Contents

Preface	page xi		
List of Abbreviations			
Table of Cases	XV		
Table of Treaties, Peace Agreements, International Instruments,			
Legislation and Other Official Documents	xxiii		
1 Introduction	1		
I Two Dimensions of Transitional Justice			
and the same of th	3		
•	9 14		
III Approach and Argument IV Structure	17		
TV Structure	1/		
PART I HISTORY	19		
The Discourse of Transitional Justice: Objects, Concepts,			
Actors and Characteristics	21		
I Introduction	21		
II Discursive Space	22		
1 Objects	22		
2 Concepts	29		
3 Actors	34		
III Characteristics	38		
1 Comparative	38		
2 Technical	40		
a Multidisciplinary	41		
b Legalistic	42		
c Apolitical Façade	43		
3 Teleological	46		

		4 Liberal	47
		a Emphasis on Violations of Civil and Political Rights	
		and Physical Violence	49
		b Preference for Liberal Democracy	51
		c Sympathy for Capitalism	53
		5 Multilevel	56
		6 State-Centric	57
	IV	Conclusion	58
3	Th	e Birth of Transitional Justice: Emergence	59
	I	Introduction	59
	II	The Influence of the Argentine Experience	62
		1 Discursive Echo	67
		2 Shaping the Future	71
	III	Emerging from the Disappointment of Eastern Europe	76
		1 A Sense of Purpose	79
		2 A Feeling of Disappointment	83
		3 The Legacy of the Post-Communist Transitions	91
	IV	The Rise of International Criminal Justice	97
		1 The Internationalisation of Transitional Justice	101
		2 Characteristics of International Criminal Justice	108
	V	The South African Transition and the Expansion of the	
		Discourse	111
		1 Influence of the South African Truth and Reconciliation	
		Commission	117
		2 Characteristics of the South African Truth and	
		Reconciliation Commission	122
	VI	Conclusion	126
PAR'	ТП	PREHISTORY	129
4	Th	e Myth of Nuremberg: Origin	131
	Ι	Introduction	131
	II	Nuremberg As Origin	132
		1 The Role of Nuremberg	138
	Ш	Nuremberg As Transitional Justice	142
		The Choice of Nuremberg and Transitional Justice's	
	- '	Characteristics	146
	V	Illuminated and Obscured Aspects of Post-War	
		Transitional Justice	150
		1 Highlighted Aspects	150

Contents

ix

241

281

	2 Marginalised Aspectsa Soviet Contribution	154
		154
	b The Economic Dimension of Post-War Responses	157
	c Popular Justice	167
	VI Conclusion	172
5	The Cold War Impasse: Descent	173
	I Introduction	173
	II The Lost Forty Years	174
	1 International Criminal Law Arrested, International	
	Human Rights Law Freed	178
	2 National Trials in Southern Europe	185
	III Missing Histories, Excluded Mechanisms	193
	1 Proxy Wars and the Russell Tribunal	193
	a The Russell Vietnam War Crimes Tribunal	198
	2 Decolonisation and the Land Question	205
	a Land Reform	209
	3 Non-Liberal Transitions and Popular Tribunals	213
	a Popular Tribunals	217
	IV Conclusion	227
6	Conclusion	229
	I Recapitulation	229
	II Cross-Cutting Themes	230
	1 Implicit Normativity of Transitional Justice	230
	2 Transitional Justice and the Economic Sphere	231
	3 Definition of Violence	233
	4 Informal Mechanisms and Non-State Actors	234
	III Implications for Transitional Justice Today	235
	IV Wider Implications for the History of Ideas	237

Bibliography

Index