

Review Essay

(Re)Distributing Transition

The Era of Transitional Justice, Paul Gready. Routledge, October 2010, 288pp. ISBN: 9780415521178 – paperback (£26.99).

Rethinking Transitions: Equality and Social Justice in Societies Emerging from Conflict, eds. Gaby Oré Aguilar and Felipe Gómez Isa. Intersentia, July 2011, 330pp. ISBN: 9781780680033 – hardcover (\$115).

Distributive Justice in Transitions, eds. Morten Bergsmo, César Rodríguez-Garavito, Pablo Kalmanovitz and Maria Paula Saffon. Torkel Opsahl Academic EPublisher, August 2010, 442pp. ISBN: 9788293081128 – PDF (free).

Writing about the relationship between relief and famine, Alex de Waal suggests that the ‘humanitarian international appears to have an extraordinary capacity to absorb criticism, not reform itself, and yet emerge strengthened.’¹ The act of critique, he argues, may serve to strengthen the ‘moral capital’ of existing institutions rather than to propel reform or reconstruction. While the field of transitional justice has never been without its critics, a recent spate of works suggests that the ‘era of transitional justice’ may simultaneously be one of particularly sophisticated and far-reaching critique. In the past decade, works have emerged that problematize the politics and ideology of the field,² its privileging of civil and political rights³ and its depoliticization and fetish for legalism,⁴ among many other characteristics. Joining this critical wave, the works under review suggest that questions of distribution and structure must be considered central to the project of transition. In analyzing the effect of such critiques, we might apply de Waal’s challenge to the field of transitional justice: Do critiques of transitional justice fundamentally change its nature or potentially reinforce a problematic status quo?

¹ Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Bloomington, IN: Indiana University Press, 1997), xvi.

² See, Pierre Hazan, *Judging War, Judging History: Behind Truth and Reconciliation* (Stanford, CA: Stanford University Press, 2010); Robert Meister, *After Evil: A Politics of Human Rights* (New York: Columbia University, 2011).

³ See, *Transitional Justice and Development*, special issue of *International Journal of Transitional Justice* 2(3) (2008); Louise Arbour, ‘Economic and Social Justice for Societies in Transition,’ *NYU Journal of International Law and Politics* 40 (2007): 1–27; Rama Mani, ‘Balancing Peace with Justice in the Aftermath of Violent Conflict,’ *Development* 48(3) (2005): 25–34.

⁴ See, Bronwyn Leebaw, *Judging State-Sponsored Violence, Imagining Political Change* (New York: Cambridge University Press, 2011); Rosemary Nagy, ‘Transitional Justice as Global Project: Critical Reflections,’ *Third World Quarterly* 29(2) (2008): 275–289; Kieran McEvoy, ‘Beyond Legalism: Towards a Thicker Understanding of Transitional Justice,’ *Journal of Law and Society* 34(4) (2007): 411–440.

Sometimes understood as legal responses to past repression in a period of liberalizing political change,⁵ transitional justice today is frequently defined in terms of its mechanisms (e.g., prosecutions, truth commissions, reparations). The works under review here demonstrate that questions of justice and transition arise outside specific mechanisms and are inextricably linked to liberal peacebuilding, land restitution, postconflict reconstruction and neoliberal reform. Although they represent varying disciplinary and intellectual perspectives, all three books grapple with questions of political inclusion after conflict, socioeconomic distribution and the legacies of structural violence. In this sense, they contribute to a strand of critique in transitional justice made famous by Mahmood Mamdani's incisive argument that the South African Truth and Reconciliation Commission's (TRC's) narrow focus on perpetrators of specific violations permitted the much larger pool of beneficiaries of apartheid to escape notice or guilt.⁶ Many of the authors reviewed here understand inequality and marginalization as drivers of conflict, instability and injustice. They view the existing tools and institutions of transition – whether peace agreements, justice mechanisms, land laws, UN Security Council resolutions or reparations – as persistent failures when evaluated using the metrics of social and distributive injustice.

Differences among the authors, and with those before them, arise chiefly in their approach to these failures. Some scholars and practitioners in these works join others in suggesting that by attending to the indivisibility of rights, closing the gap between regulation and enforcement or consulting the neighboring field of 'development,' the lacunae in transitional justice may be filled.⁷ In some cases, these approaches reveal a tension between reformist and transformational agendas. Despite the radical implication that the field as a whole systematically neglects inequality or nonphysical violence, some solutions suggest that adding existing tools (e.g., 'more rights,' more development) may resolve the problem. Some of the authors reviewed here probe more deeply, exposing the location of transitional or postconflict efforts in broader global trends that exacerbate rather than mitigate inequality and consistently (re)focus attention on physical and individual harms rather than structural or collective damage.

In this sense, we might say that these books contribute to an effort to *bring politics back in* to transition and transitional justice. Theirs is a politics concerned not only with elite pacts and wartime compromises but also with ongoing

⁵ Ruti Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000).

⁶ Mahmood Mamdani, 'The Truth According to the Truth and Reconciliation Commission,' in *The Politics of Memory: Truth, Healing and Social Justice*, ed. Ifi Amadiume and Abdullahi A. An-Na'im (London: Zed Books, 2000).

⁷ For articles surveying a wide variety of approaches, see, Kora Andrieu, 'Dealing with a "New" Grievance: Should Anticorruption Be Part of the Transitional Justice Agenda?' *Journal of Human Rights* 11(4) (2012): 537–557; Pablo de Greiff and Roger Duthie, eds., *Transitional Justice and Development: Making Connections* (New York: Social Science Research Council, 2009). Robert Meister offers a striking contrast to the 'add tools' approach, arguing that transitional processes are based on beneficiaries and bystanders of the old regime acknowledging 'as evil the practices that produced their continuing advantage' while leaving 'much of that advantage in place.' Meister, *supra* n 2 at 27.

inequality between international and national powers, the potential for redistribution of power and resources during and after war and broad social transformation through transitional tools such as peace agreements and truth commissions. These texts mark an important intervention in a field sometimes characterized as gripped by a technocratic legalism that masks the politics inherent in distributing resources and power. As Itziar Ruiz-Giménez Arrieta points out in *Rethinking Transitions*, the players in what Mark Duffield calls the ‘liberal peace complex’ understand themselves as impartial experts performing ‘neutral, apolitical, and purely technical’ work (p. 236). Yet, they play a key role in shaping peace processes, transitional justice mechanisms and postconflict arrangements. In exposing the politics at the heart of transitional justice, Paul Gready asks, ‘whose interests are being furthered and what kind of transformation is being sought? What continuities are sanctioned and what conflicts fuelled?’ (p. 214). By focusing on the development of a transitional justice ‘industry,’ Gready not only interrogates the pathways of power within the field (such as the ways in which the production and transmission of knowledge on rights and justice may mimic global power inequities) but also demonstrates the power of the industry to shape conceptions of justice and the contours of transition.

Each of the books under review focuses on a different area or site of transition. Gready uses truth commissions, specifically the South African TRC, as an ‘entry point’ through which to understand recent debates on transitional justice. Using interdisciplinary sources to flesh out the field’s ‘keywords’ – truth, justice and reconciliation – he argues for renewed discussion of the role of truth commissions and other mechanisms in social change, public debate and societal reconstruction. He is particularly preoccupied with the relationship between transitional justice and human rights, and the idea that ‘transitional justice and human rights need to do more to address structural violence, and in particular poverty-inequality and social and criminal violence’ (p. 3).

Examining patterns of discrimination and exclusion of women, indigenous peoples and other marginalized groups, *Rethinking Transitions* offers essays based on the initial insight that transitional processes systematically neglect questions of inequality and structural violence. Editors Gaby Oré Aguilar and Felipe Gómez Isa discuss the persistent gap between the need to ‘realize the social, economic, and political transformations that will address the cause and legacy of violent conflicts’ and the realities of state-building efforts that focus almost exclusively on achieving immediate state stability in the aftermath of conflict (p. 1). Including practitioners and academics from around the world and from human rights, development, women’s rights, political science and law, the volume seeks to speak to academics, policy makers and practitioners on the ground. As with Gready’s monograph, the contributors mainly utilize human rights law and discourse to support or evidence their claims.

Distributive Justice in Transitions suggests that the preoccupation of transitional justice with retributive and corrective justice – by definition past-focused conceptions – may obscure distributive justice and economic efficiency concerns in

transitions (defined as the movement ‘from armed conflict to peace’) (p. 1). Editors Morten Bergsmo et al. posit that a narrow focus on accountability may mask the critical role of distribution in conflict, arguing that ‘an exclusive focus on past atrocities may undermine the potential of transitional circumstances to overcome social injustice and to promote democratic transformation’ (p. 2). Using case studies, including Eastern Europe, Nepal and Guatemala, with the second half of the book focused entirely on Colombia, the interdisciplinary contributors (including economists, political scientists and lawyers) address a broad set of questions concerning land reform, transition and distributive justice. These chapters make less reference to human rights, focusing instead largely on the question of land and conflict. One disappointing aspect of the two edited collections is the relative paucity of reflection in the introductions. Although hinting at a framework and describing the chapters, the editors largely fail to delve into overarching themes and deeper definitional questions about the meaning of transition, the concept of justice or the systematic nature of the occlusion of distribution or inequality.

Given the impossibility of discussing each aspect of these rich and varied books, this essay focuses on the fulcrum of fundamental critique. I trace three (overlapping) critiques of transitional justice that appear in several chapters and in Gready’s monograph: the decontextualization of violence and of individuals, the failure to emphasize and understand continuity after transition and the neglect of socioeconomic concerns. I thereby hope to highlight these authors’ contributions to the reconsideration of politics and distribution as central to the project of transition.

Contexts of History and Violence

Gready and several of the authors in the edited collections critique the ways in which the processes of transition and transitional justice regularly decontextualize violent pasts and individual subjects. They emphasize two modes of decontextualization: the reduction of the history of a prior regime to a single set of problems rather than a complex and multilayered portrait and the essentializing of individuals as victims and perpetrators rather than as agents, resisters or individuals playing multiple roles.

Several authors demonstrate the processes by which complex histories may be transformed into linear and singular stories. In his chapters on ‘truth,’ Gready traces the reduction of ‘conflicts and histories [to] a single image’ based on gross violations and a limited set of harms rather than systemic oppression or structural inequality (p. 39). He analyzes the ways in which the TRC’s substantive emphasis on civil and political rights and its methodological preoccupation with quantitative analysis produced an impoverished historical narrative that both reduced the apartheid system to a single history and reformulated complex individual histories into fragmented and homogenous data. In *Rethinking Transitions*, Ruiz-Giménez critiques the particular

reduction of African conflicts to a narrative of failing states and greedy warlords that seemingly necessitates universal postconflict measures to build institutions and financially incentivize warlords to keep the peace. Such a generalized understanding of conflict in Africa, she argues, ignores the region's 'different origins, historical development, socio-economic and political factors and protagonists' and overemphasizes the greed motive while underemphasizing the role of gender (pp. 236–237).

A second type of decontextualization traced by several of the authors reveals the national orientation of transitional processes, which tend to imagine prior conflict taking place inside clear borders with minimal external involvement. Several authors mention the need to locate internal conflicts within larger global trends or to identify international or third-party actors too often obscured in discussions of conflict and transition. Ruiz-Giménez argues that the contemporary narrative of failing African states and greedy warlords underplays the role of exogenous factors such as 'plummeting prices for agricultural produces and raw materials, external debt, structural adjustment plans... and cutbacks in aid from Western countries and the former Soviet Union' (p. 237). Greedy similarly argues that transitional justice in general, and the TRC in particular, must be understood as part of a broad set of policies based on the 'liberal peace thesis' that privilege political democracy and market economics over other objectives (p. 237). In her chapter on environmental exploitation in *Rethinking Transitions*, Giulia Tamayo notes that such issues are generally obscured or, at best, left as background. Placing these arguments in a global context, she argues that the 'ideological separation of economics and politics in the framework of the current economic globalization process' has produced a conception of natural resources as 'economic bargaining chips' to be traded without attention to human rights or patterns of dispossession. Although their subject matter differs, the scholars demonstrate the ways in which conflict may be decontextualized by minimizing the significance of global trends and external actors in the production of both conflict and transition.

Just as truth commissions may reduce past conflict or history to a category of harms or a homogenous list of events, transitional justice mechanisms in general may force individuals into the role of victim or perpetrator. As Sunila Abeysekera, Kumudini Samuel and Ruiz-Giménez argue in their chapters in *Rethinking Transitions*, this may have particularly deleterious effects on women, who are frequently portrayed as relating to conflict almost entirely as victims of violence rather than as complex individuals sometimes empowered by the circumstances of war. Abeysekera argues that conflict at times 'leads women to become more vibrant agents of their own existence, and creates a range of arenas for struggle and action which had hitherto not been accessible to women' (p. 59). Her chapter on gender equality and women's rights in conflict traces both the advances in feminist reconceptualizations of women and conflict and the continuity of narrow portrayals of women's role.

As Gready notes, problems of victimhood and agency gripped the TRC. The pressure to testify only as a victim or as a perpetrator had a series of consequences. Those who did not view themselves as victims were less likely to testify. Those characterized as victims were portrayed as innocent sufferers rather than as political agents. Finally, little space was left for any overlap between victims and perpetrators. The reduction of conflicts to data categories or individuals to perpetrators impoverishes both our understanding of violence and our capacity to reconstruct society in the aftermath of conflict.

Focusing on victims and perpetrators may also privilege victims of recent conflict over other marginalized groups. In *Distributive Justice*, Pablo Kalmanovitz argues for social justice rather than corrective justice in certain cases. By mapping 'justice entitlements,' he points out that corrective justice as practiced through reparations focuses on victims of specific harms while erasing from view the needs of a broader group of the poor in society (p. 77). Translating his argument into a broad critique of transitional justice, we might say that foregrounding one set of harms and the groups who experienced them inevitably backgrounds those suffering from longstanding inequality, marginalization and deprivation.

By examining in detail the narrow narratives established by truth commissions, the biases of the liberal peace enterprise and the consistently underdiscussed aspects of conflict, these scholars expose the dangers of reducing conflict to singular narratives and perpetrators to indictable individuals. In conjunction with critiques regarding posttransition continuities and socioeconomic harms, these analyses argue for new approaches to postconflict reconstruction that take into account radical inequalities prior to and during conflict.

Rupture and Continuity

Describing particular places as 'transitional' invokes rupture. The idea of transition suggests the dramatic end of one era and the commencement of a new one. Among the reasons Stephen Holmes gives in *Distributive Justice* for questioning Colombia's classification as a transitional society is the lack of a major political break, despite the passage of the Justice and Peace Law instituting land restitution and other measures sometimes associated with transitional justice. Holmes points out that transition usually means that 'power has changed hands' (p. 425). Yet, many of contributions under review describe the dangers of assuming a radical break rather than mapping continuities from one regime to the next.

Even in classic cases of transition, such as South Africa, violence and inequality all too often persist from one era to the next. As Makau Mutua asks in *Rethinking Transitions*,

What kind of a lasting or effective solution would only focus on criminal sanctions for perpetrators while leaving completely unattended the moral and material needs of vulnerable individuals and groups in society? Would that not simply leave intact the power structures of yesterday and the fault lines that caused the pogroms in the first place? (p. 44)

Two lessons spring from these works: that a preference for past-centered justice may occlude present and future justice, and that the discursive or political assumption of rupture embedded in transitional justice frequently obscures comprehension of ongoing violence.

In *Distributive Justice*, several authors argue for present- and future-oriented conceptualizations of justice rather than past-centered corrective and retributive models. Kalmanovitz argues that an assumed preference for returning an individual or society to a pre-harm situation, according to the principles of corrective justice, makes little sense in cases of widespread war, since the prewar system cannot and in many cases should not be restored. Jon Elster offers a useful taxonomy, suggesting that allocations of land and resources could be based upon 'entitlements created by past holdings or past sufferings,' 'present needs, whether or not caused by armed conflict,' or efficiency in order to mitigate future resource scarcity. He suggests that the first would emphasize transitional justice, the second would stress distributive justice and the third might be based on either one (p. 22). Elster argues persuasively that anyone concerned with the injustices that led to war (in addition to those caused by it) must pay attention to distributive questions.

Although inextricably linked to the past, reparations may be reconstituted in terms of the future. Analyzing the need for carefully designed mechanisms to address questions of both past and future, Maria Paula Saffon and Rodrigo Uprimny make the case in *Distributive Justice* for 'transformative reparations,' a set of measures aimed at 'both the harm caused by the processes of victimization and the conditions of exclusion in which victims were living, and which allowed for, or facilitated, their victimization' (p. 391). They suggest that backward-focused reparations based on restitution and correction could not only reproduce prior inequalities but also in the process reinforce possibilities for future violence. Rather than understanding reparations as a way to guarantee the position of the past as history, they use reparations as an analytical and practical tool for addressing continuity.

In a chapter on justice, Gready argues that the TRC contributed to constructing a problematic dichotomy between political and criminal violence, primarily manifested through the restriction of amnesty for politically motivated violence alone. By emphasizing a break between past and present, defined in terms of past politics and current crime, the TRC failed to take full account of the continuity of violence. Gready argues that truth commissions should anticipate

that violent crime that may appear new is often both historically informed and rooted in ongoing experiences of social marginalization, political exclusion and economic exploitation. In essence, the past returns in the future. (p. 118)

The notion of a dramatic rupture that breaks past from present belies the unceasing legacies of an unequal and oppressive past.

Socioeconomic Harms and Inequality

In the broader literature, explanations for past occlusion of socioeconomic harms, inequality and structural violence might be classified in the following manner: (1) the human rights critique, arguing that transitional justice follows the bias of human rights in focusing on civil and political rights and liberal individualism at the expense of social and economic rights and collective or communal conceptions; (2) the transition critique, arguing that the influences on the field of late-20th century transitions and neoliberal peacebuilding have biased the field in favor of narrow interventions and economic solutions privileging international and national elites; and (3) the reparations critique, suggesting that the focus on reparations as the solution to economic questions in transitional justice has been insufficient in both concept and implementation.⁸

The authors under review focus on different resources (e.g., land, natural resources, income) and varying axes of political and economic inequality (e.g., the relative power between men and women or dominant and indigenous groups). Arguments for including questions of inequality and structural violence fall primarily into three categories of justification: pragmatic (based on sustainable peace and root causes), philosophical (based on distribution or equity after conflict) and sociological (based on survivors' preferences).

The first justification suggests that conflict will reignite if its fundamental causes – such as resource deprivation, inequality and land contestation – are left unexplored. All three books include this largely pragmatic argument: since the goal is sustainable peace and the conflict's original causal factors may persist, no intervention that neglects these concerns can be successful. *Rethinking Transitions* primarily focuses on this argument, with Brown et al. in particular maintaining that horizontal inequalities between groups (at the intersection of ethnic difference and economic and political differentiation) form root causes of conflict and, as a result, threaten sustainable peace. Several chapters in *Distributive Justice* echo this theme. Gready largely eschews the language of 'root causes' but follows the general argument that structural problems left unaddressed will either reignite conflict or reconstruct violence in a new way.⁹

⁸ Despite the recent flurry of interest in resolving the exclusion of socioeconomic harms from transitional justice, some have suggested that logistical limitations make such a fundamental change implausible. See, for example, Lars Waldorf, 'Anticipating the Past: Transitional Justice and Socio-Economic Wrongs,' *Social and Legal Studies* 21(2) (2012): 171–186. Gready cautions that while a 'contextualized history, and a more inclusive analysis and voicing of violations is a realistic aim [for truth commissions]... informed, strategic recommendations on everything from torture to education is not' (p. 215).

⁹ In a correlative point, Elisabeth Wood's analysis in *Distributive Justice* of land reform in El Salvador reconsiders the question of distribution *during* conflict, offering a twist on the notion that preconflict inequality is the most salient consideration for democratic transition. She argues that El Salvador's unlikely democratic transition became possible as a result of redistributive processes during the war. Wood contrasts El Salvador with Colombia, arguing that the intensified agricultural sector and concentration of land possession, among other factors, make a democratic transition less likely in the latter.

The second justification offered for including such issues in transitional justice suggests that the field should rely on a broader conception of justice that would include consideration of maldistribution, structural violence and inequality. These arguments tend to rely, explicitly or implicitly, on broader philosophical or political theories explaining a commitment to equality or distributive justice. Kalmanovitz takes this justification to its logical end, arguing that a preference for social justice should take precedence over corrective justice. Saffon and Uprimny's conception of transformative reparations and Rodríguez-Garavito's notion of collective ethnic justice highlight the particular requirements of groups and individuals in the aftermath of conflict and the need to attend to deeper structural and collective questions.

The last justification, derived sociologically, argues 'on behalf of' or relies on the voices of victims who prefer economic relief to narrative catharsis or prosecutorial excellence. Rodríguez-Garavito argues that reparations and land reform policies should take collective considerations into account because of the special nature of harms experienced by communities in Colombia and elsewhere. His argument reaches beyond compensation or restitution to include truth seeking and accountability. Each facet, however, depends on the particular needs of, and harms suffered by, indigenous and Afro-descendant Colombians.¹⁰

These diverse justifications for the inclusion of inequality in transition raise questions of their own. Some debate the empirical support for the arguments, including whether 'root causes,' particularly economic ones, actually (re)ignite conflict.¹¹ Most centrally, despite the authors' apparent consensus on the addition of distributional questions, their approaches reveal the possibility of contradictions among them. While Tamayo argues that natural resource questions have been backgrounded in the interest of civil and political rights violations, Ruiz-Giménez points out that with regard to conflicts in Africa there is frequently overemphasis on natural resources, which 'tends to conceal other factors that explain the origin and continuation of armed violence' (p. 237). The normative commitments or analytical reasons for arguing from 'root causes' do not necessarily match those for supporting redistribution.¹² Similarly, the articulation of needs in the aftermath of violence is unlikely to be the same among different groups within a population. Additionally, there is no guarantee that an immediate

¹⁰ See also, Peter Uvin and Ann Nee, 'Silence and Dialogue: Burundians' Alternatives to Transitional Justice,' in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*, ed. Rosalind Shaw and Lars Waldorf, with Pierre Hazan (Stanford, CA: Stanford University Press, 2010).

¹¹ For an argument that we do not yet have sufficient knowledge to argue for root causes as catalysts for further war, see, Susan L. Woodward, 'Do the Root Causes of Civil War Matter? On Using Knowledge to Improve Peacebuilding Interventions,' *Journal of Intervention and Statebuilding* 1(2) (2007): 143–170.

¹² Taking this argument one step further, Susan Marks incisively argues that the identification of root causes frequently removes the 'systemic context of abuses and vulnerabilities. . . Human rights violations are made to seem random, accidental or arbitrary,' which in turn makes their resolution difficult to contemplate. Susan Marks, 'Human Rights and Root Causes,' *Modern Law Review* 74(1) (2011): 75.

interest in economic relief matches a broader interest in, for example, redistribution or distributive justice. Finally, goals for growth and distribution may not necessarily cohere. Although Bergsmo et al. mention explicitly the ‘tension’ between the goals of distributive justice and economic efficiency, they suggest that the two must be ‘balanced’ without offering either a preference for one over the other or a metric for balancing the two (p. 2).

Conclusion

Through their often searing presentations of unsustainable peace, unequal transitions and unending violence, the authors under review argue that post-conflict reconstruction processes must themselves be transformed. Many suggest that the continuation of socioeconomic inequalities, longstanding structural violence and global inequity lie at the heart of transition today. Their critiques imply that minimal amendments to current approaches will not suffice. Brief forays into neighboring fields such as development or minimal additions to institutions or discourses will not alter core preoccupations with civil and political rights, narrow reparations, physical violence and past-focused justice.

In a few cases, the critiques explicitly question the capacity of transitional justice and human rights to challenge, rather than defer to, global power. Gready asks whether ‘transitional justice has become the conscience of transitional globalization without troubling its essential characteristics,’ thus locating the biases and limits of the field in a specifically global, violent, neoliberal era (p. 8). Mutua argues that the human rights movement’s focus on political rights leads to its position as an apologist for economic power: ‘[The movement] assumes the naturalness of the market and the inevitability of employer/employee, capitalist/worker, and subordinated labor relations. It seeks the regulation of these relationships but not their fundamental reformulation’ (p. 37). Political freedoms and democracy, he suggests, are of ‘limited utility in the struggle to empower populations.’ Human rights must grapple instead with ‘real human powerlessness and indignity in Africa,’ as well as with a ‘scandalous international order’ that suppresses gains for poor countries and citizens (p. 37). These are damning critiques that suggest a reformist mode of transition anchored in an amputated conception of human rights.

Yet, in many cases, the authors remain invested in both transitional justice and human rights. Characterizing himself as an ‘engaged skeptic’ with regard to the relevance of human rights and liberalism in Africa, Mutua advocates reimagining transitional justice with a more restorative focus that would deemphasize criminal law and reconstruct the ‘lost social balance’ that drives conflicts (p. 41). Far from rejecting truth commissions for the limitations he so astutely catalogs, Gready argues that transitional justice ‘is, or could be, at the forefront of reimagining how we think about human rights’ (p. 9) – a clarion call for the field’s continuation.

While the authors criticize the exclusion of socioeconomic rights from transitional institutions, few address directly the indeterminacy or plasticity of rights, the potential conflicts between rights or the limits of rights claims as reconstructive projects. As a longtime critic of rights, Mutua explicitly mentions some of these claims. Gready spends his conclusion responding to several of David Kennedy's critiques of human rights,¹³ but determines in the end that human rights and transitional justice still offer emancipatory possibilities. He argues that while human rights may be overtaken by legalism and uncritical approaches, transitional justice, with its hybrid priorities and genres, could become the avant-garde of transforming human rights into an emancipatory vocabulary. Similarly, his book offers significant testimony for the idea that transitional justice has been bound up in global processes of inequality and oppression. Yet, Gready views rights-based participation, which must inherently borrow from the human rights field he problematizes, as an answer to his own critique. The authors' combination of critique with redemption can at times create a disconnect between description and prescription.

These books offer two crucial lessons. First, through sophisticated critiques and detailed analyses of past institutions, ongoing conflicts and the evolution of professional fields, these authors refuse to excuse transitional justice based on institutional limitations. The logistical difficulty of including socioeconomic concerns or remedying societal inequalities does not, according to these works, permit scholars or practitioners to ignore their centrality to the project of transition. Second, these books present the complexity of reconciling fundamental critique with existing tools. Their analyses suggest that inequality has been a core aspect, rather than an incidental problem, of postconflict institutions, peace processes and transitional justice mechanisms. Changing institutional mandates or adding to existing toolkits may simply reinforce the status quo, strengthening the field's 'moral capital' without transforming its daily practice. These works challenge scholars and practitioners alike to reformulate transitional paradigms and practices in a manner that could seek to escape de Waal's indictment of humanitarianism. The question remains whether the field will 'emerg[e] strengthened' without reform or whether these critiques may contribute to its fundamental reconstruction.

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¹³ David Kennedy, 'The International Human Rights Movement: Part of the Problem?' *Harvard Human Rights Journal* 15 (2002): 101–125.

¹⁴ The author is grateful to Karen Engle and Lisa Kelly for their help with this essay.