

# Reconceptualising Transitional Justice as a Pluralistic Theory of Justice

Social &amp; Legal Studies

1–22

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DOI: 10.1177/09646639261422354

[journals.sagepub.com/home/sls](https://journals.sagepub.com/home/sls)**Anita Ferrara** *Irish Centre for Human Rights, University of Galway,  
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## Abstract

In recent decades, many post-conflict and post-authoritarian societies have developed various non-judicial and quasi-judicial mechanisms beyond trials to deal with the consequences of mass atrocities. These mechanisms include truth commissions, local and national reconciliation processes, memory initiatives, apologies, conditional amnesties and reparations, among others. They not only represent distinct tools for addressing past injustices but also embody distinct theories of justice, including restorative, reparative, customary and historical justice. The article argues that the proliferation and coexistence of multiple theories of justice have made the field of transitional justice inherently pluralistic, moving it beyond a singular liberal-legalist tradition. The primary challenge is to examine how these theories of justice coexist, intersect and interact. Building on critical transitional justice literature, empirical findings, and informed by legal pluralism, this article does not propose a new overarching theory of justice. Rather, it aims to conceptualise a pluralistic theory of justice rooted in praxis and communities' perceptions of justice. This framework seeks to reorient the field's theoretical foundation and more accurately capture the multifaceted nature of justice after atrocities by incorporating diverse knowledge systems and lived experiences.

## Keywords

transitional justice, restorative justice, reparative justice, historical justice, customary justice, legal pluralism

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## **Transitional Justice: Key Definitions, Critical Theories, and the Need for a Re-Examination**

Transitional justice (TJ) comprises a series of ‘judicial and non-judicial processes and mechanisms that societies implement to address the legacy of large-scale human rights violations during transitions from prolonged periods of violence and repression’ (Ferrara, 2020). The traditional aims of TJ included establishing democracy and the rule of law, preventing future abuses, restoring trust in state institutions, enhancing peace and fostering reconciliation (De Greiff, 2012; Teitel, 2002, 2003).

The legal grounds for TJ lie in states’ obligations to investigate, prosecute and punish perpetrators, to disclose the truth, to provide victims with adequate reparations and to reform abusive public institutions (Méndez, 1997; Orentlicher, 2007; Roht-Arriaza, 1990). Multiple TJ mechanisms, such as criminal trials, truth-telling, reparations and institutional reforms, have been implemented, either simultaneously or sequentially, to meet the above obligations (Olsen et al., 2010a; Roht-Arriaza and Mariezcurrena, 2006).

The field of TJ has expanded and evolved dramatically in recent decades, moving beyond the earlier ‘peace versus justice’ and ‘restorative versus retributive justice’ debates towards a deeper and broader exploration of its goals and core principles. Moreover, the field has adopted a more heterogeneous and multi-layered approach to addressing past atrocities, as evidence supporting this trend has emerged (Bell, 2009; De Greiff, 2012).

Despite significant developments in the field and the emergence of multiple, overlapping justice mechanisms, the pursuit of justice after mass atrocities remains predominantly anchored in a liberal-legalist framework. This approach prioritises individual accountability over addressing collective harm and structural violence, and emphasises criminal trials and retribution over other forms of justice focused on reparation, reconciliation and transformation.

Critical scholarship examined the field’s shortcomings and significant challenges. Key issues include: the lack of incorporation of socioeconomic rights (Laplante, 2008; Mani, 2008), the inability to address structural conditions of inequality and violence (Gready and Robins, 2014; Sharp, 2013), the marginalisation of local and Indigenous forms of justice (Lundy and McGovern, 2008; Nagy, 2008; Shaw et al., 2010a), the excessive legalism and usage of a standard format of justice across diverse contexts (Andrieu, 2010; McEvoy, 2007; Thomson and Nagy, 2011). Some of the criticisms echo those directed at related fields, such as international human rights law and, more generally, international justice. They are often perceived as Western-centric, top-down, state-centred and focused primarily on violations of civil and political rights.

The latest scholarly research on TJ is incorporating postcolonial and decolonial discourses, advocating for the decolonisation of the Western canon and epistemology (Grosfoguel, 2007; Maldonado-Torres, 2007). Some TJ scholars have argued that TJ is a form of neocolonial justice in which the only legitimate forms of justice align with the Euro-American vision of justice (An-Na ‘im, 2013; Mutua, 2015; Vieille, 2012; Yusuf, 2018). Sharp (2019) has defined ‘paradigmatic transitional justice’ as the mainstream approach, which other scholars have widely criticised as rooted in liberal-legalist ideology and teleology, and as predominantly Western-centric (An-Na ‘im, 2013; Mutua, 2002; Vieille, 2012). Sharp (2019: 578) claims that critical scholars argue that paradigmatic

transitional justice presents itself as a 'neutral framing of both problems and solutions and that this ideology is being exported from core to periphery in ways akin to neo-imperialism'. Oomen likewise claims that justice and the rule of law are often presented as 'neutral, universal and apolitical' (Oomen, 2005). Similar critiques are advanced by Vieille who shows how transitional justice tends to portray law and justice as depoliticised and detached from social context (Vieille, 2012). Vieille (2012: 62) therefore, argues that, 'seeing law as an unbiased and impartial instrument is highly problematic, for it fails to recognise the cultural contingency of legal practices and understandings'. In addition, other scholars argue that the scope of paradigmatic TJ is too limited and should also encompass social and distributive justice (Gready and Robins, 2014).

This paper is situated within the literature that adopts a critical approach towards 'paradigmatic TJ'. It states that a significant gap exists between aspirational models of justice, the normative development of TJ and the practical reality of justice in diverse contexts. Despite substantial growth in the literature on TJ over the past few decades, including various critiques and calls for a profound transformation of the field, the practice of justice in real-world contexts has evolved in many forms, often outpacing existing conceptual frameworks. Across various societies, typically situated in what has now been re-defined as the Global South, but also in the Global North, responses to atrocity employed a wide range of mechanisms, including local reconciliation processes, truth-telling mechanisms, conditional amnesties, memory initiatives, public apologies, reparations and customary practices. Each of these mechanisms not only represents a different tool but also embodies distinct theories of justice, ranging from restorative to reparative, customary to historical, and beyond.

This article advances two primary arguments. First, it contends that TJ mechanisms have generated, rather than simply reflected, diverse theories of justice. The article, therefore, suggests that practice has frequently preceded theoretical understanding in the field. The originality of this argument lies in shifting the focus from the application of general theories to the recognition of practice as a site of theory production. Secondly, through a review of various justice theories and an analysis of how mechanisms such as truth commissions, amnesties, reparations and customary justice embody these theories, this article proposes a reconceptualisation of the field as inherently pluralistic. The practice of TJ reveals multiple, overlapping conceptions of justice that cannot be subsumed under a single liberal-legalist paradigm. Drawing on legal pluralism and decolonial thought, the article conceptualises three different forms of pluralism as fundamental tenets of the field.

Finally, TJ is distinguished from ordinary justice by its orientation towards a transition, typically understood as moving from conflict to peace or from authoritarianism to democracy. Early TJ scholarship assumed that these transitions were linear, temporally delimited and culminated in the establishment of legitimate legal systems and democratic norms (Teitel, 2002). Over time, empirical developments have increasingly challenged these assumptions.

Earlier TJ cases have demonstrated that transitions are nonlinear, contested and open-ended processes that extend well beyond the strict early transition phase (Bell, 2009; Ferrara, 2019; Fletcher et al., 2009). Furthermore, TJ mechanisms have been increasingly applied in contexts where transitions were only partial, incomplete or contested. In some cases, they have been used in post-authoritarian societies without an apparent change in the previous regime, or in conflict zones before peace agreements were signed, as in Colombia. Moreover, they have also been established in democratic countries to deal

with the legacy of colonialism and structural injustices, as in Canada and Norway, or to address institutional abuses, such as sexual violence in religious institutions, as in Ireland. In these cases, transitions do not mark a clear break with the past, nor do they aim toward a particular political/institutional destination. All this has important implications for the pluralistic justice theory advanced in this article. Dealing with the past is a messy and complex endeavour that a single normative model cannot encompass. Instead, TJ necessarily needs to incorporate and accommodate diverse understandings of harms, responsibility, redress and institutional change. In this context, a pluralistic justice framework is a necessary response to the field's evolving scope.

In sum, this article contends that the foundational tenets of TJ require reassessment in light of the heterogeneous justice logics and approaches currently shaping current practice. Rather than discarding the core principles of TJ, this article seeks to re-theorise them through a pluralistic perspective that recognises the diverse justice theories already present within the field.

## Methodology

The article provides a theoretical analysis based on a systematic review of TJ scholarship, both theoretical and empirical, published between 1998 and 2025. This has allowed the author to trace how different conceptions of justice, retributive, restorative, reparative, customary and historical have been articulated, implemented and theorised within TJ discourse. Moreover, the article draws on a comprehensive review of existing databases on TJ. The analysed databases include the Transitional Justice Research Collaborative (TJRC),<sup>1</sup> the Truth Commission Dataset,<sup>2</sup> the Beyond Words Database on the implementation of TRC recommendations (Skaar et al., 2024), the PA-X Amnesties, Conflict and Peace Agreement (ACPA) dataset<sup>3</sup> and the Reparations database.<sup>4</sup> Over time, databases have become more sophisticated, incorporating more accurate data on the types and qualities of the TJ mechanisms included. A cross-analysis of databases was conducted to generate comparative data on the prevalence, scale and quality of TJ mechanisms implemented globally. Moreover, the TJRC, now migrated to the Transitional Justice Evaluation Tool, is the most comprehensive database that compiles comparative data on multiple TJ mechanisms, including truth commissions, reparations, amnesties, trials and vetting processes. These datasets were reviewed to identify patterns in how different forms of justice have been prioritised across contexts and how plural justice logics emerge in practice.

The article is divided into three sections. The first section reviews the justice theories that have emerged within TJ practice, highlighting their distinct philosophical foundations. The second section theorises TJ as an inherently pluralistic field, grounding this claim in legal pluralism and empirical evidence. The last section examines the various forms of pluralism that constitute the field of TJ.

## Multiple and Overlapping Theories of Justice Within the Field of TJ

Over the last 40 years, a variety of mechanisms of justice have emerged within TJ practice, extending beyond the courtroom to address large-scale human rights violations and

atrocities. Moreover, a wide range of actors beyond nation-states, such as local communities, victims and survivors, and other social and political actors, have increasingly played a role in shaping TJ agendas. As a result, TJ has given rise to multiple conceptions and philosophies of justice that go beyond retribution and punishment, focusing on the restoration of broken relationships, peaceful coexistence, reparation for past harms, community participation, restitution and cooperation. While the theory of restorative and customary justice has been thoroughly discussed within TJ scholarship, the theories of reparative and historical justice in the context of mass atrocities remain comparatively underdeveloped. The following section outlines the main theories of justice that have emerged since the 1990s, highlighting the underlying philosophy of each theory. It is argued that TJ practice has both contributed to the development and expansion of pre-existing theories, such as restorative and customary justice, and contributed to the articulation of distinct conceptual frameworks, such as historical and reparative justice. Crucially, the article argues that these justice theories do not neatly correspond to specific TJ mechanisms. Instead, individual mechanisms often embody multiple justice logics simultaneously, either separately or in combination with other mechanisms.

TJ mechanisms should be understood as complex sites in which multiple justice principles intersect and coexist. Accordingly, this article does not seek to categorise mechanisms within a single justice framework, but to explore how plural justice approaches interact within the broader architecture of TJ.

### *Restorative Justice*

Due to the widespread use of truth commissions, amnesties and traditional justice mechanisms, restorative justice has gained recognition as a distinctive theory of justice. The theory of restorative justice is grounded in a harm-focused, relational theory of justice, with the goals of restoring relationships disrupted by massive human rights violations. Restorative justice holds that repairing relationships can help reintegrate offenders into society and lead to reconciliation (Llewellyn, 2007; Llewellyn and Philpott, 2014). To make amends, offenders must take specific steps, including admitting responsibility, apologising, acknowledging the truth and engaging in community service. This process also involves the active participation of the victims (Gavrielides, 2018). The main goals of restorative justice are not retribution and punishment but rebuilding trust and relationships between victims and offenders, reintegrating offenders into society, and restoring societal harmony (Braithwaite, 2006). Restorative justice also involves societies and communities in rebuilding broader social relationships that have been broken.

South Africa is considered one of the most influential TJ processes, owing to the establishment of the Truth and Reconciliation Commission (TRC), which, by granting conditional amnesty, focused on national reconciliation and truth recovery in the aftermath of Apartheid (Llewellyn, 2007; Minow, 1998; Sarkin, 2004). The South African TRC was expressly recognised as a mechanism of restorative justice. Since its establishment, there has been significant debate over the benefits and limitations of restorative justice in transitional societies (Minow, 1998; Villa-Vicencio, 2000).

Although restorative justice has been part of domestic criminal justice in some countries since the 1970s (Menkel-Meadow, 2007), it did not gain prominence in the context of mass atrocities until after the South African TRC. Before the establishment of the South African TRC, truth commissions in Chile and Argentina were regarded as alternatives to, or second-best to, prosecutions. In contrast, the South African experience contributed to re-framing Restorative Justice as an appropriate response to address even the most serious crimes, with scholars and practitioners arguing that it constitutes a normative justice paradigm on equal footing with, if not more effective in specific contexts than, retributive justice (Llewellyn and Philpott, 2014).

Estimates of the number of truth commissions vary depending on definitional and methodological criteria, ranging from approximately 40 to over 70 cases. For example, the TJRC<sup>5</sup> identified more than 60 TCs globally, whereas the dataset compiled by Dancy, Kim and Wiebelhaus-Brahm listed 37 TCs, reflecting a narrower set of criteria (Dancy et al., 2010). It is important to recall that truth commissions have multiple goals, including uncovering the truth, documenting atrocities, making recommendations for reparations and institutional changes, preventing the recurrence of past abuses and promoting reconciliation (Sarkin, 2019). Therefore, not all truth commissions have functioned as restorative justice mechanisms; as few studies show, truth commissions across different locations and time periods have yielded varied outcomes and remedies for victims and societies. Some have focused on reconciliation and relationship rebuilding, while others have prioritised accountability and punishment (Kochanski, 2020b). Finally, some of the latest truth commissions mandates have expanded their focus of investigation to include systemic harms such as economic exploitation, racial discrimination and gender-based violence, such as in Peru, Colombia, Brazil, Tunisia and Morocco. Moreover, they are including more marginalised voices and communities and investigating institutional complicity in maintaining a system of oppression.

In post-conflict societies, in addition to truth commissions, other mechanisms such as amnesty laws and official apologies are increasingly used to achieve restorative justice. Some scholars argue that amnesties can be consistent with international law and help foster peace and reconciliation under specific conditions and contexts (Mallinder, 2007; Mallinder and McEvoy, 2011; Mallinder, 2014). The latest trends indicate a shift from applying broad, unconditional self-amnesty laws to increasingly limited, negotiated and conditional ones (Mallinder, 2018). The ACPA dataset reveals significant variation among amnesties, greatly enhancing our understanding of when and how different forms of amnesty are utilised, the range of conditional clauses attached to them, and varying levels of compliance with international law.<sup>6</sup> While the use of amnesty laws to address the legacies of the past provokes controversial debates and divides scholars and practitioners, studies show that they can be effectively combined with truth-telling mechanisms, apologies, acknowledgement of the crimes committed and community services (Mallinder and McEvoy, 2011; Sarkin, 2017). In this way, conditional and/or qualified amnesty laws are increasingly regarded as a helpful contribution to restorative justice (McEvoy and Mallinder, 2012). Beyond the best-known case in South Africa, conditional or qualified amnesties in exchange for truth-telling have been employed in East Timor (Burgess, 2006). In Uganda (Rose, 2008) and East Timor, amnesties were further combined with traditional community-based ceremonies aimed at offender

participation, acknowledgement and reintegration. The current case in Colombia is opening new avenues for combining retributive and restorative justice by employing conditional amnesties designed to promote truth-telling and dialogue between victims and perpetrators (Sarkin and Pereira Lopes, 2023; Uprimny and Saffon, 2006). The Special Jurisdiction for Peace, the judicial body of the Comprehensive System for Peace, established in 2016 under the Peace Agreement, is also exploring innovative forms of restorative sanctions, implemented as alternatives to prison custody and including various forms of reparations, acknowledgement of responsibility and community-based projects.<sup>7</sup>

### *Customary Justice*

Customary mechanisms of dispute resolution are also known as mechanisms of traditional justice (Huyse and Salter, 2008). They are non-state mechanisms, usually much closer to people and communities at the grassroots level than national truth commissions or formal justice mechanisms. Until recently, most justice research has focused on state justice systems (Braithwaite, 2014). However, evidence from studies of traditional and community-based justice indicates that, in many post-conflict societies, a significant proportion of the population relies on customary justice systems to resolve disputes, even in the aftermath of serious human rights violations (Clark, 2010; Huyse and Salter, 2008; Quinn, 2009). Western scholars and policymakers often refer to these traditional justice mechanisms as ‘local’ or ‘localised approach’. However, traditional and customary justice serve as the primary fora for justice for millions of people worldwide (Mamdani, 2018). Only recently, the international community has begun to show renewed appreciation for them as alternative or innovative mechanisms for addressing mass atrocities (Sharp, 2017).

The TJRC database reports that customary and local justice mechanisms for dispute resolution have been used to address the legacy of past violence and human rights violations in many countries, including Angola, East Timor, Fiji, Solomon Islands, Guatemala, Mozambique, Papua New Guinea, Peru, Rwanda, Sierra Leone, Uganda and Liberia.<sup>8</sup> Following the development of mechanisms such as the *gacaca* courts in Rwanda and experiences with traditional forms of justice in East Timor and Uganda, a stream of scholarship has increasingly focused on the capacity of traditional justice mechanisms to respond to the needs of victims and societies in post-conflict contexts (Allen and Vlassenroot, 2010; Baines, 2007; Burgess, 2006; Clark, 2010; Daly, 2001; Longman, 2006). The majority of traditional justice mechanisms are based on relational theories of justice (Isser, 2011; Murithi, 2006; Shaw et al., 2010). In these contexts, wrongdoing is not limited to the individual; it also encompasses harm done to relatives and communities. This relational approach to justice challenges the division between public and private spheres that is fundamental to many Western legal systems. Traditional justice mechanisms emphasise repairing harm, reconciliation and social balance rather than individual guilt. The process involves participation and dialogue, highlighting the importance of acknowledgement and rebuilding trust. The focus is on dialogue, apology, forgiveness and compensation, thereby enabling community participation. Some scholars have, therefore, viewed traditional justice mechanisms as forms of restorative justice (Braithwaite, 2014). However, other scholars have argued that equating customary justice with

restorative justice risks assimilating customary mechanisms into Western-centric philosophies of justice (Vieille, 2013). Other studies have reflected on how customary law can mediate everyday conflicts or promote the rule of law and good governance (Kochanski, 2020a). Sharp argues that traditional justice mechanisms are perceived as more legitimate and closer to the people who judge them, despite growing criticism of their ability to address mass atrocities (Sharp, 2017).

Customary justice has evolved over the centuries to meet the needs of communities. As widely recognised by socio-legal and anthropology scholarship, traditional mechanisms rely on oral traditions, rather than strict written codification. Elders or respected individuals lead these processes, as legitimacy derives from wisdom and the community's trust rather than from formal legal positions. Disputes are viewed within the broader context of community interdependence, rather than isolated legal claims. This contrasts with the state's focus on individual rights and procedural equality. Customary justice systems have inspired and led to the development of several mechanisms to address past atrocities, including the Gacaca Courts in Rwanda, Mato Oput in Uganda, the Palava Hut system in Liberia, Fambul Tok practices in Sierra Leone and the Ubuntu philosophy in South Africa's TRC. These mechanisms have sought to bridge local cosmologies of justice with international human rights frameworks. However, tensions persist, particularly regarding due process, power imbalances and gender equality (Aoláin et al., 2023). Finally, these traditional mechanisms have either coexisted with formal national and international mechanisms, been integrated into national laws, or existed independently of the formal legal system. This coexistence and adaptability to local contexts allow communities to use recognisable, culturally resonant dispute-resolution methods alongside judicial processes (Huyse and Salter, 2008 ; Shaw et al., 2010). Empirical evidence thus suggests that plural justice systems and their cross-fertilisation have the potential to enhance participation, foster local ownership and reach remote or marginalised communities (Isser, 2011; Lambourne, 2009; MacGinty, 2008; Shaw et al., 2010; Tamanaha, 2008b).

While the use of customary justice should not be romanticised, numerous studies have highlighted the risks and challenges associated with its application to large-scale violations. This article, in line with other scholarship, recognises that customary justice may possess emancipatory potential when carefully designed and situated in context. It can support restorative, reparative and historical justice frameworks by addressing broader forms of responsibility and contributing to meaningful change.

### *Reparative Justice*

Many transitioning countries have implemented reparation programs through political and administrative processes or judicial proceedings (De Greiff, 2008). From a strictly legal perspective, the underlying principle of reparation is that wrongs must be redressed, and the victim's situation restored to its pre-violation state. According to reparative justice, justice is realised when harm is acknowledged and addressed. The key principles of reparative justice lie in the legal obligation to repair the damage and in the wrongdoer, whether an individual or the state, having a moral and/or legal duty to repair the consequences of their acts. Some scholars have linked reparations to corrective or distributive

justice theories to some extent. Since the development of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, built on the Theo Van Boven and Bassiouni principles, and the jurisprudence of the Inter-American Court of Human Rights, a legal framework for reparations has begun to take shape, along with a growing movement in support of reparations. International courts and UN bodies have progressively broadened the concept of reparative justice, encompassing a wide range of measures including restitution, compensation, satisfaction and guarantees of non-repetition (De Greiff, 2008; UNGA, 2005).

Since then, reparations have been adopted in various forms, including material and symbolic forms, as well as support for physical and psychological rehabilitation (Lira, 2006). Other types of reparations have involved providing access to land, housing, healthcare and education. South American countries have been at the forefront of large-scale reparations packages to address past gross human rights violations (Skaar et al., 2016). In both Chile and Argentina, compensation packages have been offered to various groups of victims and their families. These packages included multiple benefits, such as access to healthcare and education programs, psychological support, symbolic reparations and monthly pensions (Ferrara, 2019; Lira, 2006). The focus of reparations is on victims' needs, suffering and dignity, rather than on punishment or reconciliation per se. Reparative justice increasingly involves victims in its design process, as experience shows that victims' voices and lived experiences are crucial to the design and implementation of reparative measures (Correa, 2013; Hamber, 2009). This participatory approach seeks to empower victims and acknowledge their suffering. In many countries, TJ processes have extended beyond individual reparations to provide reparations to groups and communities. Such programmes have addressed shared harms and structural forms of violence that cannot be adequately remedied by individual compensation alone. For example, the Comprehensive Reparations Plan in Peru included collective reparations that financially supported local communities to undertake small-scale development projects. These projects included day centres, schools and playgrounds (García-Godos, 2016). In Colombia, following the adoption of the Victim's Land and Restitution Law in 2011, the government began implementing a national land restitution program in 2012 to facilitate victims' return to their homes, framing land restitution as a critical component of reparations (García-Godos, 2016). Collective reparations are increasingly being considered a significant means of addressing victims' trauma and harm, particularly where violence has affected entire communities. As Guillerot and Moffet argue, collective reparations challenge established human rights frameworks, shifting attention towards collective forms of harm, responsibility and redress (Guillerot and Moffett, 2022). Equally, Gready argues that reparations should be designed and implemented in ways that transform unequal and unjust conditions, positioning them as one of the most direct and meaningful avenues for victims to obtain justice (Gready, 2022). For these reasons, reparations are increasingly considered as a form of social or distributive justice. With the proliferation of diverse forms of reparations, greater attention to collective harms, and growing recognition of the need for systemic change and the importance of repairing relationships and restoring dignity (Buti, 2009; Walker, 2012), reparative justice theory has expanded beyond the narrow liberal-legal reparations paradigm.

Lisa Laplante proposed a theory of reparative justice that places reparations on a justice continuum. At one end of this continuum is reparative justice, encompassing restorative civic justice and culminates in achieving socioeconomic justice (Laplante, 2013). Ernesto Verdeja advanced a theory of reparations that consists of four ideal-typical dimensions: symbolic and material elements along one axis (a typology of acknowledgement) and collective and individual measures along another (a typology of victims) (Verdeja, 2006). His theory seeks to 'transform victims into citizens, to give them the status that will allow them to live meaningful lives in a new society' (Verdeja, 2006).

However, other scholars note that current theories of reparations tend to be overly legalistic and fail to capture the diverse forms of reparations in practice (Walker, 2015). Walker argues that current theories of reparations do not include the dimensions most valued by victims that include a clear acknowledgement of responsibility, apologies, truth-revelation and intention to change the previous unequal power relationship (Walker, 2015). Various forms of reparative justice programs have been implemented globally, both material and symbolic, to redress individual and collective harm. However, the theory of reparative justice has not kept pace with practice, as it has yet to analyse the complex and diverse dimensions of these initiatives as they are implemented across different countries.

### *Historical Justice and Memory*

Various TJ mechanisms, such as truth commissions, apologies, memorials and reparations, are increasingly regarded as instruments of historical justice. Dealing with past atrocities has resulted in the proliferation of various memorialisation initiatives, and different forms of memory have developed to address the legacy of human rights violations and atrocities. States, civil society and local communities have implemented these initiatives. The explosion of memory initiatives has sparked scholarly interest in the complex relationship between memory, justice and the law. Significant research has been conducted in Latin America, France and South Africa, where historical justice has been established as an independent field of study (Neumann, 2015). In Argentina, Chile and South Africa, significant efforts have been made to transform the sites of human rights abuses into official sites of remembrance. Londres 38 (a former torture centre) in Chile, Robben Island Museum (a former prison for liberation activists, including Nelson Mandela) in South Africa, and the ESMA (the naval base school used as the Clandestine Centre of Detention, Torture, and Extermination) in Argentina are all examples of this trend (Ferrara, 2019; Ferrara, 2020). Memory projects and memorials serve as mechanisms of both reparative justice and historical justice. While initially Memorials and memorialisation initiatives were regarded as symbolic reparations, they have, over time, increasingly become spaces for public contestation and negotiation of the past, where societies seek to transform power imbalances to foster more inclusive and equitable relationships (Ferrara, 2022; Ferrara, 2024).

Recent studies have begun to investigate and analyse historical justice as a framework that can complement or replace retributive justice (Neumann and Thompson, 2015). The historical justice movement has transformed societal perspectives on justice and the importance of memory (Neumann and Thompson, 2015). Neumann and Thompson

(2015: 9) argue that ‘the desire to address past injustices has increased the desire to remember such injustices, and vice versa. As a result, there has been a rising demand for historical justice and an expansion of the definition of what constitutes a historical wrong requiring redress’. Historical justice underscores the significance of recognising past injustices and seeking redress. This is evident in several countries that have addressed historical harm inflicted on their indigenous populations, such as Canada, Australia and Norway. Other countries, including the UK and Germany, are grappling with the legacy of systemic oppression stemming from colonialism and slavery. Bakiner suggests that even when scholars, civil society activists and politicians agree on what qualifies as historical injustice, the definition and conceptualisation of historical justice remain contested (Bakiner, 2015). We have come to understand that historical justice challenges core concepts of responsibility, harm and duties concerning the past, exposing the limits of a legalistic conception of justice for various reasons (Neumann and Thompson, 2015). Among the challenges to the legalistic paradigm, a few are worth mentioning, such as the need to address societal and state responsibility rather than individual accountability. In contexts of mass atrocities, harm is rarely perpetrated by a few actors alone; it is enabled by the acquiescence and silence of broader communities and societies that regard certain actions as legitimate or acceptable (Neumann and Thompson, 2015). Moreover, historical justice highlights the endurance of harms and damages long after violations have occurred, which adds a long-term temporal perspective and frames justice as an ongoing process of transforming underlying conditions rather than a one-off event or mechanism. This orientation shifts attention to transforming the underlying social, political and institutional conditions that enable violations to occur. A growing range of initiatives, such as memorialisation practices, official apologies, educational reforms and historical commissions, are mobilised as means of historical justice in both transitional and non-transitional settings, during peacetime and after conflict. These developments suggest an expanding understanding of justice beyond legal remedies and reinforce the need for a pluralistic theoretical framework capable of capturing justice’s collective, temporal and structural dimensions.

## **A Pluralistic Theory of TJ**

The discussion above shows that TJ practice has given rise to multiple theories of justice, each with its own philosophies, priorities and practices. The proliferation of TJ mechanisms, ranging from truth commissions, conditional amnesties, reparations programs and local justice, has not only addressed past injustices but also contributed to the expansion and diversification of conceptions of justice within the field. Theoretical scholarship on TJ often has applied pre-existing theories of justice to interpret these mechanisms. Scholars have primarily focused on examining the theories of justice underpinning the field (Buckley-Zistel et al., 2014). McGonigle Leyh analysed some philosophies that have influenced TJ processes (McGonigle Leyh, 2017). Murphy goes a step further in exploring the conceptual foundations of TJ and argues that it is a distinctive form of justice resulting from a compromise between other familiar kinds of justice (Murphy, 2017).

This article adopts a reverse analytical lens, arguing that TJ mechanisms, together with victims’ experiences of justice and contextual specificities, shape theoretical

understandings of justice. Countries and communities have implemented a range of justice mechanisms to address past atrocities, adapting them to local contexts and needs. In many societies where severe human rights violations have occurred, justice has taken on broader and different meanings. In practice, justice has been administered via multiple, often overlapping practices, including dialogue, reparation, memory, truth-telling, apologies and acknowledgement of harm endured. The development of these mechanisms reflects distinct justice philosophies that coexist, interact and sometimes conflict. This coexistence suggests that a single normative framework is unable to capture TJ; rather, it reflects the need for a pluralistic justice theory that emerges from the interplay of mechanisms within specific socio-political contexts. By focusing on the constructive role of practice, this approach offers an original framework for conceptualising TJ as a dynamic, contextually grounded field.

The different theories of justice that have been described above have their roots in various philosophical traditions and focus on various dimensions of harm and reparation; restorative justice gives prominence to re-establishing relationships and reintegration, restoring trust and reconciliation; reparative justice places emphasis on acknowledgement, compensation, restoration of dignity and the transformation of harm; customary justice focuses on healing, restoring social order and community-based approaches rooted in cultural traditions; and historical justice places a focus on the importance of memory, recognition, remembrance and transforming collective narratives. Nonetheless, these theories of justice are not neatly separated; they often coexist and are closely interrelated, yet their relationships are seldom examined. For example, the *gacaca* courts in Rwanda functioned alongside domestic courts and the International Criminal Tribunal for Rwanda. In Uganda, customary reconciliation processes, such as *Mato Oput*, sat alongside the interventions of the International Criminal Court. These examples demonstrate that TJ processes are enacted within overlapping normative orders that cannot be reduced to a monistic one.

Moreover, despite their differences, these theories of justice share several important commonalities. All of the approaches belong to a broader family of relational/restorative forms of justice that transcend narrow retributive models. Although each approach is based on a distinctive conception of justice, they share a victim-centred focus on restoring dignity, repairing relationships and rebuilding trust within communities. Each theory recognises that mass atrocities cause both individual and collective harms; therefore, redress needs to address communities, societies and even future generations. Furthermore, these approaches to justice have often evolved in response to and as adaptations to specific cultural and social contexts, and to address the different forms of violations experienced. This tension between differences and similarities across diverse approaches to justice underscores the need for a pluralistic account of TJ, capable of encompassing the diversity of justice practices while also identifying the common grounds that distinguish them from purely legalist models.

Theories of legal pluralism offer an insightful conceptual framework for understanding why TJ must be theorised as inherently pluralistic. As legal pluralists have consistently argued, law is rarely a single, unified, monistic system; rather, it arises from an array of overlapping normative frameworks (Griffiths, 1986; Merry, 1988). This insight is especially relevant to TJ, where different theories of justice, retributive, restorative, reparative, customary and historical, exist alongside one another, interact and sometimes conflict.

De Sousa Santos introduced the concept of ‘interlegality’ to explain how individuals are simultaneously situated within various legal regimes that interpenetrate and hybridise in practice (De Sousa Santos, 1987, 2002). Other scholars in legal pluralism have further explored this idea (Moore, 1973, 2005; von Benda-Beckmann et al., 2009). In TJ, victims and survivors are often simultaneously engaged with international, national and local justice institutions. A victim, for instance, will testify before a truth commission, receive symbolic or material reparation from the state and participate in traditional ceremonies with their community. These interactions illustrate that TJ is neither hierarchical nor linear but rather a field shaped by interlegality.

Tamanaha finally distinguishes descriptive pluralism, in which one recognises that law is itself plural, from normative pluralism, in which the issue is how to navigate these overlapping legal orders (Tamanaha, 2008a, 2008b). This distinction is relevant to TJ. It is a descriptive fact that multiple justice systems coexist in the post-conflict environment. The normative question is how to facilitate dialogue that integrates or balances these systems, thereby avoiding hierarchies and exclusion. Legal pluralism theory helps conceptualise TJ as best understood as structurally pluralistic, operating within multiple normative and epistemological frameworks.

In addition to legal pluralists, a growing number of scholars have highlighted the multifaceted nature of justice within the framework of TJ (Haldemann, 2022; Lu, 2017; Mutua, 2015). Haldemann (2022) presents one of the most comprehensive arguments for embracing pluralism in TJ. According to Haldemann, conflict, compromise and value pluralism are inherent to TJ rather than weaknesses to be resolved. His approach emphasises the political and moral tensions inherent in TJ and underscores the importance of critically engaging with them.

Building on Haldemann’s work, this article extends the discussion by framing pluralism not just as a normative approach but also as an empirical, structural and epistemic reality of TJ. TJ arises from the coexistence of a number of theories of justice, retributive, restorative, reparative, historical and customary, the intersection of different legal orders, international, state and local, and different epistemologies. Considered from this perspective, pluralism goes beyond being a theoretical stance or a moral dilemma; it instead serves as the foundational framework within which TJ operates.

## **Re-Conceptualising Pluralism in TJ: Future Research**

A pluralistic theory of TJ provides a framework for understanding the field’s current practice beyond standardised approaches, embracing diversity, complexity and context in the definition, pursuit and experience of justice. This section examines the three foundational elements of the pluralist theory. This conceptual reorientation moves the field beyond the constraints of the liberal-legal tradition and towards embracing normative, socio-cultural and epistemic pluralism.

### *Normative Pluralism*

As empirical evidence shows, multiple justice mechanisms have been created to deal with mass atrocities in nearly all countries in transition, with rarely a single option favoured.

Over the last 30 years, there have been multiple sites of justice creation, production and delivery. Empirical datasets confirm this trend, with several databases (Dancy et al., 2025; Olsen et al., 2010a, 2010b) revealing a global shift away from isolated judicial interventions toward more multi-layered justice approaches. Justice after atrocities has occurred in various contexts and spaces, beyond the courtroom. These spaces have been national and local truth-telling processes, official apologies, community restorative justice forums, and local and national memorial sites. These justice spaces have intersected and overlapped, challenging the establishment of a hierarchy between international, state-level and community justice systems. In countries such as Rwanda and Sierra Leone, multiple justice spaces existed, combining customary and restorative justice mechanisms with retributive justice at international and domestic levels. Similarly, in East Timor and Uganda, various forms of justice co-existed, including traditional justice, amnesties, restorative and retributive justice. Multiple mechanisms, including truth commissions, reparations, memory initiatives and trials, were implemented across Latin American countries (Skaar et al., 2016). Although most of these mechanisms were implemented sequentially rather than simultaneously, they have interacted in various ways (Ferrara, 2019; Olsen et al., 2010a). Colombia is currently implementing one of the most ambitious and sophisticated efforts to develop a pluralistic legal framework that integrates multiple mechanisms, domestic law, international standards and restorative actions. The challenge ahead is to analyse how and to what extent these different justice sites interrelate and interact in practice to contribute a more multifaceted response to the legacy of past injustices. Further research is needed in this area. A theory of pluralistic justice not only recognises the existence of multiple legal orders and their overlap descriptively, but also addresses essential questions about how to navigate and balance competing values and systems of justice, for example, between international criminal accountability and local reconciliation, or between national truth-telling and customary practices. Acknowledging this reality requires us to conceptualise the field's inherent pluralism in ways that recognise the specificity of different justice approaches while also understanding their points of intersection, overlap and tension. This requires a more systematic analysis of how plural justice frameworks are already shaping the field.

### *Social and Cultural Pluralism*

Scholars have long argued that it is crucial for each society to adopt a system of justice that is owned, rather than one imposed externally by distant international institutions or by collapsed/corrupted state institutions (Clark, 2018; De Sousa Santos, 2002; Mani, 2002; Moore, 1973). Justice is a socio-cultural construction deeply embedded in national and local norms and traditions (Weinstein et al., 2010). This may require incorporating ideas and beliefs from diverse societal spaces that do not align with the dominant liberal justice paradigm (Weinstein et al., 2010). Local and restorative justice mechanisms are sometimes considered valid only if they help countries and communities transition toward Western liberal democratic models (Vieille, 2013). A more inclusive and expanded understanding of justice practices could bring different epistemic perspectives to the concepts of harm, responsibility, duty and sanction. Through these perspectives, we

may also be encouraged to re-examine fundamental definitions and paradigms of justice. Furthermore, people's perceptions and definitions of justice differ depending on various variables, prompting us to revisit core concepts and frameworks of justice. Walzer (1983) posits that justice is inherently plural, manifesting in unique 'spheres' influenced by cultural and social circumstances. Empirical work supports this claim: in countries like Northern Uganda, Sierra Leone and Rwanda, conflict-affected people expressed their ideas about justice in varied terms, such as peace, access to education, the return of land and the recognition of grievances (Pham et al., 2004, 2007; Weinstein et al., 2010). These findings are consistent with prevailing scholarship on legal and normative pluralism, which holds that ideas about justice arise from the interplay among state, customary and community-based legal systems (Merry, 1988; Vieille, 2013). Political theorists such as Walzer (1983) claim that justice is not an all-encompassing or universal principle but rather pluralistic across diverse cultural and societal contexts. Applying this conceptual framework to the practice of TJ highlights the danger of assuming that a single liberal-legalist definition of justice can adequately capture the diversity of justice practices observed worldwide. TJ must therefore be reimagined as pluralistic, not only because there is an array of mechanisms existing alongside one another but also because societies articulate justice differently. Notions and principles of justice are inherently linked to cultures, traditions and specific contexts. By recognising the diverse theories and practices, this paper seeks to offer a more nuanced understanding of how justice can be conceptualised and applied across varied contexts. Emphasising the importance of local perspectives and experiences, it advocates for a more inclusive approach that respects and incorporates different cultural understandings of justice.

### *Epistemic Pluralism*

Decolonial and critical scholarship advances this discourse by highlighting the need to recognise epistemic pluralism, thereby legitimising Indigenous and local knowledge systems in defining concepts of justice (De Sousa Santos, 2016; Fricker, 2007; Mignolo, 2011; Ndlovu-Gatsheni, 2018; Tuhiwai Smith, 2012). Moreover, a pluralistic theory of TJ should include and recognise the knowledge systems of victims, survivors and communities that have experienced and resisted mass atrocities and human rights violations (Lambourne, 2009; Martin, 2023; Shaw et al., 2010). Their perspective on what constitutes harm, redress and healing processes is rooted in philosophies of justice and everyday life that exist alongside, or sometimes replace, liberal values (Lu, 2017; Quinn, 2009; Tuhiwai Smith, 2012).

Ubuntu has served as the guiding philosophy for the reconciliation process in South Africa, deeply embedded in the country's way of life (Tutu, 2000). In Guatemala, Maya Indigenous philosophies inform rituals and memory practices, including communal burials, ceremonies and testimonies delivered in native languages. These practices function as both forms of healing and resistance (Beristain et al., 2000; Sanford, 2003). Indigenous peoples weave oral histories, memories, ceremonies and storytelling into their daily lives as a means of redress and reconciliation (Borrows, 2002; Tuhiwai Smith, 2012). There is a growing scholarly interest in local knowledge systems and how communities respond to crises. However, this local knowledge is often overlooked

or unacknowledged by mainstream TJ theory, which tends to reinterpret local contexts to fit the language and practices of development cooperation projects funded by the Northern countries (Martin, 2023). Decolonial and critical scholars have written extensively on epistemic injustice and the need to decolonise minds and praxis from colonial domination and hegemony in all spheres of life (De Sousa Santos, 2016; Fricker, 2007; Mignolo, 2011; Ndlovu-Gatsheni, 2018; Tuhiwai Smith, 2012). This literature, largely drawn from other fields, is particularly relevant to TJ, as it helps better understand the underlying philosophies of justice developed and practised by the peripheral or marginalised people in the Global South and in the Global North. Developing a theory of TJ rooted in practice, normative and epistemic pluralism would facilitate the recognition, study and understanding of the emancipatory work that individuals and communities are continuously engaged in post-conflict and post-authoritarian societies.

## **Conclusions**

This article has demonstrated that TJ must be understood as inherently pluralistic, given the coexistence of multiple conceptions and practices of justice within the field. Over the past 40 years, diverse forms of justice have emerged to compensate and assist victims of mass violence, reintegrate offenders, honour the memory of victims and their families, restore people's dignity and reunite former enemies. These approaches have challenged the universalising liberal-legalist model and expanded the conceptual foundations of post-atrocity justice. Rather than being peripheral, these distinct approaches are central to how communities worldwide address mass violence. A pluralistic theory of TJ requires: (1) engaging with theories of legal pluralism to navigate the overlaps, coexistence and challenges arising from intersecting legal orders, (2) acknowledging the existence of diverse value systems and perceptions of justice rooted in different socio-cultural contexts, and (3) taking seriously indigenous and marginalised norms, knowledge systems and the lived experience of affected communities. By conceptualising TJ as both structurally and epistemically plural, the article does not abandon the field's core aims; instead, it seeks to provide a more accurate, inclusive and robust framework for understanding justice in societies dealing with the legacy of atrocities.


## **Declaration of Conflicting Interests**

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

## **Funding**

The author received no financial support for the research, authorship, and/or publication of this article.

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## Notes

1. This database was originally created by principal researchers from the University of Oxford, the University of Minnesota and Harvard University. The dataset has been updated over the years, and a new one has been released called Transitional Justice Evaluation Tools (TJET) at <https://transitionaljusticedata.com/>. TJET compiled comparative data on human rights prosecutions, amnesties, truth commissions, reparations, and vetting policies worldwide.
2. Dancy G, Kim H and Wiebelhaus-Brahm E (2010) The turn to truth: Trends in truth commission experimentation. *Journal of Human Rights* 9(1): 45–64.
3. This database contains detailed information on 320 amnesties introduced as a result of ongoing conflict, as part of peace negotiations, or in post-conflict periods from January 1990 to November 2023 in all world regions <https://www.peaceagreements.org/amnesties/>
4. This database brings together reparations case law and legislation from the case study countries, as well as international jurisprudence, peace agreements and recommendations on reparations in truth commission reports from over 100 countries and more than 500 sources. <https://reparations.qub.ac.uk/reparations-database/>
5. Transitional Justice Research Collaborative (TJRC) at <https://transitionaljusticedata.com/>
6. Amnesties, Conflict and Peace Agreement (ACPA) dataset available at <https://www.peaceagreements.org/amnesties/>
7. Justice info.net, Colombia's restorative justice at a crossroads at [https://www.justiceinfo.net/en/149852-colombia-restorative-justicecrossroads.html?utm\\_source=chatgpt.com](https://www.justiceinfo.net/en/149852-colombia-restorative-justicecrossroads.html?utm_source=chatgpt.com)
8. Transitional Justice Research Collaborative (TJRC) at <https://transitionaljusticedata.com/>

## References

- Allen T and Vlassenroot K (2010) *The Lord's Resistance Army: Myth and Reality*. London: Zed Books.
- Andrieu K (2010) Civilising peacebuilding: transitional justice, civil society and the liberal paradigm. *Security Dialogue* 41(5): 537–558.
- An-Na 'im AA (2013) Editorial note: from the neocolonial 'transitional' to indigenous formations of justice. *International Journal of Transitional Justice* 7(2): 197–204.
- Aoláin FN, Haynes DF and Cahn N (2023) On the frontlines: gender, war and the post-conflict process. In: Lyons D (ed) *Leading Works in International Law*. London: Routledge.
- Baines EK (2007) The haunting of Alice: local approaches to justice and reconciliation in Northern Uganda. *The International Journal of Transitional Justice* 1(1): 91–114.
- Bakiner O (2015) Promoting historical justice through truth commissions: an uneasy relationship. In: Neumann K and Thompson J (eds) *Historical Justice and Memory*. Madison, WI: University of Wisconsin Press, 146–166.
- Bell C (2009) Transitional justice, interdisciplinarity and the state of the 'field' or 'non-field'. *International Journal of Transitional Justice* 3(1): 5–27.
- Beristain CM, Paez D and González JL (2000) Rituals, social sharing, silence, emotions and collective memory claims in the case of the Guatemalan genocide. *Psicothema* 12(Su1): 117–130.
- Borrows J (2002) *Recovering Canada: The Resurgence of Indigenous Law*. Toronto: University of Toronto Press.
- Braithwaite J (2006) Accountability and responsibility through restorative justice. In: Dowdle M (ed) *Rethinking Public Accountability*. Cambridge: Cambridge University Press, 33–51.
- Braithwaite J (2014) Traditional justice. In: Llewellyn JJ and Philpott D (eds) *Restorative Justice, Reconciliation, and Peacebuilding*. New York: OUP, 214–239.
- Buckley-Zistel S, Beck TK, Braun C, et al. (2014) *Transitional Justice Theories*. Abingdon: Routledge.

- Burgess P (2006) A new approach to restorative justice—East Timor’s community reconciliation processes. In: Roth-Arriaza N and Mariezcurrena J (eds) *Transitional Justice in the Twenty-first Century: Beyond Truth Versus Justice*. Cambridge: Cambridge University Press, 176–205.
- Buti A (2009) The notion of reparations as a restorative justice measure. In: Oliveira JC and Cardinal P (eds) *One Country, Two Systems, Three Legal Orders—Perspectives of Evolution*. Berlin, Heidelberg: Springer, 191–206.
- Clark P (2010) *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyers*. Cambridge: Cambridge University Press.
- Clark P (2018) *Distant Justice: The Impact of the International Criminal Court on African Politics*. Cambridge: Cambridge University Press.
- Correa C (2013) *Reparations in Peru: From Recommendations to Implementation*. International Centre for Transitional Justice (ICTJ).
- Daly E (2001) Between punitive and reconstructive justice: the gacaca courts in Rwanda. *New York University Journal of International Law and Politics* 34: 355.
- Dancy G, Kim H and Wiebelhaus-Brahm E (2010) The turn to truth: trends in truth commission experimentation. *Journal of Human Rights* 9(1): 45–64.
- Dancy G, Thoms OT, Pham P, et al. (2025) Introducing the transitional justice evaluation tools (TJET) database. *Journal of Peace Research*.
- De Greiff P (2008) *The Handbook of Reparations*. Oxford: Oxford University Press.
- De Greiff P (2012) Theorising transitional justice. *Transitional Justice* 51: 31–77.
- De Sousa Santos B (1987) A map of misreading. Toward a postmodern conception of law. *Journal of Law and Society* 14(3): 279–302.
- De Sousa Santos B (2002) *Toward a New Legal Common Sense. Law, Globalization, and Emancipation*. Cambridge: Cambridge University Press.
- De Sousa Santos B (2016) *Epistemologies of the South: Justice Against Epistemicide*. London and New York: Routledge.
- Ferrara A (2019) Assessing the long-term impact and legacy of truth commissions. In: Sarkin J (ed) *The Global Impact and Legacy of Truth Commissions*. Cambridge: Intersentia, 75–98.
- Ferrara A (2020) Restoring the national convivencia through transitional justice: the Chilean case. In: Moscati MF and Marian Roberts MP (eds) *Comparative Dispute Resolution*. Cheltenham: Edward Elgar Publishing, 466–478.
- Ferrara A (2022) Bottom-up and thought-provoking sites of memory. In: Mina Rauschenbach JV and Parmentier S (eds) *Localising Memory in Transitional Justice the Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship*. London: Routledge, 107–127.
- Ferrara A (2024) When the past meets the present: the role of memory sites in times of crisis in Chile. *Memory Studies* 18(4): 1065–1081.
- Fletcher LE, Weinstein HM and Rowen J (2009) Context, timing and the dynamics of transitional justice: a historical perspective. *Human Rights Quarterly* 31(1): 163–220.
- Fricker M (2007) *Epistemic Injustice: Power and the Ethics of Knowing*. New York: Oxford University Press.
- García-Godos J (2016) *Reparations. An Introduction to Transitional Justice*. London: Routledge, 177–200.
- Gavrielides T (2018) *Routledge International Handbook of Restorative Justice*. London and New York: Routledge.
- Gready P and Robins S (2014) From transitional to transformative justice: a new agenda for practice. *International Journal of Transitional Justice* 8(3): 339–361.
- Gready S (2022) The case for transformative reparations: in pursuit of structural socio-economic reform in post-conflict societies. *Journal of Intervention and Statebuilding* 16(2): 182–201.

- Griffiths J (1986) What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law* 18(24): 1–55.
- Grosfoguel R (2007) The epistemic decolonial turn. *Cultural Studies* 21(2-3): 211–223.
- Guillerot J and Moffett L (2022) *Reflections on the Collective Dimensions of Reparations: Where Are We At? Where Do We Go?* Belfast: Queen’s University Belfast.
- Haldemann F (2022) *Transitional Justice for Foxes: Conflict, Pluralism and the Politics of Compromise*. Cambridge: Cambridge University Press.
- Hamber B (2009) *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health*. London and New York: Springer Science & Business Media.
- Huyse L and Salter M (2008) *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International Institute for Democracy and Electoral Assistance.
- Isser D (2011) *Customary Justice and the Rule of Law in War-torn Societies*. Washington, DC: US Institute of Peace Press.
- Kochanski A (2020a) The “local turn” in transitional justice: curb the enthusiasm. *International Studies Review* 22(1): 26–50.
- Kochanski A (2020b) Mandating truth: patterns and trends in truth commission design. *Human Rights Review* 21: 113–137.
- Lambourne W (2009) Transitional justice and peacebuilding after mass violence. *International Journal of Transitional Justice* 3(1): 28–48.
- Laplante LJ (2008) Transitional justice and peace building: diagnosing and addressing the socioeconomic roots of violence through a human rights framework. *International Journal of Transitional Justice* 2(3): 331–355.
- Laplante LJ (2013) The plural justice aims of reparations. In: Buckley-Zistel S, Beck TK and Braun C (eds) *Transitional Justice Theories*. Abingdon, London: Routledge, 78–96.
- Lira E (2006) The reparations policy for human rights violations in Chile. In: De Greiff P (ed) *The Handbook of Reparations*. Oxford and New York: Oxford University Press, 55–101.
- Llewellyn J (2007) Truth commissions and restorative justice. In: Johnstone G and Van Ness DW (eds) *Handbook of Restorative Justice*. Cullompton, England and Portland, OR: Willan, 351–371.
- Llewellyn JJ and Philpott D (2014) *Restorative justice, Reconciliation, and Peacebuilding*. New York: Oxford University Press.
- Longman T (2006) Gacaca trials in Rwanda. In: Mariezcurrena J and Roth-Arriaza N (eds) *Transitional Justice in the Twenty-First Century*. Cambridge: Cambridge University Press, 206–228.
- Lu C (2017) *Justice and Reconciliation in World Politics*. New York: Cambridge University Press.
- Lundy P and McGovern M (2008) Whose justice? Rethinking transitional justice from the bottom up. *Journal of Law and Society* 35(2): 265–292.
- MacGinty R (2008) Indigenous peace-making vs liberal peace. *Cooperation and Conflict* 43(2): 139–163.
- Maldonado-Torres N (2007) On the coloniality of being. *Cultural Studies* 21(2–3): 240–270.
- Mallinder L (2007) Can amnesties and international justice be reconciled? *The International Journal of Transitional Justice* 1(2): 208–230.
- Mallinder L (2014) Amnesties in the pursuit of reconciliation, peacebuilding, and restorative justice. In: Llewellyn JJ and Philpott D (eds) *Restorative Justice, Reconciliation, and Peacebuilding*. New York: Oxford University Press, 138–173.
- Mallinder L (2018) Amnesties and Inclusive Political Settlements. PA-X Report, Transitional Justice Series. Edinburgh: Global Justice Academy, Edinburgh.
- Mallinder L and McEvoy K (2011) Rethinking amnesties: atrocity, accountability and impunity in post-conflict societies. *Contemporary Social Science* 6(1): 107–128.
- Mamdani M (2018) *Citizen and subject. Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.

- Mani R (2002) *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge: Polity Press.
- Mani R (2008) Dilemmas of expanding transitional justice, or forging the nexus between transitional justice and development. *International Journal of Transitional Justice* 2(3): 253–265.
- Martin LS (2023) *Navigating Local Transitional Justice: Agency at Work in Post-conflict Sierra Leone*. Cambridge: Cambridge University Press.
- McEvoy K (2007) Beyond legalism: towards a thicker understanding of transitional justice. *Journal of Law and Society* 34(4): 411–440.
- McEvoy K and Mallinder L (2012) Amnesties in transition: punishment, restoration, and the governance of mercy. *Journal of Law and Society* 39(3): 410–440.
- McGonigle Leyh B (2017) The socialisation of transitional justice: expanding justice theories within the field. *Hum. Rts. and Int'l Legal Discourse* 11(83).
- Méndez JE (1997) Accountability for past abuses. *Human Rights Quarterly* 19(2): 255–282.
- Menkel-Meadow C (2007) Restorative justice: what is it and does it work? *Annual Review Law Society* 3: 161–187.
- Merry SE (1988) Legal pluralism. *Law & Society Review* 22(5): 869–896.
- Mignolo W (2011) *The Darker Side of Western Modernity: Global Futures, Decolonial Options*. Durham, NC; London: Duke University Press.
- Minow M (1998) Between vengeance and forgiveness: South Africa's truth and reconciliation commission. *Negotiation Journal* 14: 319–355.
- Moore SF (1973) Law and social change: the semi-autonomous social field as an appropriate subject of study. *Law and Society Review* 7(4): 719–746.
- Moore SF (2005) *Law and Anthropology: A Reader*. Malden, MA; Oxford: Blackwell Pub.
- Murithi T (2006) African approaches to building peace and social solidarity. *African Journal on Conflict Resolution* 6(2): 9–33.
- Murphy C (2017) *The Conceptual Foundations of Transitional Justice Publisher*. Cambridge: Cambridge University Press.
- Mutua M (2002) *Human Rights: A Political and Cultural Critique*. Philadelphia: University of Pennsylvania Press.
- Mutua M (2015) What is the future of transitional justice?. *International Journal of Transitional Justice* 9(1): 1–9.
- Nagy R (2008) Transitional justice as a global project: critical reflections. *Third World Quarterly* 29(2): 275–289.
- Ndlovu-Gatsheni S (2018) *Epistemic Freedom in Africa: Deprovincialization and Decolonisation*. London and New York: Routledge.
- Neumann K (2015) *Historical Justice*. London: Routledge.
- Neumann K and Thompson J (2015) *Historical Justice and Memory*. Madison, WI: University of Wisconsin Press.
- Neumann K and Thompson J (2015) Introduction: beyond the legalist paradigm. In: Neuman K and Thompson J (eds) *Historical Justice and Memory*. Madison, WI: University of Wisconsin Press, 3–24.
- Olsen T, Payne L and Reiter A (2010a) *Transitional Justice in Balance. Comparing Processes, Weighing Efficacy*. Washington, DC: US Institute of Peace Press (USIP).
- Olsen TD, Payne LA and Reiter AG (2010b) Transitional justice in the world, 1970–2007: insights from a new dataset. *Journal of Peace Research* 47(6): 803–809.
- Oomen B (2005) Donor-driven justice and its discontents: the case of Rwanda. *Development and Change* 36(5): 887–910.
- Orentlicher DF (2007) Settling accounts' revisited: reconciling global norms with local agency. *The International Journal of Transitional Justice* 1(1): 10–22.

- Pham PN, Vinck P, Stover E, et al. (2007) *When the War Ends: A Population-based Survey on attitudes About Peace, Justice, and Social Reconstruction in Northern Uganda*. UC Berkeley: Human Rights Center.
- Pham PN, Weinstein HM and Longman T (2004) Trauma and PTSD symptoms in Rwanda: implications for attitudes toward justice and reconciliation. *Jama* 292: 602–612.
- Quinn JR (2009) *Reconciliation (s): Transitional Justice in Postconflict Societies*. Montreal and Kingston: McGill-Queen's Press-MQUP.
- Roht-Arriaza N (1990) State responsibility to investigate and prosecute grave human rights violations in international law. *California Law Review* 78: 449.
- Roht-Arriaza N and Mariezcurrena J (2006) *Transitional Justice in the Twenty-first Century: Beyond Truth versus Justice*. Cambridge: Cambridge University Press.
- Rose C (2008) Looking beyond amnesty and traditional justice and reconciliation mechanisms in northern Uganda: a proposal for truth-telling and reparations. *Boston College Third World Law Journal* 28: 345.
- Sanford V (2003) *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave Macmillan.
- Sarkin J (2004) *Carrots and Sticks: The TRC and the South African Amnesty Process*. Oxford: Intersentia.
- Sarkin J (2017) How conditional amnesties can assist transitional societies in delivering on the right to the truth: are such processes compatible with international law? *International Human Rights Law Review* 6(2): 143–175.
- Sarkin J (2019) *The Global Impact and Legacy of Truth Commissions*. Cambridge: Intersentia.
- Sarkin J and Pereira Lopes I (2023) Reaching for both justice and peace in Colombia: understanding the Special Jurisdiction for Peace's mixed approach (using both retributive and restorative justice) to deal with international crimes. *Contemporary Justice Review* 26(2): 123–144.
- Sharp DN (2013) Interrogating the peripheries: the preoccupations of fourth generation transitional justice. *Harvard Human Rights Journal* 26: 149.
- Sharp DN (2017) Transitional justice and 'local' justice. In: *Research Handbook on Transitional Justice*. Cheltenham: Edward Elgar Publishing, 142–158.
- Sharp DN (2019) What would satisfy us? Taking stock of critical approaches to transitional justice. *International Journal of Transitional Justice* 13(3): 570–589.
- Shaw R, Waldorf L and Hazan P (2010) *Localising Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford: Stanford University Press.
- Skaar E, García-Godos J and Collins C (2016) *Transitional Justice in Latin America: The Uneven Road from Impunity Towards Accountability*. London: Routledge.
- Skaar E, Rudling A, Selvik L-M M, et al. (2024) The implementation of truth commission recommendations: exploring the 'beyond words' database for Latin America. *Conflict Management and Peace Science* 42(1): 82–103.
- Tamanaha BZ (2008a) Understanding legal pluralism: past to present, local to global. *Sydney Law Review* 30: 375–416.
- Tamanaha BZ (2008b) Understanding legal realism. *Texas Law Review* 87: 731.
- Teitel RG (2002) *Transitional Justice*. New York: Oxford University Press.
- Teitel RG (2003) Transitional justice genealogy. *Harvard Human Rights Journal* 16: 69–94.
- Thomson S and Nagy R (2011) Law, power and justice: what legalism fails to address in the functioning of Rwanda's gacaca courts. *International Journal of Transitional Justice* 5(1): 11–30.
- Tuhiwai Smith L (2012) *Decolonising Methodologies: Research and Indigenous Peoples*. London: Zed Books.
- Tutu D (2000) *No Future Without Forgiveness*. Ebury Publishing/Penguin.

- UNGA (2005) Basic Principles and Guidelines on the Right to a Remedy and Reparation Reportno. Report Number, Date. Place Published| Institution.
- Uprimny R and Saffon MP (2006) *Transitional Justice, Restorative Justice and Reconciliation. Some Insights from the Colombian Case*. Bogota: National University of Colombia.
- Verdeja E (2006) A normative theory of reparations in transitional democracies. *Metaphilosophy* 37(3-4): 449–468.
- Vieille S (2012) Transitional justice: a colonising field. *Amsterdam LF* 4: 58.
- Vieille S (2013) Frenemies: restorative justice and customary mechanisms of justice. *Contemporary Justice Review* 16(2): 174–192.
- Villa-Vicencio C (2000) Why perpetrators should not always be prosecuted: where the International Criminal Court and truth commissions meet. *Emory LJ* 49: 205.
- von Benda-Beckmann F, von Benda-Beckmann K and Griffiths A (2009) *The Power of Law in a Transnational World: Anthropological Enquiries*. Oxford and New York: Berghahn Books.
- Walker MU (2012) Restorative justice and reparations. *Journal of Social Philosophy* 43(4): 433–448.
- Walker MU (2015) Making reparations possible: theorizing reparative justice. In: Corradetti C, Eisikovits N and Volpe Rotondi J (eds) *Theorizing Transitional Justice*. London: Routledge, 211–222.
- Walzer M (1983) *Spheres of justice: A defence of pluralism and equality*. NY: Basic Books.
- Weinstein HM, Fletcher LE, Vinck P, et al. (2010) Stay the hand of justice: whose priorities take priority?. In: Shaw R, Waldorf L and Hazan P (eds) *Localising Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford: Stanford University Press, 27–48.
- Yusuf HO (2018) Colonialism and the dilemmas of transitional justice in Nigeria. *International Journal of Transitional Justice* 12(2): 257–276.