wake This collection of original chapters by leading and emerging scholars from all around the world evaluates historic and current examples of the use of force and the context of crimes of aggression As we approach the 75th anniversary of the Nuremberg War Crimes Tribunal *Seeking Accountability for the Unlawful Use of Force* examines the many systems and accountability frameworks which have developed since the Second World War By suggesting new avenues for enhancing accountability structures already in place as well as proposing new frameworks needed this volume will begin a movement to establish the mechanisms needed to charge those responsible for the unlawful use of force

Transitional Jurisprudence and the ECHR Antoine Buyse, Michael Hamilton, 2011-08-11 The European Convention on Human Rights has been a standard setting text for transitions to peace and democracy in states throughout Europe This book analyses the content role and effects of the jurisprudence of the European Court relating to societies in transition It features a wide range of transitional challenges from killings by security forces in Northern Ireland to property restitution in East Central Europe and from political upheaval in the Balkans to the position of religious minorities and Roma Has the European Court developed a specific transitional jurisprudence How do politics affect the ways in which the Court's judgments are implemented Does the Court's case law itself become woven into narratives of struggle in transitional societies This book seeks to answer these questions by

highlighting the unique role of Europe's main guardian of human rights the Court in Strasbourg It includes a comparison with the Inter American and African human rights systems **Education and Historical Justice** James Miles, Matthew R. Keynes, 2025-04-24 Education and Historical Justice explores the growing relationship between historical justice and education in comparative transnational contexts It argues that in the period since the early 1990s known as the age of apology processes of redress repair and reconciliation have become common in liberal democratic nation states Yet education's role in and relationship to historical justice is a relatively under researched issue This book addresses that gap exploring key questions for policy makers curriculum writers teachers and students who are being mobilised and mobilising towards historical justice within cultures of redress This includes analyses of educational reforms and policy changes in Australia Canada Northern Ireland and South Africa The book considers how agendas of historical justice relate to and potentially challenge established purposes of history and citizenship education It outlines three potential orientations history education might take and is already taking in response to agendas of historical justice Chapters engage perennial debates in the field time narrative and collective responsibility exploring conceptual dilemmas that arise when engaging questions of historical justice This book draws out key opportunities and challenges for educators and learners within cultures of redress who are being positioned to engage historical justice movements and imagine reparative futures The Cambridge History of Latin American Law in Global Perspective Thomas Duve, Tamar Herzog, 2024-02-08 Covering the precolonial period to the present The Cambridge History of Latin American Law in Global Perspective provides a comprehensive overview of Latin American law revealing the vast commonalities and differences within the continent as well as entanglements with countries around the world Bringing together experts from across the Americas and Europe this innovative treatment of Latin American law explains how law operated in different historical settings introduces a wide variety of sources of legal knowledge and focuses on law as a social practice It sheds light on topics such as the history of indigenous peoples laws the significance of religion in law Latin American independences national constitutions and codifications human rights dictatorships transitional justice and legal pluralism and a broad panorama of key aspects of the history of statehood and law This title is also available as Open Access on Cambridge Core *Justice Framed* Marcos Zunino, 2019-03-14 A new perspective on the history of transitional justice and why the discourse prioritises particular responses to human rights violations Improvising Reconciliation Ed Charlton, 2021-11-15 Improvising Reconciliation lobbies for an expanded approach to South Africa's formal transition from apartheid grappling with reconciliation's ongoing potential Rather than correcting the contradictions that have done much to corrupt the concept it surveys the improvised approach to reconciliation that has emerged from the country's cultural sphere in recent decades Yemen in the Shadow of Transition Stacey Philbrick Yadav, 2022-11-01 Responding to a diplomatic stalemate and a catastrophic humanitarian crisis Yemen's civil actors work every day to build peace in fragmented local communities across the country This book shows how their efforts

relate to longstanding justice demands in Yemeni society and details three decades of alternating elite indifference toward or strategic engagement with questions of justice Exploring the transformative impact of the 2011 uprising and Yemenis substantive wrestling with questions of justice in the years that followed leading Yemen scholar Stacey Philbrick Yadav shows how the transitional process was ultimately overtaken by war and explains why features of the transitional framework nevertheless remain a central reference point for civil actors engaged in peacebuilding today In the absence of a negotiated settlement everyday peacebuilding has become a new site for justice work as an arena in which civil actors enjoy agency and social recognition Drawing on seventeen years of field research and interviews with civil actors Yadav positions Yemen s non combatants not or not only as victims of conflict but as political agents imagining and enacting the justice they wish to see

Negotiating with the Devil Pierre Hazan, 2024-02-02 After many years in the little known world of back channel mediation helping sworn adversaries to prevent manage or resolve conflict Pierre Hazan felt compelled to re examine the acute practical and ethical dilemmas that affected his work in Bosnia Ukraine the Sahel and the Central African Republic What is the mediator s responsibility when two belligerents conclude a peace agreement to the detriment of a third Should mediators never be party to ethnic cleansing even if it saves lives Is a fragile peace worth sacrificing justice for or will that sacrifice fuel another cycle of violence In an increasingly dystopian world Negotiating with the Devil offers both practical guidelines and a moral compass for mediators whose field of action has transformed dramatically We have gone from soft to hard power from peace dividends to war in Europe from the end of one Cold War to a new East West confrontation in Ukraine from Pax Americana to a multipolar world from the dream of an all powerful UN to the organisation s marginalisation Against this tapestry Hazan sheds light on the complex work of those steering peace negotiations blending vivid first hand observation with sharp insights into the psychology of compromise as a first step towards peace

Memorialising the Holocaust in Human Rights Museums Katrin Antweiler, 2023-04-27 Honourable Mention in the Best First Book Award of the Memory Studies Association 2025 This book provides an analysis of the forms and functions of Holocaust memorialisation in human rights museums by asking about the impact of global memory politics on how we imagine the present and the future It compares three human rights museums and their respective emplotment of the Holocaust and seeks to illuminate how in this specific setting memory politics simultaneously function as future politics because they delineate a normative ideal of the citizen subject its set of values and aspirations for the future that of the historically aware human rights advocate More than an ethical practice engaging with the Holocaust is used as a means of asserting one s standing on the right side of history the memorialisation of the Holocaust has thus become a means of governmentality a way of governing contemporary citizen subjects The linking of public memory of the Holocaust with the human rights project is often presented as highly beneficial for all members of what is often called the global community Yet this book argues that this specific constellation of memory also has the ability to function as an exercise of power and thus runs the risk of reinforcing structural oppression With its

novel theoretical approach this book not only contributes to Memory Studies but also connects Holocaust memory to Studies of Global Governmentality and the debate on decolonising memory politics *Rethinking Reconciliation and Transitional Justice After Conflict* James Hughes, Denisa Kostovicova, 2020-04-24 The concepts of reconciliation and transitional justice are inextricably linked in a new body of normative meta theory underpinned by claims related to their effects in managing the transformation of deeply divided societies to a more stable and more democratic basis This edited volume is dedicated to a critical re examination of the key premises on which the debates in this field pivot The contributions problematise core concepts such as victimhood accountability justice and reconciliation itself and provide a comparative perspective on the ethnic ideological racial and structural divisions to understand their rootedness in local contexts and to evaluate how they shape and constrain moving beyond conflict With its systematic empirical analysis of a geographic and historic range of conflicts involving ethnic and racial groups the volume furthers our grasp of contradictions often involved in transitional justice scholarship and practice and how they may undermine the very goals of peace stability and reconciliation that they seek to promote This book was originally published as a special issue of Ethnic and Racial Studies Gender, Globalization, and Violence Sandra Ponzanesi, 2014-07-11 This wide ranging collection of essays elaborates on some of the most pressing issues in contemporary postcolonial society in their transition from conflict and contestation to dialogue and resolution It explores from new angles questions of violent conflict forced migration trafficking and deportation human rights citizenship transitional justice and cosmopolitanism The volume focuses more specifically on the gendering of violence from a postcolonial perspective as it analyses unique cases that disrupt traditional visions of violence by including the history of empire and colony and its legacies that continue to influence present day configurations of gender race nationality class and sexuality Part One maps out the gendered and racialized contours of conflict zones from war zones prisons and refugee camps to peacekeeping missions and humanitarian aid reframing the field and establishing connections between colonial legacies and postcolonial dynamics Part Two explores how these conflict zones are played out not just outside but also within Europe demonstrating that multicultural Europe is fraught with different legacies of violence and postcolonial melancholia Part Three gives an idea of the kind of future that can be offered to post conflict societies defined as contact zones by exploring opportunities for dialogue restoration and reconciliation that can be envisaged from a gendered and postcolonial perspective through alternative feminist practices and the work of art and their redemptive power in mobilizing social change or increasing national healing processes Though strongly anchored in postcolonial critique the chapters draw from a range of traditions and expertise including conflict studies gender theory visual studies new media theory sociology race theory international security studies and religion studies **Embattled Visions** Jan Eckel, Daniel Stahl, 2022-05-02 Die komplexen Wandlungen der Menschenrechte in der jüngsten Zeitgeschichte Nach 1990 gewannen Menschenrechte national wie international ein wohl vorher nie erreichtes Gewicht Immer mehr Akteure begriffen gesellschaftliche Probleme als

Menschenrechtsfragen Der Universalanspruch erfuhr weltweite Zustimmung und beförderte eine Vielzahl neuer interventionistischer Praktiken über nationalstaatliche Grenzen hinweg Nicht zuletzt machten zahlreiche wissenschaftliche Disziplinen Menschenrechte in einer vielschichtigen Wechselwirkung mit den gleichzeitigen politischen Veränderungen zum Gegenstand der Forschung Die Phase zukunftsweisender Aufbrüche endete jedoch bereits vor der Jahrhundertwende Zugleich sah sich die Idee universal gültiger Rechte heftigen Anfechtungen und Gegenentwürfen ausgesetzt Dieser Band will eine neue empirische Grundlage für das Nachdenken über die jüngste Menschenrechtsgeschichte legen indem zentrale Entwicklungen der letzten dreißig Jahre beleuchtet werden Dabei bewegen sich die Beiträge über dichotomische Deutungsangebote von einerseits Triumph und Erfolg andererseits Scheitern und Niedergang hinaus und schärfen den Blick für komplexe Wandlungsprozesse und gegenläufige Entwicklungen Der Band erscheint vollständig in englischer Sprache ____ The complex trajectory of human rights in the history of the past three decades The 1990s saw an extraordinary surge in the significance that various actors attributed to the concept of human rights A growing number of activists and politicians began framing their concerns as human rights issues The universal claim of human rights received unprecedented support and spurred new interventionist practices across national borders Numerous academic disciplines made human rights a subject of research both reflecting on and influencing the emerging human rights policies Yet the moment of enthusiastic new departures waned even before the advent of the new century At the same time and often as a direct consequence of its new prominence critics opposed the idea of universal rights with an unprecedented fierceness This volume breaks new ground in examining important developments that have unfolded in human rights history over the past thirty years In situating these events the volume looks beyond dichotomous interpretations of either triumph and success or failure and decline sharpening our view of complexities and contradictions The volume is published entirely in English Judging State-Sponsored Violence, Imagining Political Change Bronwyn Leebaw, 2011-04-18 How should state sponsored atrocities be judged and remembered This controversial question animates contemporary debates on transitional justice and reconciliation This book reconsiders the legacies of two institutions that transformed the theory and practice of transitional justice Whereas the Nuremberg Trials exemplified the promise of legalism and international criminal justice South Africa's Truth and Reconciliation Commission promoted restorative justice and truth commissions Leebaw argues that the two frameworks share a common problem both rely on criminal justice strategies to investigate experiences of individual victims and perpetrators which undermines their critical role as responses to systematic atrocities Drawing on the work of influential transitional justice institutions and thinkers such as Judith Shklar Hannah Arendt Jos Zalaquett and Desmond Tutu Leebaw offers a new approach to thinking about the critical role of transitional justice one that emphasizes the importance of political judgment and investigations that examine complicity in and resistance to systematic atrocities

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