

# Transformative Justice

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TRANSFORMATIVE JUSTICE, TRANSITIONAL JUSTICE, PEACEBUILDING ACTIVISM,  
REPARATIONS, DEVELOPMENT



"In our territory, we sow peace."  
Peasant Reserve Zone (ZRC) in Pradera, Valle del Cauca, Colombia. The ZRC is a bottom-up initiative that aims to overcome the agrarian roots of armed violence in Colombia.

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Over the last decade transformative justice has become a lens through which to critique orthodox transitional justice approaches, one that emphasises bottom-up approaches, socio-economic rights and social mobilisation instead of purely legalistic approaches. In this entry we discuss some limitations that the transformative justice agenda still faces, particularly its insufficient reach to practice beyond academic critique, and we discuss some entry points to start addressing these challenges: developments on the issue of reparations (in particular, feminist approaches), the Colombian experience, and reinvigorating the role of social mobilisation in aiming at transformative goals.

## Introduction

More than simply a clearly-defined agenda, transformative justice emerged as a critique of the traditional approach of orthodox transitional justice, with its emphasis on legalistic and top-down approaches, its narrow focus on victims of civil and political rights violations, and the way it replicated the liberal peacebuilding paradigm and all of its preconceived outcomes. In short, the critique offered by transformative justice stresses the importance of socio-economic rights, often overlooked by orthodox transitional justice. It is concerned more with the process than the end result, it favours bottom-up rather than top-down approaches, and it is not a teleological prescription of what post-conflict society should look like, instead making room for local agency in crafting post-violence futures.

While the concept has gained much traction in academic circles, however, its inroads into policy and practice have been rather modest to date. Nevertheless, examples do exist of what could be termed transformative justice in practice. Here we discuss three different entry points to such practice: rethinking transitional justice pillars, specifically reparations (with recognition of the particular importance of debates about women and reparations); country level-practice, a very good example being Colombia; and transformation from below through mobilisation and campaigns.

In the first entry point, reparations, there has been a clear tendency to move away from individual reparations (and restitution measures) towards more comprehensive and transformative measures that are collective in nature and often align with development goals. This has been very clear within feminist approaches that focus on the need to alter gender relations from a transformative perspective, as opposed to going back to the *status quo ante*. Second, the Colombian experience offers many insights into the challenges of transitional justice, but also illustrates some very interesting developments, such as the importance given by truth and memory institutions to socio-economic rights as a foundation for peacebuilding, an emphasis on collective rights and development as part of a reparations approach that benefits entire communities, and on alternative sanctions that are aligned with development. Finally, bottom-up mobilisations for justice over recent decades have demonstrated that movements are qualified by this process, new realities emerge, and objectives can be recalibrated. These experiences and the lessons learned over the last decade, since the transformative critique of transitional justice was first articulated, give us some excellent pointers as we seek to move

towards a positive definition of transformative justice based around the collective, social mobilisation as a prefigurative practice, and socio-economic rights.

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It has been a decade since transformative justice started to feature in earnest in the transitional justice lexicon (Gready & Robins, 2014; Boesten & Wilding, 2015). Since then it has become a term, a framework, even a rallying cry for assorted progressive critiques of transitional justice. In short, the critique offered by transformative justice emphasises the importance of socio-economic rights, often overlooked by orthodox transitional justice; it is concerned more with the process than with the end result; it favours bottom-up rather than top-down approaches; and it is not a teleological prescription of what post-conflict society should look like, instead making room for local agency in crafting post-violence futures.

While transformative justice has made significant inroads into academic commentaries on transitional justice, it has had more modest effects on mainstream approaches to policy and practice. Will the concept, like so many before it, come and go like a shooting star, unable to muster the political will for change and superseded by a new generation of critiques? Or will it incrementally alter viewpoints and practices, driven by a new generation of scholars and practitioners who are less bound by orthodoxy, and who are operating at the intersection of reform and more radical change?

Initial writing on transformative justice critiqued the fact that official transitional justice mechanisms – truth telling, justice and accountability, reparations, and guarantees of non-repetition – were helping to re-produce a narrow liberal peace paradigm. At best they provided it with a more human face, and at worst they facilitated (political) transition without (socio-economic) transformation (Gready & Robins, 2014) and reproduced colonial relations on a global scale (on this issue, see the entry on [Transitional Justice and Decolonisation](#) in this same encyclopaedia). Early evaluations of transitional justice also ‘produced mixed, even contradictory, findings’, leading to the conclusion that ‘at present there is neither a coherent evidence base nor clear policy guidance to support transitional justice interventions’ (Gready & Robins, 2020, pp. 289–90).

Transformative justice gathered together diverse critiques of state-led, institution-focused, top-down, legal and norm-driven approaches. It also critiqued their associated emphases on

spectacular violence, civil and political rights abuses, and an official buffet of mechanisms such as truth commissions. In response, transformative justice inverted many conventional assumptions. While it is clear that transitional justice alone cannot achieve societal transformation, it is equally clear that it could provide foundations, entry points, case studies, vocabularies and recommendations that will aid transformative outcomes.

Subsequent work augmented this initial definition in a number of ways. For example, transitional justice theories of change remain mired in normative claims and in-group assumptions based on linear and mechanism-based arguments, for example that prosecutions lead to deterrence, or that truth facilitates reconciliation. The very term 'transition' is clearly unable to encompass the diverse, multi-directional processes of change occurring in many of the places where it is applied. Transformative justice, in contrast, requires theories of change that are 'evidence-based, stakeholder-led, and complexity-focused' (Gready & Robins, 2020, p. 299). Gready and Robins (2020) went on to identify a new set of keywords – contingency, context, encounter, emergence, incrementalism – which suggested the need for more experimental, tentative and open-ended interventions.

Also, the definition itself was expanded in response to feedback, asking questions such as: where is the state and its responsibility? And is there no explicit focus on the past? A revised definition referenced the importance of local agency, process and pluralism (over singular paradigms and preconceived outcomes), addressing a violent past while acknowledging continuities and change between the past and present, and surfacing power, exclusion and the root causes of conflict at multiple levels, including the state (Gready, 2019, p. 27).

While it is true, as noted above, that transformative justice has made modest inroads in shifting the transitional justice mainstream, an enduring challenge is providing case studies to illustrate what it looks like in reality. However, examples do exist of what could be termed transformative justice in practice. Below, three different entry points to such practice are identified: rethinking transitional justice pillars, specifically reparations; country level-practice using the example of Colombia; and transformation from below through mobilisation and campaigns.

To begin with reparations, the basic lexicon of this pillar of transitional justice has remained unchanged for several decades. Reparations consist of: restitution (restoring something from the past); compensation (financial awards for injury and harm); rehabilitation (such as medical

and social services); satisfaction (public acknowledgement and symbolic redress); and guarantees of non-repetition (attempts to reform institutions, including the security sector, and cultural practices).<sup>1</sup> An important entry point for transformative reparations has been that often full restitution is undesirable – victims often do not want to be returned to their prior state when that prior state was characterised by marginalisation and exclusion (Uprimny, 2009). Instead of understanding reparations as a discrete field with a focus on individuals, corrective justice and non-discrimination, transformative reparations require us to think of collective measures, redistributive justice, and the links between reparations and other policy areas such as development (Gready, Gutiérrez, & Meza Cárdenas, forthcoming).

This argument has been most fully developed in relation to women’s reparations. For reparations to be transformative for women, apart from individual measures, broader attention needs to be paid to issues such as livelihoods, personal and community security, gender norms and discrimination, and more. A related contention is that in order to challenge the continuum of interpersonal, institutional and structural violence that women experience, a similarly holistic and intersectional approach to reparations is required (Manjoo, 2017). As the work of Manjoo and others (e.g. Szablewska & Jurasz, 2019) indicates, such approaches are increasingly informing policy and practice. Understanding the intersections of multiple sets of violence and oppression against different groups based on class, gender, race and other causes is necessarily a task that requires a focus on collectives rather than isolated individuals (see the entry on [Intersectionality](#) in this encyclopaedia).

Moving on to the second example, Colombia has become a veritable laboratory of new approaches to transitional justice. Colombia has a long history of both conflict and peace processes spanning decades. However, since 2006, when the Justice and Peace Law was enacted to facilitate the mass demobilisation of paramilitaries of the United Self-Defence Forces of Colombia (AUC), transitional justice has been a regular staple in attempts to overcome the endemic conflict that has plagued the country.

While aspects of the transitional justice programmes that have been implemented on issues such as truth, justice and reparations have been orthodox in their approach, many of them have

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<sup>1</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006, A/RES/60/147.

strong transformative elements. For instance, on the issue of truth, the works of the National Centre for Historical Memory have moved from simply 'naming and shaming' direct perpetrators to a systematic unveiling of the structural conditions that have allowed the reproduction of violence and patterns of victimisation. Its work has been conducted with an increasing focus on the participation of local communities and social movements that have been at the receiving end of this victimisation (on the origins of the Centre, see García, 2022; Pallí-Asperó, 2024). Likewise, the work of the Truth Commission emphasised socio-economic enquiry and long durée processes that have facilitated conflict and the resulting dispossession, particularly in agrarian contexts. Its recommendations highlight the need for transformative measures in order to address the root causes of conflict (Gready et al., 2023).

In the justice pillar, the country has moved from a model based mostly on simple punishment to one that places restorative measures and the rights of the victims at its centre. The Special Jurisdiction for Peace (JEP), which came into being after the 2016 peace agreement with the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP), has developed a mostly restorative focus (that is, it is more concerned with restoring pre-violation conditions than with structural change), but there have been some inroads into more transformative elements. In particular, Works and Infrastructure with a Restorative-Reparative Content (TOAR) is a mechanism to apply justice to perpetrators at the local level, by which they have to do work (typically infrastructure-related) that benefits communities that were victimised (Sandoval et al., 2022). Although TOAR operates mostly within the restorative paradigm, some of its effects can be transformative as the works benefit the bulk of communities, align reparation with development, and are also conducted along the lines of local and community-led traditional mechanisms of conflict resolution.

Finally, in terms of reparations, as its name implies, the Law of Victims and Land Restitution of 2011 was mostly focused on restorative measures, as opposed to more transformative ones. However, previous debates around this law have already discussed the need to address some transformative measures (Sánchez & Uprimny, 2010). Importantly, by emphasising the connections between conflict and the massive land concentration and rampant inequality in the country, this law brought the conversation on agrarian reform and structural changes in rural Colombia back to centre stage (cf. McKay, 2018).

Acknowledgement of the collective nature of victimisation led to the creation in 2016 of the Development Programmes with a Territorial Focus (PDETs), where reparations were envisioned as aligned with development focused on those regions particularly affected by internal armed conflict. Granted, the results of these measures have been underwhelming, with serious challenges in their implementation due to a mixture of insufficient political will, the cumbersome bureaucracy of peacebuilding, lack of institutional capacity, perennial underfunding and the persistence of conflict in those regions (Díaz et al., 2021). However, they have provided a compass and a road map for what transformative reparations could look like in practice from a community perspective. What is remarkable in this example is that, notwithstanding long-standing critiques by transitional justice scholars against equating reparations with development – since the former is specifically designed to redress victims, while the latter is an obligation of the state towards all citizens (see Laplante & Theidon, 2007; Balasco, 2018) – in Colombia the language of reparations has been closely aligned with that of development, largely led by pressure from victims and their movements (Gready, Gutiérrez, & Meza Cárdenas, forthcoming).

Third, there are lots of examples of movements and campaigns that have been transformative for those who take part in them. Sometimes the transformations achieved are independent of whether particular advocacy initiatives and campaigns are successful. Bottom-up mobilisations enable victim and survivor groups to develop what Madlingozi calls ‘civic competence’ (2010, p. 220) – the ability to sustainably champion justice and contest marginalisation, thereby challenging narrow, exclusive notions of victimhood and purely legal or institutional conceptions of citizenship. In short, mobilisation of this kind provides channels and discourses for ongoing public participation and resistance.

An illustrative example is Reading’s (2018) work on the Parramatta Girls Home, a site of institutionalised female and indigenous containment in Australia, and her concept of ‘restitutional assemblage’. She argues that restitution is more usefully conceived not as a ‘one-off, discrete or bounded process towards a particular goal’, but rather as ‘an assemblage of practices that involve unfinished processes and interventions that operate across a number of domains’ (ibid., p. 236). This assemblage of practices spans the material and economic, but also encompasses non-material realities (symbolic, affective/emotional, spiritual and cultural), and takes place across space/levels and time. Outcomes – enquiries, apologies, compensation

campaigns, academic and cultural coverage and more – are not finite but emergent, with new connections and priorities arising through processes of change. The restitutorial assemblage suggests that everything does not and indeed should not be done simultaneously; rather, actions should take place strategically over different time and space thresholds, recognising that it is this ongoing process which is critical in terms of creating a sense of justice that is truly transformative.

To summarise, the role of any critique of a mainstream approach is not purely a desire to overturn and replace it, but also includes intermediary goals such as asking critical questions and insisting that there are alternatives. With respect to the former, transformative justice has foregrounded questions such as who transitional justice is for, what its core assumptions and aims are, and so on. With respect to the latter, transformative justice has identified alternative priorities, vocabularies, practices and objectives. In raising questions and suggesting alternatives, transformative justice has added wind to the sails of broader trends in transitional justice scholarship and practice; examples include arguing that the field needs to be less of an island and should draw on insights from adjacent fields (development, security studies etc.) (e.g. Duthie, 2014; Urueña & Prada-Urbe, 2018); stating that informal mechanisms should be seen not just as complementary and supplementary to the formal but also as prefigurative engines of innovation and critique (Gready & Robins, 2017); and providing a stepping stone to other critiques of mainstream transitional justice, such as work on social ecologies and the need to include nature or the more-than-human in transitional justice thinking and practice (e.g. Gómez-Betancur, 2020; Lyons, 2023).

While ten years ago transformative justice was a critique of more traditional top-down and punitive approaches to transitional justice, today there is a much richer landscape of scholarship and practice to build upon. This landscape provides important entry points for future interventions, through the reshaping of some of the transitional justice pillars and via bottom-up mobilisations and prefigurative action that suggest more radical alternatives. The experience of Colombia in particular has provided examples of innovation alongside challenges related to implementation. This experience can inform future practice by highlighting that peace will only come when structural socio-economic inequalities and exclusions are addressed.

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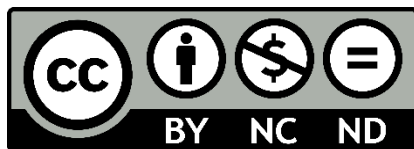
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