

Transitional Justice in Aparadigmatic Contexts: Accountability, Recognition, and Disruption

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Concluding Remarks

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Concluding Remarks¹

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Introduction

This book theorises and empirically examines the recent and rapid expansion of transitional justice, both as a field of practice and as a scholarly field. Transitional justice has seen dramatic expansion in contexts of ongoing violence (such as Syria or the DRC), fragile states (such as Kenya or Burundi), or occupied territories (such as Afghanistan or East Timor). Similarly, transitional justice initiatives have been developed in ‘old’ democracies (such as Belgium or France) and in settler democracies (such as Australia or Canada). These paradigmatic cases are not emerging from conflict or authoritarian rule and there has been no transition of political authority. So far, however, few studies have sought to examine what we can learn from a comparative analysis across these various types of contexts in which transitional justice is currently commonly invoked. Yet, the invocation of transitional justice in these contexts is affecting what we understand transitional justice to be and what we expect it to do.

In these paradigmatic cases, transitional justice initiatives are not in the first place implemented to respond to abuses committed by repressive predecessor regimes or to consolidate a recent political transition (McEvoy and McGregor 2008, 6). Instead, various justice actors take recourse to transitional justice because of the visceral appeal of the postulate that accountability for and recognition of past and ongoing wrongs are necessary to break cycles of violence and ensure a peaceful and just future (Quinn 2014). Moreover, they find in transitional justice a standardised and comprehensive, yet versatile, range of tools and practices to work towards its normative ambition of more just societies.

Transitional justice’s expansion towards these paradigmatic cases where no political transition took place raises the question of what is transitional about transitional justice. In Teitel’s (2014) view, the ‘transition’ of transitional justice needs to involve a political transition. Yet, in many cases where transitional justice is used today, reality is far removed from this widely accepted

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conceptualisation. Rather than relegating these realities to other fields of study, like peace-building or conflict studies, this book goes beyond the definitional debate of whether what we are observing is transitional justice or not, and instead starts from the empirical reality that an increasingly diverse group of justice actors are engaged in practices and draw on norms they themselves understand to constitute 'transitional justice'.

The book develops a conceptual and analytical framework that seeks to understand the practice of transitional justice in a more context-sensitive, bottom-up, and actor-oriented way. The contributions to the book share a foundational perspective on transitional justice as a time- and place-based practice embedded in existing power relations (see the Introduction in this volume). Such a perspective helps us rethink what change might be possible in the absence of regime transition and acknowledges the complexity and messiness of the practice of transitional justice. This book seizes this complexity and the cognitive dissonance it generates to propose new ways of thinking about what transitional justice is and can do and ensures that our theorisation of the field follows the expanding reach of the practice of transitional justice.

The framework proposed in the Introduction in this volume revolves around intentions and responses as a lens for capturing the multi-layered and complex dynamics of transitional justice in an actor-oriented way. As such, the book moves beyond a critical deconstruction and proposes not a *model*, but an analytical lens and vocabulary to engage with reality on the ground. The primary aim is not to develop cross-case comparisons, but to analyse what various kinds of 'outlier' cases tell us about the broader domain of transitional justice, and to consider how conceptual unease, whether within or between the cases, can inform our understanding of the practice and the field of transitional justice.

The chapters in this volume use the framework to foreground modalities, intentions, and responses to transitional justice. Equally, they highlight the importance of considering degrees of inbetweenness (Goodale and Merry 2007), and of carefully accounting for the dynamic changes in context, issues, strategies, and positioning that happen over time and across issues, because every position may inherently contain within it its opposite (e.g. attempts at accountability may conceal efforts to avoid accountability in other domains, or resistance to some elements of the discourse may co-exist with the adoption of others). The chapters illustrate how the various intentions and responses interact and co-exist with each other and how actors can move across various positions over time. As such, the framework sheds light on the dynamic normative positionality of actors who (refuse to) engage with the transitional justice paradigm.

In this concluding chapter, we take these empirical insights to engage in a more self-reflective exercise, exploring what sort of disruptions the domain of transitional justice permits and can accommodate. This is a question about transitional justice's future, and about whether the paradigm, practice, and discourse are sufficiently adaptable to these changing circumstances: Are the

innovations that are happening in these various contexts leading to a profound dynamic of consolidation by making the field more context-sensitive and broadly applicable, or are we, on the contrary, observing a moment of theoretical and practical overstretch that will eventually lead the field of transitional justice to disintegrate? The chapters show that innovation may both add to the relevance and usefulness of transitional justice in a broader range of cases, thereby contributing to its consolidation, or they may challenge the paradigm and disrupt it to the extent of radically transforming it.

To address these questions, this concluding chapter introduces five themes that surface in the empirical chapters when transitional justice travels to paradigmatic cases. We also offer some brief reflections on how this pushes the boundaries of what transitional justice is and can be expected to do.

Pluralism and Transitional Justice's Unsettled Character

One recurring theme throughout the chapters is transitional justice pluralism. In contexts where there has been no political transition, and sometimes not even a functioning state, transitional justice is often spearheaded by non-state actors who may operate without or against the state. The chapters in this book describe both the increased – and qualitatively different – involvement of civil society organisations (CSOs) in standardised transitional justice mechanisms, as well as CSOs setting up non-standardised transitional justice mechanisms themselves. Nisan Alici's chapter, for example, examines the unofficial Diyarbakır truth commission set up by activist organisations, lawyers, psychologists, and academics in 2007, which had all characteristics of a 'classic' truth commission, even if the state was not involved. In addition, the chapters highlight new types of actors 'doing' transitional justice. Brianne McGonigle Leyh's, for example, explores the role of citizen groups raising funds to set up a local truth commission, while Huma Saeed explores how institutions in host countries of refugees could be seen as transitional justice actors that could, for example, set up truth-seeking initiatives to recognise the suffering of people living on their territory. Pluralism does not only characterise those who 'do' transitional justice, but also those who should be held accountable within the transitional justice framework. Noha Aboueldahab's chapter, for example, opens up the conversation about the accountability of multi-national companies and former colonisers.

This multitude of actors means that the state becomes only one of the elements in a broader transitional justice ecosystem. This decisively shifts the analytical focus from the state-level to that of other stakeholders. Moreover, analysing the intentions and responses of these actors prompts us to examine who is doing what as the starting point for conceptualising what transitional justice means for those using it. What are they imagining it can do, and who is doing the imagining? This may lead to a reconceptualisation of the field as new

actors might attach new or different meanings to existing transitional justice processes and mechanisms.

The growing number of actors taking ownership over transitional justice practice foregrounds the political contestation and struggles within the practice of transitional justice. While not exclusive to paradigmatic cases, these political struggles and contentious politics become even more obvious in cases where the distinctly unsettled, political, and messy character of transitional justice is accentuated by the multitude of stakeholders. As such, the chapters show that, in addition to accountability and recognition, disruption can be seen as a core objective of transitional justice, explaining why both the promotion of transitional justice, as well as resistance to it, can sometimes come from unexpected actors. Noha Aboueldahab's chapter illustrates this nicely when showing how CSOs resist transitional justice as a state practice that consolidates power, while at the same time adopting innovative approaches to transitional justice as a tool in their struggle for social justice.

Acknowledging pluralism thus highlights the extent to which transitional justice is far from consensus-driven and fundamentally unsettled. This also turns our focus to how power relations may shift when the state is no longer the only focal point. As Herremans and Bellintani (in this volume) demonstrate for the Syrian case, access to the ground and knowledge of the context has made CSOs pivotal justice actors with significant power in providing some modicum of justice for Syrians. In this specific case, the traditional focus on criminal justice may still be strong, but the processes surrounding these criminal justice processes are markedly CSO-driven. The pivotal role of, and reliance on, CSOs has led certain international actors, such as the International, Impartial and Independent Mechanism for Syria, to adopt a two-tier approach in dealing with CSOs, in an attempt to mitigate some power imbalances, e.g. with regards to agenda setting. This contrasts with cases in which the involvement of the International Criminal Court for example has been argued to lead to decontestation and a change in local actors' justice agendas. This increasingly important role of CSOs and their innovative take on criminal accountability mechanisms has resulted in an increased sense of ownership and has expanded the gaze of criminal justice as CSOs sought to leverage broader accountability and recognition, as well as bringing considerations about disruption to the centre of the debate. This development may even be argued to take the field of transitional justice to a place closer to its origins, where disruption was also a prominent concern.

The Standardisation of Localised Justice Initiatives

The chapters not only foreground new actors, but also new ways of doing transitional justice, including initiatives proposed by grassroots actors who do not have easy access to the formal transitional justice architecture. Despite significant differences, what these actors have in common is that they use transitional

justice rhetoric and tools innovatively and rethink how these can be made relevant to their context, including in ways that fall well outside the formal UN definition of what constitutes ‘transitional justice’.

As such, a second topic running through all chapters is the tension between standardisation and contextualisation. While transitional justice has in some ways become a standardised model, neither its origins nor the way in which it is implemented in various settings around the world today, are best described as abstract idealised models. Rather, transitional justice consists of a highly contextualised and historically contingent set of practices that developed in response to lived experiences of violence, repression and exclusion. The chapters thus show that the critique of transitional justice having become too professionalised or too institutionalised to speak to realities on the ground in a meaningful manner, is mitigated by the fact that many forms of contextualisation take place when practices and concepts travel, especially to contexts that are far removed from the ones for which they were initially developed. By applying the label of transitional justice to these various kinds of efforts taking place in different settings, the chapters facilitate a sharing of insights that can help to re-imagine the field and practice.

This is crucial since transitional justice’s implementation in this diverse range of contexts has already resulted in a degree of flexibility regarding modalities as well as objectives. Transitional justice norms are so broad that many aims and ways of achieving those aims can be, and have been, attached to them. They are neither inherently disruptive nor inherently contributing to a status quo. While transitional justice aims, normatively, to unsettle and challenge past practices and conditions, whether it will actually disrupt depends on the modalities of its implementation, particularly in contexts of historically exclusionary and oppressive societies. Moreover, as the chapters also show, power relations and exogenous factors specific to a concrete context explain whether – standardised or non-standardised – transitional justice will disrupt or consolidate political power relations, and several chapters highlight the risk of – temporary – elite capture.

As such, the flexibility that is needed to implement transitional justice in paradigmatic contexts means that the notion of transitional justice as a set of constitutive and prescriptive norms about what a society should look like, should increasingly be complemented with a notion of transitional justice as primarily a procedural or deliberative framework that privileges values and political guiding principles such as participation, representation, accountability, etc., which may serve a number of objectives in various settings. This procedural understanding of transitional justice offers a lens to examine issues related to the standardisation–contextualisation tension in a more practice-based way.

Innovation is often seen as inherently desirable, whereas standardisation is seen as bad for justice actors on the ground. This assumption is questionable. As the Syrian case shows, for some victims, criminal justice processes are important, even if they are not a panacea. Thus, while acknowledging the

– discursive – narrowing that may come with standardisation, and especially standardisation towards more legal approaches, we should refrain from casting these standardised legal approaches as *inherently* problematic. Moreover, here as well, the constant interaction between innovation and contextualisation on one hand, and standardisation on the other, is crucial to acknowledge. Furthermore, innovation can lead to consolidation of the field by making it more broadly relevant, as much as it can disrupt or destabilise it by challenging foundational assumptions. Similarly, consolidation can reaffirm unequal power relations as much as it can be a backstop to protect the most vulnerable or a means to make the practice of transitional justice more coherent and efficient. Approaching transitional justice as a procedural or deliberative framework that privileges principles such as participation, representation, and accountability can help to better understand the consequences of contextualisation and innovation as well as standardisation and consolidation.

This relates to the point about actor-centredness and understanding practices as they are understood and translated by actors on the ground within their context (Hinton 2018; Merry 2006). Several actors studied in this volume, for example, propose practice-driven ways to rethink accountability, beyond a narrow focus on criminal accountability. These interpretations are crucial to highlight, as they offer a way to keep accountability at the centre of transitional justice practice and politics. In an era where transitional justice has often been criticised for being too undefined and too all-encompassing to have any analytical value, it is precisely the centrality of accountability as a core objective that holds the practice of transitional justice together – and makes it either appealing to or threatening for certain actors.

Ongoing Transitions

The chapters in this book, through their focus on actors' intentions and responses, also challenge transitional justice's assumptions about temporality. They conceptualise transitional justice beyond the transitional moment, i.e. the idea that there is a brief window of opportunity that constitutes a clean break with the past and during which legacies of a repressive and violent past regime should be addressed before moving towards a peaceful and democratic future (Hansen 2017; Turner 2017). Also within paradigmatic contexts this idea has been increasingly challenged (De Haan and Destrooper 2021), but it becomes even more problematic in aparadigmatic settings where continuity, not rupture, is the state of affairs (Álvarez-Berastegi 2017, cited in Pallí-Asperó in this volume).

The chapters show that if we leave straightforward temporal assumption behind, new questions emerge about whether and when transitional justice tools can and should be applied, and what it means to designate various justice-seeking efforts as 'transitional justice'. Crucially, the chapters demonstrate that even if transitional justice might not depend on the occurrence of a clear

political transition, it still needs to be prompted by some political change or shift, or at least the aspiration thereof, in order for initiatives to be meaningful, or at least not to be entirely superficial. If there are no – aspired to – political shifts, then the risks are high for instrumentalisation or limited impact of transitional justice. At the same time, the chapters underline the importance of acknowledging the unsettled and unsettling nature of transitions. In paradigmatic cases, the nature of transitional justice as inescapably ‘unfinished business’ becomes clear: always in the making, never finished, and without clear ends.

The chapters in this book challenge and problematise this understanding of rupture and linear progress, as they cover long, intermittent, juxtaposed, or complex timelines. As one of Nisan Alici’s interviewees, for example, argued: ‘There is a slow transition in place starting from [the] 1930s’. Such an understanding of transition foregrounds both the activism of actors on the ground in pushing for change, as well as elements of structural injustice that contribute to harm. As such, letting go of binary temporal assumptions about the violent past versus the peaceful present, the chapters also shed light on the relevance of transitional justice for present and ongoing violations, as well as for how historical injustices contribute to these. Thomas Obel Hansen’s chapter, for example, examines how certain elements from the transitional justice toolkit, could be used – and are *de facto* resisted due to their potentially disruptive nature – to seek accountability for human rights violations committed by the United Kingdom’s armed forces in recent military campaigns. Kerstin Bree Carlson discusses how the transitional justice toolbox could be used to deal with Europe’s ‘home-grown’ terrorism because it upholds principles of legality while transcending political disagreement.

Moving beyond a binary and linear temporal logic that is pinned on a teleological understanding of what transitional justice should do, is not a mere conceptual debate. It also has consequences for transitional justice practice. As Noha Aboueldahab’s chapter illustrates, many stakeholders have an interest in the transitional justice discourse, but it is precisely the temporal assumptions of transitional justice that make them renounce the paradigm. This is also the case for Syrian justice actors, for whom an overly-strict adherence to the notion of ‘transitional’ has nurtured opposition among some practitioners and victims regarding the desirability of applying the paradigm in the Syrian context, while others argue that these definitional debates risk hampering the substantive work transitional justice could do for efforts to overcome the justice impasse (Herremans and Bellintani in this volume).

Political Will and Legitimacy

A fourth topic running through all chapters implicitly or explicitly is that of political will and legitimacy. A standard theory of political authority holds that a reasonable political order is necessary to a decent human life, that such an order requires political authority, and that authority depends on legitimacy

meaning that citizens can reasonably endorse actions (see Winter in this volume). Transitional justice institutions can enact this legitimacy when the state accomplishes purposes that are reasonable for the citizenry, and notably when it accomplishes these through legal or quasi-legal processes that are widely accepted. From this point of view, transitional justice politics are, in essence, a radical change in the legitimating regime of the state. Yet, the empirical chapters show that ongoingness is the state of affairs in most paradigmatic cases, and that as such transitional justice is best conceptualised as a form of progress politics that is reform oriented rather than revolutionary in character. This is not to say that transitional justice cannot be a catalyst of change: even if its liberal underpinning and normative ambitions can hardly be argued to be inherently revolutionary, it has disruptive potential.

As Cira Pallí-Asperó's chapter shows, changes often happen through the reform of already existing institutions, by providing public acknowledgement for historical injustices, offering material or symbolic reparations for those who suffered the consequences of the wrongdoing, or by installing historical commissions that act as 'active agents in the construction of the new legitimating regime through the production of new historical frames that allow the state to acknowledge and address the past wrongs'. This hints at the importance of transitional justice interventions being state-sanctioned and the extent to which standardised approaches of transitional justice both depend on and strengthen politico-legal authority. This is also illustrative of the extent to which an ideology that began in opposition to the state was successfully appropriated by the state (see the Introduction in this volume).

As some chapters illustrate, the invocation of transitional justice rhetoric by CSOs to hold the state accountable for its missteps can, however, also challenge the legitimacy of the regime. In Turkey, for example, there has never been an official, overarching transitional justice agenda to deal with the human rights abuses related to the Kurdish conflict. Yet, grassroots organisations, in partnership with international actors, used the transitional justice discourse to put pressure on the government in their pursuit of truth, justice, and accountability, in an attempt to disrupt the official politics of silence (see Alici's in this volume).

The discussion of political legitimacy also leads to the question about political will: the willingness of those in power to engage with transitional justice discourse and practice will likely depend on their assessment of whether it will strengthen or weaken their political authority and legitimacy. As Destrooper's chapter shows, the context in which transitional justice is being discussed in Belgium is that of a state that does not (wish or seek to) question its own identity as a liberal rule-of-law state, nor change anything to the basic make-up of its core state institutions or justice discourse. The proposal to borrow insights from the domain of transitional justice met with a lack of political will in one instance, and with political co-optation in another. A fundamental engagement with transitional justice's core objectives of accountability for and recognition of past harm would, in this case, require a rethinking of the legitimacy of

existing state institutions and of the associated narratives. Similarly, Line Engbo Gissel's chapter on transitional justice in the North Atlantic analyses the Danish government's rejection of participation in the Greenland Reconciliation Commission. She argues that while the commission aimed for recognition rather than accountability, the fear of disrupting and decolonising the relationship between Denmark and Greenland likely motivated this official refusal to engage with the commission. The Belgium and Denmark cases relate to the point we raised above: even if a formal political transition is not required for transitional justice, some form of transition must be intended for meaningful transitional justice initiatives to take shape.

In cases of ongoing conflict as well as in consolidated democracies the political will to engage in such a transition may be low to non-existing on the side of those state actors. This explains why, in these cases, non-state actors are often the ones pushing for some form of transitional justice in their quest for accountability and recognition. It also relates to the abovementioned innovative methods and the contextualisation-standardisation tension, since these actors (a) do not always have (easy) access to, or influence within, state bodies or (b) because they perceive non-standardised approaches to be more in line with their agenda or *modus operandi*. In Syria, for example, where there is no political will nor a transition, new *modi operandi* have been proposed by CSOs (e.g. rooted in universal jurisdiction or artistic practices).

Bridging the Scholar–Practitioner Divide

Lastly, the chapters highlight the importance and possibility of bridging the scholar–practitioner divide. When analysing the empirical cases in this book through the analytical framework proposed in the Introduction in this volume, the question surfaces for whom it matters whether we call something an instance of transitional justice or not, and how we define intentions and responses. On the one hand this is about the question of which lessons scholarship can draw from practice, and on the other it is about how practitioners can use these theoretical lenses in their own practice. The chapters show that discussions about the field of transitional justice are not a mere scholarly debate. The importance of this question for practitioners is clearly illustrated by one of Alici's interviewees, who argues that:

The discussions in transitional justice literature are very valuable for me because they provide a basis to think. The only hardship is that I get stuck because the practicalities of TJ in ongoing conflicts have not been studied enough. I am a lawyer; this is not my specialty. We get stuck because we are trying to find the methodology by ourselves.

Other interviewees cited in this volume also mention the extent to which activists are interested in learning from other contexts and actors about how

transitional justice can further their cause, but that they are too deeply invested in the practice of transitional justice to reflect much on the broader picture. Several practitioners cited in this volume were moreover actively looking for a stronger conceptual framework to interpret and shape their own actions. They are seeking to expand the transitional justice paradigm to better serve their struggle. Practitioners and stakeholders therefore are not indifferent to considerations about what their actions in concrete situations mean for transitional justice as a broader field of practice.

This relates to the point we raised above about seeing transitional justice as a deeply contextualised and historically contingent set of practices that is developed in response to lived experiences of violence, repression, and exclusion, and that responds to often intractable political, legal, moral, and social problems. It is in this sense that transitional justice developed as a result of efforts to respond to demands for a practical language and practices of justice. It is also in this sense that transitional justice as a field of practice and a field of scholarship are intractably related. The field is a representation and a retelling of what actors are doing and experimenting with. As such, the examination of the broader field of transitional justice, too, is important for justice actors as it relates to whether and how justice actors can innovate and use the paradigm to further their own struggles. The conversation between the empirical chapters and the theoretical introduction tells us something about where the field could move in the future.

How Aparadigmatic Cases Push the Boundaries of Transitional Justice

The ‘outlier’ cases examined in this volume allow us to reflect on what they tell us about the broader field of transitional justice. There are five elements to note as a basis in favour of systematically including aparadigmatic cases in efforts to theorise and analyse the field.

First, opening up the practice and theorisation of transitional justice to include aparadigmatic cases makes sense because of the positive effects this can have for actors engaged in struggles for justice. The cases discussed in this volume – and the actors in them – push the boundaries of transitional justice by implementing it in contexts where there have been no formal political transitions. They do this not only because the transitional justice paradigm holds the promise of accountability, recognition, and disruption, but also because of the abovementioned procedural understanding of transitional justice as a deliberative framework that privileges principles such as participation and representation. These normative commitments are tangible and meaningful for actors on the ground. In Syria, for example, several justice actors see – non-standardised forms of – transitional justice as the most apt paradigm to achieve a modicum of justice in a context where redress of millions of victims and the prosecution of thousands of perpetrators is otherwise unimaginable. While others may

be more sceptical of how much significant work can be conducted before a transition is in place, innovative and context-specific interpretations of transitional justice demonstrate that certain justice issues can be addressed even in the absence of a political transition. Not doing so, McGonigle Leyh (in this volume) argues, may be a missed opportunity, since transitional justice offers tools to establish new and ad hoc structures to address – historical or ongoing – injustices, that may not be available within the established human rights or criminal justice architecture. She argues that:

inclusive, participatory structures can be created where the voices of marginalized or oppressed groups can be heard [...] human rights should of course underpin any transitional justice response, even when those responses take shape in so-called stable democracies grappling with a past of serious abuse. And, importantly, the human rights-frame will remain long after the need for transitional justice passes.

The frames of transitional justice, criminal justice, and human rights should thus be seen as complementary and mutually reinforcing, also in paradigmatic contexts. Especially in cases of mass victimisation and historical injustice the combination of the various frameworks offers the potential to ensure a robust and holistic response to both direct and structural harm.

A second reason for systematically including paradigmatic cases in the practice and theorisation of transitional justice is its potential to decolonise the field. A Global North–South divide continues to characterise much of mainstream transitional justice scholarship. The classic (post-)conflict/post-authoritarianism versus consolidated democracy binary reflects a postcolonial bias that is typically not explicitly acknowledged. As such, transitional justice scholarship has, so far, not sufficiently addressed (a) the nature and extent of shared challenges of legacies of violence, nor (b) the role of international actors (from foreign states to corporate actors) in creating conflict, nor (c) the role of hegemonic power discourse in overpowering local justice demands. These blind spots underscore the importance of unsettling existing binary thinking and moving beyond alleged divides between various forms of political authority.

The empirical chapters in this book show that political authority can be understood as a spectrum whereby transitional justice can be relevant in many contexts, including to address colonial violence and harm or to hold corporate actors accountable for their role in past or ongoing injustices. The hyperdiversity and contextualisation described in this book moreover shows the decreasing relevance of conceptualising transitional justice as a standardised ‘all in’ menu, hinting at the extent to which such approaches may lead to processes of othering, and of proposing a set framework that ‘applies to others not to us’ – the ‘us’ being consolidated democracies (see, for example, Aboueldahab, Gissel, and Saeed and in this volume). Failing to move beyond this conceptualisation of transitional justice as a standardised toolbox to deal

with a certain type of exceptional violence explains the growing scepticism of some South-based actors who increasingly come to see transitional justice as a part of North-based (including EU and the UN) actors' foreign policy toolkit that these North-based actors do not apply domestically to deal with their own legacies of violence; these latter actors may even resist transitional justice as a potential internal policy element to deal with colonial harm, corporate harm, or democratic challenges. By making explicit the logic behind certain instances of rejection or opposition to transitional justice, the chapters shed light on what is being rejected: the intentionality or mechanisms of transitional justice, or the othering discourse it has come to entail.

Moreover, the chapters show that analysing various kinds of aparadigmatic cases alongside one another offers opportunities to reverse the traditional dynamics of lesson learning and best-practice sharing from North to South. Destrooper's chapter, for example shows how a small CSO in the domain of education is taking insights from work in post-conflict settings to develop educational programmes in Belgium. In doing so, the organisation acknowledges and taps into the wealth of knowledge of South-based actors, and challenges who is typically cast as the knowledge producer. This also goes to the point underlined in several chapters about the interwovenness of epistemic injustice and other forms of – direct, structural, historical and ongoing – injustice, and the importance of disrupting these different injustices in a comprehensive manner.

This relates to a third reason for systematically including aparadigmatic cases in the practice and theorisation of transitional justice, namely by offering a new perspective on what can be expected of transitional justice. The chapters show how the practice of transitional justice in aparadigmatic contexts has led to adaptation, in the form of adding new elements to the existing toolkit and discourse in ways that expand transitional justice's repertoire (i.e. accepting new practices as transitional justice), as well as by going back to the roots of transitional justice (i.e. asking how foundational ideas of transitional justice, which were often developed in opposition to the state, can once more be relevant). Both strategies are answers to the question of how transitional justice is done in different contexts, and what 'doing transitional justice' in different contexts tells us about the field. Sometimes both strategies co-exist. For example, when Syrian CSOs are relying on new technologies, such as those proposed by Forensic Architecture Bellingcat, they are tapping into the potential of this innovative technology to further their struggle for accountability.

At the same time, some activists are going back to some of the mechanisms of early transitional justice by proceeding on the basis of universal jurisdiction, a procedure which had long been placed on the backburner. Both strategies problematise the current state of the field at different levels and can be a way to 'futureproof' it. They both have the potential to enrich the debate and to open up the transitional justice imagination by offering a new perspective on what can be expected of transitional justice and how in terms of curbing injustices and

stretching the boundaries of what is conceivable in terms of justice, accountability and recognition (Herremans and Destrooper 2021). Various kinds of initiatives taking place in these aparadigmatic cases are doing precisely that. The Diyarbakir Prison truth commission and the Greensboro Commission, for example, show how an unofficial commission, established by independent justice actors and citizens, respectively, could work and what it could achieve (see Alici and McGonigle Leyh in this volume). Similarly, an improbable coalition of Syrian justice actors shows how some new – or revived – justice avenues are opened when all formal multilateral mechanisms are blocked, or how documenting housing and property rights violations can happen during conflict with a view to laying the foundation for future restitution and compensation mechanisms. Whereas Alici's chapter suggests that in a climate of oppressive rule where human rights activists are being threatened, there may seem to be limited imagination and creativity to reflect on what innovative forms of transitional justice could look like, other chapters demonstrate that it is precisely under these unaccommodating conditions that innovations and disruption take place. They show that even in times when advancing justice for victims of international crimes seems futile, it is possible to push the boundaries of justice. This is crucial because it allows for disruption and the upsetting of binaries that invisibilise the ambiguity and complexity of lived reality.

Concluding Remarks

Due to its normative, political, and geographical expansion, non-transitional or aparadigmatic states today make up the majority of cases where transitional justice is taking place. As such, the cases discussed in this book can hardly be termed 'outliers' and the extent to which these cases shape how we have come to understand transitional justice can hardly be overestimated. The chapters in this book show that the contemporary practice of transitional justice takes many different forms, which are shaped and constrained by context. They problematise certain taken-for-granted assumptions of transitional justice, including its state centricity, the assumption of a formal political transition, and the question of disruption. By exposing the limits of paradigmatic transitional justice and its assumptions, the studies in this book interrogate and shed new light on the field of transitional justice.

This book offers a theoretical framework for a more fine-grained empirical analysis that sheds light on issues that surfaces across cases that find themselves in very different positions with regards to political authority, as well as allowing for a reflection on what these similarities mean for the field of transitional justice. In this concluding chapter, we highlight five such similarities: pluralism, deep contextualisation, ongoingness, struggles over legitimacy, and the need to bridge the scholar-practitioner divide. The fact that these themes emerge in cases as diverse as the ones discussed in this book suggests that there are lessons to be learnt across alleged divides. These lessons can only be learnt if

we systematically open up the transitional justice paradigm and include these paradigmatic cases in our theorisation and further empirical exploration of the field. Doing so allows for transitional justice to become more relevant for various kinds of justice actors, to decolonise the field by overcoming existing biases, and to futureproof it by offering a new perspective on what can be expected of transitional justice.

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