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**RETHINKING TRANSITIONAL JUSTICE THROUGH THE LENS  
OF STRUCTURAL VIOLENCE:  
TOWARD A NEW MODEL OF INTERVENTION FOR POST-  
CONFLICT SOCIETIES  
- DOCTORAL DISSERTATION -**



Surname: Chisari

Name: Chiara

Registration number: 875854

Supervisor: Prof. Tatjana Papić

Co-supervisor: Prof. Roberto Cornelli

Coordinator: Prof. Antonello Tancredi

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Prezime: Kisari (Chisari)

Ime: Kjara (Chiara)

Registracioni broj: 875854

Mentorka: Prof. dr Tatjana Papić

Ko-mentor: Prof. dr Roberto Cornelli

Koordinator: Prof. dr Antonelo Tankredi

**MILANO, BEOGRAD**

**ŠKOLSKA 2023/2024. GODINA**

## **The supervisor's background**

Professor **Tatjana Papić**,

Professor of Public International Law and International Human Rights Law

Union University School of Law Belgrade

Professor **Roberto Cornelli**,

Professor of Criminology

University of Milano-Bicocca School of Law

## Summary

This dissertation aims to delve into the concept of “structural violence” and define strategies for structurally transformative transitional justice that actively involve former perpetrators. After examining criticisms of transitional justice from proponents of transformative justice, this study acknowledges a lack of conceptual and operational clarity in their arguments. While these critics highlight the challenges transitional justice faces in promoting social change, they fail to thoroughly explore the characteristics of violent structures and methods for their transformation.

Building on this foundation, the research seeks to clarify the concept of structural violence by reviewing the existing literature on the subject. Moreover, key theoretical perspectives on social structure and power conceived in relational terms are examined. Subsequently, the study outlines essential features of transitional justice interventions capable of dismantling structural violence and promoting social transformation. Within this framework, emphasis is placed on the need for active involvement in peacebuilding processes not only of victims and civil society but also of perpetrators, who are often marginalized.

To support this claim, qualitative research findings are presented, focusing on the role of the ‘dissociation movement’ in countering Italian terrorism during the 1980s and its contribution to fostering a more just and peaceful society. Specifically, the research includes three semi-structured interviews conducted with former leftist terrorists.

Thus, this dissertation enriches the domain of transitional justice studies by advancing criminological understanding that incorporates structural violence, power dynamics, and the potential contributions of former offenders to processes of social pacification. Additionally, it introduces a conceptual framework that enables a macro-level analysis of mass violence, paving the way for new avenues of research into the study of violence.

**Keywords:** transitional justice, transformative justice, positive peace, structural violence, mass violence, mass crimes, former perpetrators, Italian terrorism.

**Scientific field:** Legal studies.

## Prošireni rezime

U periodu nakon ratova, masovnih zločina i teških grubih kršenja ljudskih prava, tranziciona pravda ima zadatak da pomogne zajednicama da se suoče sa svojom prošlošću. Strategije tranzicione pravde variraju u zavisnosti od konteksta, ali uglavnom imaju za ciljeve dostizanje pravde, otkrivanje istine, pružanje reparacija i garantovanje da se prošle povrede ne ponove. Sveobuhvatni cilj ove discipline jeste promovisanje mira putem efikasnih strategija za društvenu promenu i uspostavljanje egalitarnih odnosa među pojedincima.

Međutim, sve više raste svest o izazovima s kojima se disciplina tranzicione pravde suočava u potpunom ostvarivanju svojih, gore pomenutih, ciljeva. Kritičari ukazuju na neuspjeh tranzicione pravde u promovisanju društvene transformacije i, konkretnije, u dekonstrukciji strukturalno nasilnih društvenih dinamika – represivnih i nejednakih – koje leže u osnovi svakog sukoba. U ovom kontekstu, koristi se pojam “strukturalno nasilje,” koji treba tumačiti kao suprotnost “direktnom nasilju”, onom vidljivom i opipljivom nasilju koje vrše pojedinci. I dok su procesi tranzicione pravde često uspevali da obezbede negativni mir – odsustvo direktnog nasilja – značajno manje uspeha imali su u postizanju pozitivnog mira – tj. obezbeđivanju odsustva strukturalnog nasilja (Balint, Evans & McMillan, 2014; Evans, 2016; Gready & Robins, 2014; 2017; 2020; McGill, 2017; Mullen, 2015).

Sa stanovišta pozitivnog mira, izazov promovisanja društvenih promena nakon sukoba je tesno povezan s razumevanjem nasilja. Prilikom primene procesa tranzicione pravde, postoji tendencija da se sukobi razumeju “u okvirima prepoznatljivih krivičnih dela učinjenih protiv telesnog integriteta žrtve, formalizujući stav da sukob u većoj meri počiva na fizičkom nasilju nego na nejednakim društvenim strukturama” (McAuliffe, 2017, str. 38, moj prevod. Pogledati takođe Campbell & Turner, 2008, str. 376; Muller, 2015, str. 469-470). Drugim rečima, čini se da je tranziciona pravda u svom pristupu pitanju rešavanja sukoba usvojila previše pojednostavljen pristup opštem nasilju (ICTJ, 2021; 2022). Naime, nasilje se proteže izvan nasilnih dela koja se mogu direktno opaziti i uključuje visoko represivne društvene dinamike koje ga omogućavaju.

U vezi s tim, vredi napomenuti da masovno nasilje nije temeljno istraženo čak ni u drugim disciplinama poput sociologije, kriminologije i antropologije. Većina studija sprovedenih na ovu temu ima pristup na mikro nivou, fokusirajući se na karakteristike počinitelaca ili na razumevanje kako svakodnevnih interakcija između pojedinaca doprinose stvaranju društvenog značenja i identiteta. I dok ove analize takođe razmatraju grupno ponašanje, a ne samo direktne interakcije, retko tretiraju nasilje kao silu samo po sebi, a ni ne

istražuju strukturalne dinamike koje uključuju široke segmente društva pri izvršenju masovnih zločina. Dakle, uprkos nekolicini izuzetaka (Farmer, 2004; Galtung, 1969; Scheper-Hughes & Bourgois, 2004), čini se da postoji otpor prema dubljem istraživanju masovnog nasilja.

Nadovezujući se na gore izložena razmatranja, ova disertacija ima dva osnovna cilja. Prvo, ima za cilj da pojasni pojam “strukturalnog nasilja,” koji se trenutno nalazi u središtu kritičke rasprave o tranzicionoj pravdi, ali ostaje donekle nejasan. Drugo, nastoji da definiše karakteristike koje bi slučajevi tzv. *transformacione* tranzicione pravde trebalo da poseduju, a koje bi garantovale njihovu sposobnost da promovišu društvene promene i dekonstruišu strukturalno nasilje.

Polazeći od tvrdnje da je postojeća konceptualizacija tranzicione pravde u teoriji i praksi neadekvatna da promoviše pozitivan mir, glavna hipoteza disertacije je da je neophodno posvetiti više pažnje društvenoj strukturi konfliktnih zajednica. Pomoćna hipoteza je da razmatranje društvene dinamike i strukture omogućava ustanovljavanje egalitarnog sistema, koji unutar zajednica omogućava miroljubivu koegzistenciju.

Radi poreravanja hipoteza i postizanja prvog cilja doktorske disertacije, istraživanje predlaže interpretativni pristup koji počinje pregledom postojeće literature o strukturalnom nasilju. Poseban naglasak stavljen je na dela Johana Galtunga (1969) i Pola Farmera (2004), gde se strukturalno nasilje pojavljuje kao nejednakost u raspodeli moći koja rezultira sistemskom štetom. Međutim, ključne za evoluciju predmetnog istraživanja su bile kritike upućene ovim studijama, koje ističu nejasnoće u konceptima koje su predstavili navedeni autori. Konkretno, ideja strukturalnog nasilja se kritikuje zbog preklapanja sa različitim oblicima dominacije – poput imperijalizma, eksploatacije ili patrijarhata – koji nanose štetu pojedincima. Ovo vodi do netačne ekvivalencije između (strukturalnog) nasilja i (nejednakih) odnosa moći, kao i između (nejednakih) odnosa moći i štete. Dodatno, iako se strukturalno nasilje nalazi unutar nejednakih odnosa moći, karakteristike i dinamike ovih odnosa nisu temeljno razrađene.

U cilju razmatranja gorepomenutih nedostataka, ova disertacija pre svega ispituje koncept društvene strukture, posebno se oslanjajući na marksizam, strukturalni funkcionalizam i strukturalizam. Ovakva analiza dozvoljava da se prepozna inherentno relaciona prirodu društvene strukture, u osnovi prikazujući sistem međusobno povezanih komponenata. Dodatno, dok razmatrane perspektive ističu ograničavajući uticaj društvene strukture na ljudsko ponašanje, istovremeno sugerišu da je društvena struktura aktivno uključena u proces kontinuiranog strukturiranja, dekonstruisanja i restrukturiranja, koji svi zavise od ljudskih radnji. Drugo, disertacija proučava karakteristike nasilne strukture – odnosno, društvene strukture koju karakterišu asimetrični odnosi moći. Konkretni cilj bio je da se uoče

karakteristike dinamika moći koje su inherentne nasilnim društvenim strukturama. S obzirom na to da društvena struktura obuhvata međusobno povezane komponente, analiza se oslanja na relacione perspektive moći. U tom kontekstu, rad Mišela Fukoa (1984) se pokazao ključnim, a posebno razlika koju uočava između odnosa moći i stanja dominacije. Prema Fukou, definišuća karakteristika moći je sloboda. Naime, odnosi moći mogu postojati samo u meri u kojoj su pojedinci slobodni, i konkretno, kada pojedinci mogu pružiti otpor arbitrarnim i represivnim ekspresijama moći usmerenih protiv njih. U situacijama gde je otpor nemoguć, nastaju *stanja dominacije* – tj. *visoko asimetrični odnosi moći karakterisani odnosom dominantnog/dominiranog gde je prvi podvrgnut represiji bez mogućnosti reakcije*.

Stanja dominacije se smatraju celovitim izrazom onoga što predstavlja strukturalno nasilje, jer odgovaraju na sve ranije izloženim kritike. Osim toga, omogućavaju pojašnjenje dinamike koja (1) povezuje strukturalno nasilje s izvršenjem masovnih zločina, kao i (2) pojašnjenje karakteristika odnosa moći koje čine strukturalno nasilje. U odnosu na pravu tačku, ističu se dve različite dinamike. S jedne strane, dominirani akteri se mogu prihvatiti nasilja protiv dominantnih subjekata kako bi izborili prostor slobode unutar odnosa moći. S druge strane, dominantni subjekti se mogu okrenuti nasilju protiv dominiranih kako bi očuvali postojeće stanje stvari i održali svoj položaj. U odnosu na drugu tačku, Fuko ističe da stanja dominacije nisu nadređene strukture koje usmeravaju ponašanje; one dobijaju oblik i manifestuju se kako u *represivnim međusobnim odnosima*, tako i u *obimnim mrežama/sistemima dominacije* koji međusobno jačaju jedni druge. To implicira da se strukturalno nasilje razvija kroz stalnu interakciju između individualnih akcija i strukturalnih dimenzija, kako je sugerise i postojeća literatura o društvenim strukturama.

Navedeno pojašnjenje se pokazalo ključnim za postizanje drugog cilja disertacije, a to je utvrđivanje karakteristika tzv. transformativne tranzicione pravde koja je sposobna da promoviše društvene promene i dekonstruiše strukturalno nasilje. Pošto se strukturalno nasilje razvija u stalnom dijalogu između individualnih radnji i strukturalnih dimenzija, traženje transformativnih rešenja u tranzicionoj pravdi počelo je dubinskim istraživanjem odnosa između radnje/ponašanja i strukture. Kao posebno značajna, identifikovana je teorija morfogeneze Margaret Arčer (2007). Prema toj autorki, društvene strukture mogu biti transformisane putem procesa kritičkog razmišljanja koje uključuje pojedince, kao i kroz intervencije koje se bave kulturnim i strukturalnim dimenzijama društava.

Na osnovu navedenog, u disertaciji su izložene transformativne strategije za tranzicionu pravdu. To uključuje razlikovanje između dva nivoa intervencije, zasnovano na karakterizaciji strukturalnog nasilja. Konkretno, budući da se strukturalno nasilje (stanja dominacije)

manifestuje i u sistemima dominacije i u represivnim međuljudskim odnosima, oba ova aspekta su razmatrana. Prvo, *transformacija sistema dominacije* podrazumeva promovisanje sistema koji priznaje sve članove društva kao ravnopravne učesnike u društvenim interakcijama. Sledeći model koji je razvila Nensi Frejzer (1997; 2000; 2003), ovo zahteva sprovođenje strategija prepoznavanja i redistribucije unutar transformativnih paradigmi – drugim rečima, promovisanje radikalne transformacije socioekonomskih sistema i dekonstrukciju tradicionalnih kulturnih obrazaca. Drugo, *transformacija represivnih međuljudskih odnosa* zahteva pretvaranje tih odnosa u odnose između ravnopravnih subjekata. To uključuje preispitivanje psihosocijalnih i kulturnih hijerarhija koje uspostavljaju nadređene i podređene nivoe između različitih grupa uključenih u sukob. Konkretno, to podrazumeva angažovanje u dijalogu sa dominiranim i dominantnim subjektima, bez obzira da li su žrtve ili bivši počiniooci. Cilj je poboljšati njihovu “refleksivnu sposobnost” (Archer, 2007) i promovisati “osvešćivanje” (Freire, 1968; Galtung, 2004), produblјivanje svesti o sistemskim strukturama represije koje pokreću društvene dinamike i leže u osnovi nasilja. Istovremeno, to podrazumeva uključivanje i dominantnih i dominiranih subjekata u proces delovanja sposoban da dekonstruiše nasilnu strukturu i izgradi novu, miroljubivu.

U ovom procesu, kako žrtve tako i bivši počiniooci se prepoznaju kao akteri promene. To je ključno jer je preovlađujuća tendencija u slučajevima primene procesa tranzicione pravde nakon sukoba da se aktivno ne uključuju bivši počiniooci zločina. Naprotiv, oni se često doživljavaju kao da imaju samo pasivnu ulogu, uz pretpostavku da imaju malo toga da ponude zajednici pogođenoj sukobom. Međutim, uvidi iz literature o rehabilitaciji bivših počinilaca, zajedno sa ograničenim iskustvima tranzicione pravde, ukazuju da transformacija nasilne strukture zahteva njihovo aktivno učešće.

Ova tvrdnja je u disertaciji testirana na primeru italijanskog *Movimento della Dissociazione* (Pokret za disocijaciju), koji je uključivao bivše teroriste tokom 1980-ih godina. Konkretno, Pokret za disocijaciju je postavio sebe kao aktivnog pokretača društvenih i političkih promena u post-terorističkom italijanskom društvu, sa ciljem doprinosa procesu društvene pacifikacije tokom tih godina. Kako bi se istražio ovaj fenomen i razumela njegova vrednost i uticaj, sprovedeno je istraživanje, uključujući analizu dokumenata koje su napisali *dissociati* (disociirani) tokom njihovog boravka u pritvoru i tri polu-strukturirana intervjua s bivšim levičarskim teroristima. Posebno, intervjui su pružili mogućnost korisnih uvida za razumevanje kako su bivši teroristi doživeli proces disocijacije i kakav značaj je on imao za njih.



U celini, nalazi sugerišu da je Pokret za disocijaciju služio kao masovni pokret za pacifikaciju, doprinoseći istovremeno rušenju strukturalnog nasilja. *Dissociati* su se slobodno angažovali u javnoj samorefleksiji o svojoj prošlosti, uključujući u to i institucije i civilno društvo. Ovaj proces kulminirao je odricanjem od nasilja kao sredstva političke borbe i podstakao opadanje terorizma u Italiji. Takođe, *dissociati* su igrali proaktivnu ulogu u radikalnoj transformaciji italijanskih zatvora, promovišući pravednije odnose moći unutar italijanskog društva. Dalje, Pokret za disocijaciju uspešno je pozicionirao bivše teroriste kao verodostojne ličnosti u očima institucija, vraćajući njihove brige u javni diskurs. Ovo je značajno jer je jedan od faktora koji su doprineli eskalaciji terorističkog nasilja u Italiji bio i percipirani nedostatak volje političkog establišmenta da se bavi društvenim i političkim zahtevima (strukturalno nasilje). Stoga, spremnost institucija da se angažuju sa *disociranima* u javnim diskusijama označava korak ka ponovnom uspostavljanju ravnoteže odnosa moći.

Iako se italijanski slučaj razlikuje od onih koji su tipično obuhvaćeni tranzicionom pravdom, ova disertacija pokazuje da pruža dragocene uvide za programe transformativne tranzicione pravde. Zaista, postignuća italijanskih bivših terorista ističu važnost razvijanja strategija koje aktivno uključuju bivše počiniocce u suočavanju sa strukturalnim nasiljem. Karakteristike ovih strategija ne mogu se skicirati u apstraktnim terminima, već se moraju definisati na osnovu specifičnih karakteristika sukoba, dinamike koja je dovela do vršenja nasilja, otvorenosti civilnog društva i spremnosti bivših počiniocca da se angažuju u izgradnji mira. Ipak, suštinska promena u perspektivi koja podstiče razumevanje da bivši izvršiocci mogu služiti kao vredni resursi za pozitivne promene jeste ključna.

U zaključku navodim da je istraživanje pojasnilo pojam strukturalnog nasilja i, kao rezultat toga, istaklo karakteristike onih intervencija tranzicione pravde koje su zaista transformativne. Kao što je pretpostavljeno, temeljno istraživanje strukturalno nasilnih dinamika sukoba ključno je sa stanovišta promovisanja društvenih promena i pozitivnog mira, omogućavajući identifikaciju i rešavanje dubinskih uzroka sukoba. Sukob, zapravo, nije nagla manifestacija direktnog nasilja; on zavisi od stabilnog oblikovanja opresivnih sistema dominacije i međuljudskih odnosa (strukturalno nasilje) koje tranziciona pravda mora transformisati i učiniti egalitarnim. Na primeru italijanskog terorizma, disertacija je takođe pokazala da transformacija nasilne društvene strukture zahteva aktivno uključivanje zajednice koja je pogođena sukobom, uključujući i bivše učinioce krivičnih dela.

**Ključne reči:** tranziciona pravda, transformativna pravda, pozitivan mir, strukturalno nasilje, masovni zločini, masovno nasilje, bivši učiniooci krivičnih dela, italijanski terorizam.

**Naučna oblast:** Pravne nauke.

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PCIJ, *Chorzów Factory (Germany v. Poland)*, Judgment (Merits), Series A, no. 17, 13 September 1928.

## Introduction

We live in an era where violence is apparent. The term ‘violence’ is used in diverse contexts, encompassing not only situations marked by aggression, rage, hatred, massacres, cruelty, and collective atrocities but also by the ‘subtler’ violence of economic domination, the dynamics between capital and labor, the significant disparities between the global North and South, not to mention the pervasive ‘ordinary’ violence – if one may call it that – toward the most vulnerable: women and children, who are often excluded from the social system. This violence can manifest in various forms, including state violence, individual acts, or even collective atrocities. Concurrently, there is a noticeable surge in fundamentalisms, nationalisms, or conflicts arising from ‘competing sub-national identities’ (Héritier, 1996, p. 10, my translation).

This is the introduction to a report delivered by the French anthropologist, ethnologist and feminist Françoise Héritier during a seminar on violence held between January and March 1995 at the Collège de France. Unfortunately, it appears that not much has changed since then. Although rates of violence witnessed a decline over the twentieth century due to the progressive processes of civilization and modernization (Eisner, 2001; 2003; Gurr, 1981; Pinker, 2011), violence remains prevalent. Specifically, the twentieth century was marked by wars, genocide, and mass violence of exceptional scale and intensity, earning it the title of the “century of darkness” (Todorov, 2001, my translation). The initial decades of the twenty-first century seem no less turbulent, as current events confirm. While the war in Ukraine and the conflict in Palestine dominate today’s headlines, there are numerous overlooked conflicts persisting in other parts of the world. Ongoing armed conflicts in Afghanistan, Haiti, Mali, Sudan, and Yemen claim victims despite receiving little attention.<sup>1</sup>

Thus, mass violence appears to be a defining characteristic of our time, affecting thousands of people daily. However, its impact extends beyond the immediate acts of violence. Even when weapons fall silent and atrocity crimes cease, violence continues to present significant challenges. Post-conflict societies must move forward, grapple with the suffering of victims, hold perpetrators accountable, and prevent mass crimes from happening again.

Defining effective strategies to achieve these objectives is a complex task. However, in the last two decades of the previous century, efforts toward social pacification took a formalized shape, leading to the emergence of the field of transitional justice. Essentially, transitional justice encompasses a set of processes and mechanisms aimed at helping post-conflict societies

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<sup>1</sup> See the Report on *Forgotten Armed Conflicts* by the Centro Studi di Politica Internazionale (CeSPI), July 2023 at <https://www.parlamento.it/application/xmanager/projects/parlamento/file/repository/affariinternazionali/osservatorio/approfondimenti/PI0202.pdf> (accessed on 20/1/2024).

to deal with the legacies of massive human rights violations (UNSC, 2004, para. 8). It is a dual process, involving both retrospective and prospective elements. On one hand, it entails a critical examination of the past, holding individuals accountable and attempting to identify the causes of violence. On the other hand, it looks toward the future, with the ultimate goal of fostering peaceful coexistence.

From this perspective, promoting social change becomes crucial for transitional justice (Haldemann, 2023, p. 18; Sandoval, 2014). Peace, in fact, does not solely entail the absence of large-scale violence (so-called negative peace); it also signifies the absence of conditions that could imply violence (so-called positive peace) (Galtung, 1968; 1969). More precisely, positive peace corresponds to the establishment of egalitarian relationships between individuals. To establish and maintain positive peace, processes must be implemented “which foster and strengthen local capacity to deal with the past, to engage with the present, and to shape the future in ways which do not exclude, oppress, or divide” (Pearce, 1997, p. 448). Thus, within the framework of transitional justice interventions, there is a need to deeply investigate conflict dynamics and bring about a change at the level of social dynamics, making them more sustainable and peaceful.

If these are the intentions, there is growing awareness today of the challenges faced by transitional justice in fully realizing them. Critics, in particular, point out the field’s failure to promote social transformation and, more specifically, to deconstruct the structurally violent social dynamics – oppressive and unequal – that underlie conflicts. In this context, the term “structural violence” is employed, a notion to be interpreted as opposed to “direct violence” – that is, visible and tangible violence committed by individuals. While transitional justice processes have often succeeded in ensuring negative peace – the absence of direct violence – they struggle, however, to achieve positive peace – the absence of structural violence (Balint, Evans & McMillan, 2014; Evans, 2016; Gready & Robins, 2014; McGill, 2017; Mullen, 2015).

From this standpoint, the challenge of post-conflict social change is intricately connected to the understanding of violence. Within transitional justice interventions, conflicts tend to be framed “in terms of identifiable criminal acts against the victim’s body integrity, formalizing an attitude that the conflict revolved more around physical violence than unequal social structures” (McAuliffe, 2017, p. 38. See also Campbell & Turner, 2008, p. 376; Muller, 2015, pp. 469-470). In other words, it appears that transitional justice has addressed the issue of conflict resolution by taking an overly simplistic approach to widespread violence (ICTJ, 2021; 2022). Indeed, violence extends beyond directly observable violent acts and involves highly oppressive social dynamics that enable it.

In this regard, it is worth noting that mass violence has not been thoroughly explored even within other disciplines. In her essay *On Violence*, Hannah Arendt notes that “violence has always played an enormous role in human affairs – yet, surprisingly, violence has rarely been chosen as an object of special attention” (1970/2021, p. 11, my translation). She specifically points out that “there is a large literature on war, but it deals with the means of violence, not with violence as such” (Arendt, 1970/2021, note 6, my translation). Anthropology, sociology, and, to some extent, criminology have been treated mass violence residually, considering it as a culmination of conflict or as a means to achieve an interest, rather than as a phenomenon deserving attention in its own right (Corradi, 2009, p. 87; Dei, 2005, pp. 8-10; Fanon, 1961/2007, p. 5; Merzagora, 2019, p. 49). Moreover, ideas from anthropology and criminology have been misused to perpetuate racism and extermination (Merzagora, 2019; Scheper-Hughes, 2002/2006, p. 274).

Since the second half of the last century, there has been a growing interest in collective violence, partly due to changes in the nature of war and violence, which have become increasingly widespread and harmful to civilians (Dei, 2005, p. 12). A number of significant studies have emerged on this subject, pioneering research in this area. Key areas of extensive research include the interplay between identity and violence, processes of inclusion and exclusion from social groups (ingroup/outgroup), and practices of dehumanization (Amartya, 2007; Bandura, Underwood & Fromson, 1975; Bar-Tal, 1989; 1990; Ceretti & Natali, 2019; de la Roche, 1996; 2001; Mann, 2005). Additionally, scholars have explored issues such as the denial of responsibility and the role of obedience (Milgram, 1977) or contextual factors in the commission of atrocities (Zimbardo, 2007). However, many of these studies have taken a micro-level approach, focusing on the characteristics of perpetrators, or understanding how everyday interactions between individuals contribute to the construction of social meaning and identity. While these analyses also consider group behavior and not just face-to-face interactions, they have rarely treated violence as a force in itself, nor have they investigated the structural dynamics involving broad segments of society in the commission of atrocity crimes. Despite a few exceptions (Farmer, 2004; Galtung, 1969; Scheper-Hughes & Bourgois, 2004), there appears to be a reluctance to deeply investigate mass violence. As noted, “[s]ocial evil has not been sufficiently respected; it has been deprived of the intellectual attention it deserves. Evil is a powerful and sui generis social force. It must be studied in a direct and systematic way” (Alexander, 2001, p. 153).

Building on these considerations, this research has two primary objectives. First, it seeks to investigate violence, with a specific focus on its structural dimension. The aim is to delve



into the concept of “structural violence” which is currently at the center of the critical debate on transitional justice but remains somewhat unclear. Second, the research aims to develop new approaches for transitional justice capable of fostering social change. By shedding light on the characteristics of structural violence, the objective is to understand how it can be dismantled – how the violent structural dynamics of mass violence can be disrupted and transformed.

This dissertation endeavors to achieve these objectives across four chapters. Chapter I explores the origins and evolution of transitional justice. Initially conceived as a set of exceptional practices to address exceptional political situations, transitional justice has evolved toward progressive normalization, establishing itself as a valuable toolkit for fostering peace in various contexts. The field’s evolution has also entailed increasing standardization, with contemporary strategies in post-conflict settings revolving around four key components: criminal prosecutions, truth-telling, reparations, and guarantees of non-recurrence. The Chapter delves into these four dimensions to underscore their significance in transitional justice processes. Additionally, it investigates contemporary critiques of transitional justice, illuminating the nexus between the field’s existing limitations and its evolutionary path. In this context, particular emphasis is placed on those critiques advocating for a more transformative approach to transitional justice, aiming to prompt social change by dismantling structural violence. Nevertheless, it is acknowledged that these stances lack practical specificity and conceptual clarity. Indeed, they do not shed light on what should be meant by structural violence and do not delve deeply enough into how violent structures can be transformed.

Chapter II investigates the notion of structural violence, aiming to make it operational for transitional justice purposes. It starts by examining Johan Galtung’s (1969) definition of the concept, placing it within the context of his studies and reflections. Then, the analysis considers how it has been employed in literature, with a focus on Paul Farmer’s research (2004). Together, these works show that structural violence is mainly understood as inequality in the distribution of power – or asymmetrical power relations – resulting in systemic harm. However, these perspectives have not been without criticisms, which are examined throughout the Chapter. This provides interesting insights, enabling the identification of two outstanding issues related to structural violence, namely (i) *What are the characteristics of a violent structure and what does power have to do with it?* (ii) *What is the relationship between structure and human action and how can violent structures be transformed?*

The second part of the Chapter aims to address the first of these questions. Firstly, it investigates the concept of social structure, by delving into the understanding provided by Marxism, structural functionalism, and structuralism. These perspectives help to grasp the

inherently relational nature of social structure, essentially representing a set of interconnected components. Secondly, the Chapter explores the features of a violent structure – that is, a social structure characterized by asymmetrical power relations. The specific aim is to discern the characteristics of the power dynamics inherent in violent social structures. Given that social structure comprises interconnected components, the analysis relies on relational perspectives of power. In this context, special emphasis is given to Michel Foucault’s work, particularly his distinction between power relations and states of domination. This author’s thoughts have been pivotal for this research, particularly because the notion of states of domination appears to perfectly encapsulate what structural violence is without oversimplifying the relationship between it and unequal power relations. The Chapter concludes by investigating how states of domination (structural violence) lead to mass violence.

Chapter III aims to tackle the second question regarding structural violence, namely *What is the relationship between structure and human action and how can violent structures be transformed?* Building on the insights from Chapter II, Chapter III contends that structural violence develops within a permanent dialogue between individual action and structural dimensions. Consequently, understanding how to transform violent structures requires exploring further the intricate relationship between action and structure. To this aim, the Chapter considers the works of Alain Touraine, Pierre Bourdieu, Anthony Giddens, and Margaret Archer, who seek to explain human behavior by transcending both subjectivist and objectivist perspectives. Among them, Margaret Archer’s morphogenetic theory emerged as the most promising. According to the author, social structures can be transformed, through a process of critical thinking of individuals, fostering innovative action that diverges from behavioral patterns dictated by the structure.

After critically examining Archer’s thoughts in the context of post-conflict scenarios, the Chapter endeavors to outline transformative strategies for transitional justice. This involves distinguishing between two levels of intervention, based on the characterization of structural violence defined in Chapter II. Since structural violence (states of domination) manifests in both systems of domination and oppressive inter-individual relationships, transformative strategies should address both aspects. From the first point of view, the Chapter explores interventions aimed at promoting a system that acknowledges all members of society as equal participants in social interactions. From the second point of view, the focus is on how to transform oppressive interpersonal relationships into relationships among equals. Throughout the transformative process, both those who perpetrated the violence and those who endured it are viewed as potential agents of change.

The concluding section of the Chapter highlights several challenges that transitional justice may encounter in promoting transformation, with a central emphasis on the issue of participation. Specifically, issues related to (i) the ability to participate, (ii) the willingness to participate, and (iii) the opportunity to participate are explored. Particular attention is devoted to whether post-conflict interventions can provide all social actors with an equal opportunity to participate in the processes they promote. Indeed, there seems to be some reluctance in ensuring the full participation of former perpetrators, since they are perceived not as agents of change but as recipients of assistance, assumed to have little to offer to the community. On the contrary, the analysis will endorse their active involvement as crucial for achieving the transformation of the violent structure.

Expanding on these considerations, Chapter IV considers Italian terrorism in the 1970s. The primary aim of the Chapter is to identify compelling reasons that can foster a more inclusive approach toward former perpetrators to benefit transitional justice processes. In this regard, the 1980 *movimento della dissociazione* (dissociation movement) emerges as particularly significant. This movement actively sought to reduce terrorism in Italy and promote peace and social change. Consequently, the analysis of this experience allows for the assessment of whether former perpetrators can serve as valuable resources in transitional justice initiatives as agents of change, contributing to the transformation of violent structures.

In this perspective, the Chapter begins by exploring the various interpretations of Italian terrorism in existing literature, placing a specific emphasis on left-wing terrorism. The analysis aligns with the interpretation of mass violence presented in the previous chapters. Subsequently, the strategies employed by Italian authorities to counter terrorism are reviewed, focusing on the measures in favor of *pentiti* (repentant individuals) and *dissociati* (individuals who dissociated from the armed struggle). Finally, the Chapter investigates the impact of the dissociation movement on the oppressive structures of Italian society and its relevance for the decline of terrorism and social pacification.

To this aim, it employs a mixed methodology, involving document analysis and qualitative research. Document analysis concerned writings authored by *dissociati* during their detention, which were published in newspapers and magazines. About the qualitative research, three semi-structured interviews were carried out with former leftist terrorists. This enables exploration of the experience of dissociation, understanding how interviewees went through it and the significance it held for them. The analysis focuses on two main aspects. Firstly, it looks at the critical reflection undertaken by the *dissociati*, which took shape within the context of a comprehensive public discourse that involved not only the former terrorists themselves but also

institutions and civil society. Secondly, it explores the *dissociati* efforts in promoting the radical transformation of Italian prisons. This allows the assessment of the role the dissociation movement played in pacification and brings out valuable insights for redesigning transitional justice efforts for post-conflict societies.

The Conclusion of the dissertation presents the findings of all the research, with a particular emphasis on defining the concept of structural violence and its relationship with power dynamics. Furthermore, it summarizes the key attributes that transitional justice interventions should possess to effectively facilitate social change and, consequently, successfully dismantle structural violence.

## Chapter I

### From transitional to transformative justice: evolutions in dealing with the past.

#### 1. Transitional justice: between conceptual and operational developments.

In recent decades, transitional justice has emerged in both academic and political discourse. It involves a set of theories and practices aimed at addressing past violence, war, and human rights violations while promoting democratization, peace, and reconciliation. While there is no consensus on the origin of the term ‘transitional justice,’<sup>2</sup> it gained prominence around 1995 with the publication of Kritz’s three-volume study *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Arthur, 2009, p. 330). Before this, the field was often referred to as “justice after atrocity” or “retroactive justice” (Quinn, 2017, p. 11).

Over time, transitional justice became widely recognized, with programs implemented globally in countries such as the former Yugoslavia, East Timor, Colombia, and Tunisia. Numerous transitional justice institutions, including truth commissions and war crimes tribunals, were established. Specialized organizations and institutes supporting transitional justice emerged, which has also become a successful academic subject area. Scholars from diverse disciplines contributed, leading to its recognition as “a sub-discipline with interdisciplinary qualities” (Ohlin, 2007, p. 51). In 2011, Resolution 18/7 of the Human Rights Council appointed a UN Special Rapporteur responsible for promoting transitional justice concerns. The field is now commonly referred to as the “TJ industry,” consisting of “teams of experts, consultants, standardized software packages, or data management” (Theidon, 2009, p. 296). Furthermore, transitional justice has evolved into a global governance practice, endorsed by the international community as a privileged tool for sustaining peace universally.

Although transitional justice enjoys widespread popularity, defining it precisely remains challenging. The theoretical conceptualization of the field is still underdeveloped, with no single definition universally accepted (Boraine, 2006, p. 17; de Greiff, 2012, p. 32; Roht-Arriaza, 2006, p. 1; Ohlin, 2007, p. 51). Several factors contribute to this challenge, including

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<sup>2</sup> Teitel (2020) asserts authorship of the phrase in 1991. However, according to Arthur (2009, p. 329-330, note 23), ‘transitional justice’ had been mentioned earlier by philosopher Milton Fisk in 1989 (Fisk, M. (1989). *The State And Justice: An Essay in Political Theory*. Cambridge: Cambridge University Press, p. 304) and in a 1948 book on the US occupation of New Mexico (Poldevaart, A.W. (1948). *Black-Robed justice: A history of the administration of justice in New Mexico from the American occupation in 1846 until statehood in 1912*. Historical Society of New Mexico).

the interdisciplinary nature of the field, its practical orientation, and, notably, its dynamic nature, continually evolving over time (Buckley-Zistel, Beck, Braun & Mieth, 2014, p. 3).

This lack of clarity may pose difficulties for those new to the field. However, it also presents challenges for developing innovative ideas. To tackle this issue, the upcoming sections aim to bring some order to the subject. Instead of offering a definitive definition of transitional justice, the objective is to delve into its origins, development, and current state. This examination will highlight the field's shortcomings, aiding in their understanding and eventual resolution – a central goal of this research. Essentially, the primary aim is to establish a theoretical framework for interpreting subsequent critical reflections.

### **1.1. Birth and evolution of the field: from exceptionalism to normalization.**

While transitional justice gained widespread attention in the 1990s, its roots extend further into history. However, pinpointing its exact origins remains a matter of debate. Two perspectives on this matter are commonly discussed. The first traces the practices of transitional justice back to ancient times, with Elsten (2004) dating it as far back as 411 and 403 B.C. during the Athenian oligarchic rule and the subsequent restoration of democracy. Teitel (2003) takes a more cautious approach, identifying the “first phase of a genealogy of transitional justice” in the interventions following World War II, particularly marked by the establishment of the Nuremberg International Military Tribunal in 1945 (p. 72).

On the other hand, some scholars argue that the field of transitional justice took shape in the late 1980s to early 1990s, a few years before the widespread use of the term transitional justice (Arthur, 2009, p. 326; Bell, 2009, p. 7; Hansen, 2014, p. 106; Leebaw, 2008, p. 99). Arthur (2009) noted in this regard that “[i]t makes sense when one is writing a conceptual history to begin by examining the invention of a phrase itself” since it is representative of the acceptance of a new phenomenon as “distinct and meaningful” (p. 328). According to the author, the use of contemporary terms in reference to past phenomena conceals the risk of an anachronistic distortion of reality (ibid.).

Certainly, some may dispute the outright condemnation of anachronism, contending that facts and concepts evolve through intricate temporal dynamics that resist reduction to a single synchronic level. However, the last two decades of the 20th century are increasingly acknowledged as the period when the field of transitional justice took shape. During these years, global tensions linked to the Cold War began to ease, and a series of intra-state conflicts erupted. Simultaneously, a global surge in democratic discourse occurred, often referred to as the “third

wave of democratization” (Huntington, 1991), primarily affecting Latin American and East and Central European countries.

In this context, transitional justice emerged as a collection of short-term measures advocated by “emerging democracies” to “reckon with former regimes” (Kritz, 1995. See also Arthur, 2009, pp. 331-333; Bell, 2009, p. 7; Teitel, 2003, pp. 75-77). In their challenging early stages, democracies faced the imperative of establishing a clear break with authoritarian pasts while advancing justice, reconciliation, and the prevention of future human rights violations (Kritz, 1995, xix-xx). These principles served as the foundation for transitional justice, guiding its implementation through measures such as “prosecutions, truth telling, transformation of an abusive state security apparatus and rehabilitation or compensation of harms” (Arthur, 2009, p. 355). Consequently, the field of transitional justice originated as an *exceptional set of practices* tailored to transitions, to be understood as *exceptional political situations* (Gissel, 2016, p. 1).

In this regard, it is worth noting that this was not the traditional meaning of the term ‘transition.’ Originally, in Marxist thought, it denoted a process of societal transformation involving structural changes in society and the economy (Guilhot, 2002). However, in the context of transitional justice, transition started signifying a *political shift* and, consequently, legal and institutional transformations. Accordingly, political scientists and sociologists define “transition” as the period of change from an authoritarian or repressive regime to a democratic one (Arthur, 2009, p. 336; Teitel, 2000, p. 5). This process begins with the breakdown of the “limited pluralism” characteristic of authoritarianism, aiming to establish the essential components of democracy, particularly free, fair, and competitive elections (Morlino, 2003, p. 122; 2014, p. 81). Hence, the emphasis is on constructing a robust institutional framework.<sup>3</sup>

Even the concept of ‘justice’ took on a distinct character in the realm of transitional justice. As observed, “the conception of justice associated with period of political change is extraordinary and constructivist,” it is not the ordinary one; “[i]t is alternately constituted by, and constitutive of, the transition. The conception of justice that emerges is contextualized and partial: [w]hat is deemed just is contingent and informed by prior injustice” (Teitel, 2000, p. 6). Thus, in the early stage of transitional justice *the word ‘transitional’ qualified ‘justice’ in exceptional terms*, establishing a unique relationship between justice and democracy (Gissel, 2016, p. 1). “[T]ransitional justice made the question of justice central to democratic transitions

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<sup>3</sup> Although somewhat debated today, such an understanding of what a state is transitioning to in post-conflict situations has become a well-established concept in transitional justice discourse, reflected in one of the most cited definitions of the field: transitional justice is “the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (Teitel, 2003, p. 69, emphasis added. See also Teitel, 2000, pp. 3-5).

but also made the question of political transformation central to the agenda of justice” (Hansen, 2014, p. 109). In other words, justice was expected to contribute to the establishment of a just democratic order.

This implied that achieving justice in transitional contexts went beyond merely punishing human rights violations by previous regimes. Criminal prosecution was a crucial aspect of early transitional justice practices, as democratic regimes had to mark a dividing line between the abusive past and the future. However, the traditional retributive paradigm of justice was scrutinized and debated to facilitate political change.

Indeed, in addition to justice, the concepts of ‘peace’ and ‘reconciliation’ became prominent in the transitional vocabulary as the goals for post-conflict societies, pursued also through restorative justice paradigms (Teitel, 2003, pp. 77-81). At the same time, the option of amnesties or selective punishments for the most responsible for past violations gained traction. Different experiences exist in this regard that are grounded in different assumptions. Take, for instance, the case of Argentina, where President Alfonsín enacted two quasi-amnesty laws in 1986 and 1987, benefiting a significant portion of military officers.<sup>4</sup> Subsequently, since 1989, President Menem issued a series of decrees<sup>5</sup> granting pardons to those who could not benefit of the previous laws (Americas Watch, 1991; Brysk, 1994; Speck, 1987). Before these measures, military leaders faced trials in the context of the *Juicio a las Juntas* (the Trial of the Juntas), and several criminal proceedings were held for human rights violations during the *Guerra Sucia* (the Dirty War). However, these trials led to great tensions and discontent within the military ranks (Americas Watch, 1991, pp. 21-45). Thus, in this context, amnesties were granted in the interest of peace, democracy, and social reconciliation.<sup>6</sup> According to the Presidents, “amnesties were an inevitable concession, trading justice for the past in exchange for justice in the future” (Roht-Arriaza, 2006, p. 3. See also Galante, 2015, pp. 16-20).

In contrast, there are situations where the retributive justice paradigm was intentionally avoided, despite contextual pressures. This is evident in South Africa, where the Truth and Reconciliation Commission (TRC) law allowed for an amnesty offer to apartheid perpetrators

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<sup>4</sup> Law No. 23492, 24 December 1986, so-called Full Stop Law (*Ley de Punto Final*), which placed a time limit for prosecution, laying down that further charges of human rights violations against military officers could be filed within 60 days. Law No. 23521, 8 June 1987, so-called Due Obedience Law (*Ley de Obediencia Debida*), which granted impunity to low and middle-ranking officers, who could not be held accountable because they were presumably merely following orders.

<sup>5</sup> Decree No. 1002/89 (6 October 1989); Decree No. 2741/90 (29 December 1990). See also Law No. 23.043 (27 November 1991), Law No. 24.411 (7 December 1994) and Law No. 24.321 (8 June 1994).

<sup>6</sup> Many argue that the laws and decrees issued by the Presidents did not foster reconciliation but impunity. See, for example, Haas, 2012, pp. 34-37; Malamud-Goti, 1991, pp. 3-9; 1995, pp. 163-164. On different perspectives on the benefit of prosecuting human rights abusers in Argentina, see the famous debate between Carlos Nino (1991) and Diane Orentlicher (1991).



who confessed their crimes (Hayner, 2011, pp. 27-32). The rationale was that the TRC was better suited to address the justice needs of the country than criminal proceedings. On the one hand, the goal was to provide a supportive context for victims to express themselves and heal, while also encouraging perpetrators to disclose information about the crimes without procedural constraints. On the other hand, it was believed that the Commission could present a more truthful picture of apartheid, unconstrained by the guilty/non-guilty binary dialectic of the legal system (Roht-Arriaza, 2006, p. 4). In essence, revealing the truth would allow victims to forgive without forgetting, and perpetrators to confess and atone, laying the foundation for a united future. In the words of Archbishop Desmond Tutu, the TRC chairman, “[m]aking the truth public is a form of justice.”<sup>7</sup> He firmly believed that “[t]here are different kinds of justice. Retributive justice is largely Western. The African understanding is far more restorative – not so much to punish as to redress or restore a balance that has been knocked askew.”<sup>8</sup>

Beyond the case of South Africa, it is essential to note that the quest for truth emerged as a crucial aspect of addressing the past from the early days of transitional justice. Truth commissions were established in both Argentina and Chile, and Central and Eastern European countries promoted the opening of secret police files to clarify the past. While this trend can be linked to the silence and reticence characterizing both Latin American and Eastern European abuses,<sup>9</sup> the idea that truth-telling delivers justice to victims gained prominence during this period<sup>10</sup> (Arthur, 2009, p. 356). Moreover, some believed that the public disclosure of the truth

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<sup>7</sup> Interview with Archbishop Desmond Tutu. TV Race Initiative, *Facing the Truth With Bill Moyers*. Retrieved from

<http://archive.pov.org/tvraceinitiative/facingthetruth/index.html#:~:text=%22Making%20the%20truth%20public%20is,evil%20are%20things%20that%20matter.%22> (accessed on 20/7/2023).

<sup>8</sup> Interview with Archbishop Desmond Tutu, as found in Bell, 2002, p. 88.

<sup>9</sup> In Latin America, military governments typically did not openly kill their opponents; instead, they resorted to kidnapping and secretly detaining them, making them disappear. Nearly all of the *desaparecidos* were killed, often following prolonged torture, and in numerous instances, their bodies were never found. Requests for information from the families of the disappeared were consistently ignored, creating a pervasive climate of terror. In Argentina, human rights violations committed by the military were extensively investigated by the National Commission on the Disappeared, which documented over 9,000 cases of enforced disappearances and reconstructed the workings of the repressive system (TC Argentina, 1984). In communist Eastern Europe, the population endured a pervasive sense of constant surveillance and the looming threat of arbitrary punishment imposed by the state. Even in this case, the origin and nature of the crimes committed by the dictatorships were unknown, and a comprehensive understanding of the former regimes’ strategies of terror was lacking. Therefore, the preferred responses in the post-conflict era have included the opening of state archives, the establishment of historical commissions, and attempts at vetting. In Romania, for example, the Wiesel Commission (2003) was established to clarify the country’s role in the Holocaust, while the Tismăneanu Commission (2006) investigated the communist dictatorship.

<sup>10</sup> At the same time, there were also those who did not view truth favorably, opposing it to criminal prosecution and fearing that it might stand as an obstacle to justice – the so-called “truth vs justice” debate (on the topic, Allen, 1999; Hayner, 2011, pp. 91-93).

about past human rights abuses would foster “the rule of law and prevent[ed] the recurrence of human rights abuses” (Zalaquett, 1990, p. 629).

As the cases of Argentina and South Africa show, at the time when transitional justice took hold, states undergoing the transition were the main actors in the process. While international standards served as mediators for rule of law dilemmas that could arise during political changes<sup>11</sup> (Teitel, 2000, pp. 20-21), transitional justice policies were national and reflected homegrown debates. The actors involved in the transition were local; justice was not administered by international courts, and Truth Commissions – such as those in Argentina and Chile, but also in South Africa – were made up of only local commissioners (Gissel, 2016, p. 8). Moreover, the very effectiveness of the democratization process was believed to depend primarily on the choices and actions of national actors and elites (Hansen, 2014, p. 107).

After these initial experiences, a series of other transitional processes took place, refining the fundamental paradigms and tools of the transitional justice field. It is challenging to present a coherent and comprehensive picture of what happened, given the diverse nature of these processes. However, the underlying dynamics that have proven decisive in shaping the current understanding of transitional justice can be highlighted.

First of all, transitional justice underwent a *process of “normalization”* (McEvoy, 2007, p. 412; Sharp, 2013, p. 155; Teitel R. G., 2003, pp. 89-92). While it initially emerged as an exceptional response to exceptional situations of radical political change, it “has become normalized as accountability for certain kinds of very serious systemic wrongs ... applied increasingly even while a conflict is underway, and certainly before any definitive political transition” (Teitel, 2014, p. xiv). Simultaneously, *transitional justice has broadened both “horizontally” and “vertically,”* indicating an expansion of both the contexts deemed transitional and the range of actors involved in the transition (Hansen, 2014).

About its horizontal expansion, transitional justice has evolved beyond addressing political changes toward democracy and the abuses of previous regimes. It now encompasses a broader range of scenarios, including illiberal transitions, shifts from war to peace, or transitions from civil war to stability, among other examples (Hansen, 2014, pp. 108-110). As the transitional contexts expand, so do the challenges faced by transitional justice and the

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<sup>11</sup> For example, in post-communist Eastern Europe international law offered a solution to the issue of retroactivity, with the aim of allowing the prosecution of perpetrators of crimes that occurred in the past. Moreover, international law helped to interpret domestic criminal law, which was highly politicized.

approaches it employs, increasingly incorporating strategies associated with peacebuilding (Sharp, 2013, p. 151).<sup>12</sup>

In terms of the vertical expansion of the field, national entities are no longer considered the main actors in transitional justice processes. Instead, the international community has gained significance (Hansen, 2014, pp. 106-108). UN agencies, international NGOs and international tribunals actively participate in promoting and implementing transitional justice mechanisms today (Hansen, 2014, p. 107).

In this regard, it is worth noting that international law has significantly expanded since the Cold War, in response to globalization and the influence of liberal thinking. The concept of ‘universal’ human rights emerged as a practice of global governance to maintain peace. Drawing on philosophical cosmopolitanism, it can be argued that “[t]he peoples of the earth have thus entered ... into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*” (Kant, 1991, pp. 107-108). Consequently, the protection of individual human beings became central to the international legal order, and the issue of justice was reconceptualized through a global politic of accountability (Teitel, 2011; 2014).

In connection with this, the principle of non-intervention, traditionally considered binding under international law,<sup>13</sup> began to be challenged during the 1990s. The international community gradually started interfering in the internal affairs of states, even in the absence of international conflicts, particularly in cases of human rights crises (Teitel, 2002, pp. 360-361; 2011, pp. 106-113).<sup>14</sup> In this context, international criminal justice institutions have gained prominence in transitional justice strategies, serving as a platform to address severe human rights violations and respond to victims’ calls for justice. Examples include the international

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<sup>12</sup> Consider, for example, the case of Rwanda, an illiberal state where post-conflict interventions have concentrated on both promoting accountability for the 1994 genocide and reducing poverty, strengthening security, supporting economic growth, and improving the health system (Gahima, 2013; McNamee, 2021).

<sup>13</sup> The principle of non-intervention involves the right of every sovereign State to conduct its affairs without outside interference. On the topic, Jamnejad & Wood (2009).

<sup>14</sup> The Security Council, in 1991 and 1992, authorized military intervention for humanitarian purposes in Iraq and Somalia in the interest of peace and international security (Gordon, 1996). The Security Council Resolution 794 stated that “the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of human assistance, constitutes a threat to international peace and security.” Specifically, the reasons supporting the interventions were the massive flow of refugees in Iraq and the internal human rights crisis in Somalia, along with the need to provide humanitarian assistance to the Somali people who had encountered obstacles up to that point. The humanitarian regime was also invoked to justify NATO’s intervention in Kosovo in 1999 – a highly controversial intervention that, although illegal, is sometimes argued to be legitimate (on the topic, Henkin, 1999).

tribunals established in former Yugoslavia and Rwanda in 1993 and 1994,<sup>15</sup> respectively, as well as the hybrid court established in Cambodia.<sup>16</sup> Most notably, the adoption of the Rome Statute of the International Criminal Court (ICC) in 1998 underscores the significance of ‘the international’ in combating impunity. It should be noted that the establishment of the ICC also mirrors the normalization of transitional justice. Indeed, unlike ad hoc tribunals, the ICC is a permanent body with the authority to prosecute individuals for the most serious crimes recognized by the international community “as a *routine matter* under international law” (Teitel, 2003, p. 90, emphasis added. On the establishment of the ICC, Schabas, 2014, pp. 1-21).<sup>17</sup>

At the same time, a worldwide trend toward the legalization of international relations emerged. Namely, law, especially international law, became the preferred tool for managing international affairs and conflict resolution (Subotić, 2012, pp. 108-111; Teitel, 2002, pp. 365-368).<sup>18</sup> From the perspective of transitional justice, this holds significance for two reasons.

Firstly, law and legal standards assume a central role in transitional strategies as crucial elements for success. While in the early transitions law was “approached instrumentally, as a means to a politically defined end” (Gissel, 2016, p. 3), at this juncture, every peacemaking effort is conceptualized within a performative space defined by law. Political elements of transition are increasingly framed within a legal narrative, and law is perceived as capable of ensuring justice and fostering political and social change, reconciliation, and peace (Turner, 2013, p. 200). Human rights represent the legal standards, playing the role of an impartial third-party mediator between conflicting parties (Bell, Campbell & Ni Aolain, 2004, p. 308). In the normalized paradigm of transitional justice, law and justice are not serving the political

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<sup>15</sup> The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by United Nations Resolution 827 of 25 May 1993. The International Criminal Tribunal for Rwanda (ICTR) was established by United Nations Resolution 955 of 8 November 1994. For a general overview of the tribunals, see Schabas, 2006.

<sup>16</sup> The Extraordinary Chambers in the Courts of Cambodia, which were set up to proceed against Khmer Rouge leaders for crimes committed between 17 April 1975 and 6 January 1979. “Such courts are ‘hybrid’ because both the institutional apparatus and the applicable law consist of a blend of the international and the domestic. Foreign judges sit alongside their domestic counterparts to try cases prosecuted and defended by teams of local lawyers working with those from other countries. The judges apply domestic law that has been reformed to accord with international standards” (Dickinson, 2003, p. 295).

<sup>17</sup> To date, ICC judges have issued 40 arrest warrants, and there have been 31 cases before the Court (<https://www.icc-cpi.int/>, accessed on 8/8/2023).

<sup>18</sup> It is not by chance that, in tandem with this process, the concept of the rule of law became detached from state sovereignty and self-determination, aligning more with the idea of necessary respect for (just) law (Teitel, 2002, p. 362). The rule of law is today conceived by the UN as “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency” (Secretary-General, 2004, para. 6).

transition; rather, the notion of legality “values legal predictability, stability, and ... the rule of law as an end in itself” (Gissel, 2016, p. 6).

Secondly, transitional justice standardizes (Gissel, 2022) and bureaucratizes (Teitel, 2014, p. xvii), aligning with the establishment of a legalistic approach that is inherently rigid and static. The idea of an ideal model of transitional justice, anchored in specific mechanisms and practices, gains traction. The next section aims precisely at analyzing this ideal, standard, or “normal model” (Haldemann, 2023, p. 24) of transitional justice.

## **1.2. The “normal model” of transitional justice.**

Summing up the above, during the 1990s and early 2000s, transitional justice solidified as a set of practices primarily focused on promoting justice and enhancing human rights. The starting point of a transitional justice process encompasses diverse situations, with the endpoint extending beyond democracy to include goals such as peace, stability, and social cohesion. Additionally, the political dimension of transition has become entwined with legalism. This state of the field is clear from the first UN Report explicitly utilizing the term ‘transitional justice,’ namely the 2004 Report by the UN Secretary-General Kofi Annan. Specifically, he defined transitional justice as

the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof (UNSC, 2004, para. 8).

References to the promotion of human rights are recurrent throughout the Report, and the normative foundations for the UN’s work in this field are identified in “the Charter of the United Nations itself, together with ... international human rights law; international humanitarian law; international criminal law; and international refugee law” (UNSC, 2004, para. 9). Democratization is not mentioned among the goals of the transition, which are instead justice, accountability, and reconciliation. Additionally, the transitional justice toolkit is identified, comprising the operational tools that should be employed to achieve the aforementioned goals: “individual prosecutions, reparations, truth-seeking, institutional reform, vetting, and dismissals.”

In this context, it is worth noting that, a few years before the Report’s publication, the United Nations drafted the United Nations Set of Principles to Combat Impunity (hereinafter:

UN Impunity Principles).<sup>19</sup> These soft law instruments aim to guide actions on eradicating impunity for human rights abuses. Given the importance of this issue in transitional justice contexts, the UN Impunity Principles have significantly influenced both the conceptualization and practice of the field, warranting attention to clarifying its operational paradigm.

According to the UN Impunity Principles, impunity arises from a State's failure to fulfill one of the following four obligations under international human rights law in response to human rights violations: (i) to investigate serious human rights violations; (ii) to prosecute, try, and duly punish perpetrators of such violations; (iii) to provide victims with effective remedies and reparation for the harm suffered; and (iv) to take appropriate steps to prevent a repetition of violations. Corresponding to these obligations are four individual rights: the right to know, the right to justice, the right to reparation, and the right to guarantees of non-repetition. Moreover, the Principles recognize four 'mechanisms' to give effect to the four obligations: international or domestic trials; commissions of inquiry, whether truth commissions or other fact-finding bodies; reparations in various forms; and institutional reform, including justice reform and vetting processes.

Upon revisiting the definition of transitional justice provided in the 2004 UN Report, it becomes evident that it serves as a condensed version of the message conveyed by the UN Impunity Principles. Notably, the toolkit of transitional justice closely mirrors the anti-impunity mechanisms. By mediating between these two documents, four key components of transitional justice strategies can be identified: criminal prosecution, truth, reparation, and guarantees of non-recurrence. Consistently, in 2011 the Human Rights Council appointed a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to deal with transitional justice situations.<sup>20</sup> The following presents these four measures, without claiming to be exhaustive.<sup>21</sup> The objective is to understand their significance in transitional justice and outline their main limitations.

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<sup>19</sup> The UN Impunity Principles were originally formulated in 1997 by Louis Joinet: Commission on Human Rights, *The administration of justice and the human rights of detainees. Question of the impunity of perpetrators of human rights violations (civil and political). Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119*, UN doc. E/CN.4/Sub.2/1997/20/Rev.1 (2 October 1997). The Principles were updated in 2005 by Diane Orentlicher: Commission on Human Rights, *Updated Set of principles for the protection and promotion of human rights through action to combat impunity*, UN doc. E/CN.4/2005/102/Add.1 (18 February 2005). For a commentary on the Principles, see Handemann & Unger, 2018.

<sup>20</sup> Human Rights Council, *Resolution 18/7 Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, A/HRC/RES/18/7, 13 October 2011 renewed in *Resolution 45/10 Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, A/HRC/RES/45/10, 12 October 2020.

<sup>21</sup> It is worth noting that more recently, Fabian Salvioli, the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, identified a fifth pillar of transitional justice, namely memory

### *Criminal prosecution*

The emphasis on criminal prosecution has been highly prevalent in transitional justice processes (Quinn, 2017, pp. 16-19). As previously mentioned, courts have played a pivotal role in the evolution of transitional justice, emerging as undisputed actors in the field. From this privileged position, criminal prosecution has developed significant strategies for addressing the past, despite the many challenges it faced (Fornasari, 2013). Among others, criminal courts have grappled with the task of trying large numbers of offenders, a common occurrence after mass crimes. While amnesties may have seemed like a convenient solution, there has been a growing consensus that they should be avoided, as they might imply that someone is above the law. Hence, courts have adopted strategies to selectively pursue prosecutions, occasionally with the assistance of victims (UNGA, 2014).

When considering the arguments put forth by those supporting prosecution in post-conflict environments, one of the primary rationales is its deterrent effect. Mainly advocated within the human rights community, the idea is that imposing severe punishment today can prevent crimes in the future (Orentlicher, 1991, p. 2542). Additionally, criminal punishment dissuades the general public from supporting authoritarian or abusive regimes (Malamud-Goti, 1989, p. 82), a crucial element in the commission of mass crimes. Finally, even the clear distinction between guilty and not guilty individuals through judgment is believed to have a deterrent effect. Indeed, it would prevent the spread of collective guilt narratives that can foster resentment and incentivize violence (Kriz, 1996, 128; Méndez, 1997, p. 277).

Nevertheless, the deterrent effect of criminal prosecution remains uncertain. While international law links criminal prosecution to prevention, it has not been empirically proven – or at least not once and for all. Some studies suggest that criminal trials enhance human rights protection in transitional justice contexts (Kim & Sikkink, 2007, quoted in Sandoval, 2011, p. 4), especially when combined with other transitional measures (Olsen, Payne & Reiter, 2010). However, others argue that criminal trials may contribute to further violations (Snyder & Vinjamuri, 2004). Along these lines, the fear of severe penalties might even discourage war criminals from surrendering to peace and justice (Elster, 2012, p. 87). From this angle,

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(UNGA, 2020). However, this research chooses not to extensively explore memory as an independent component of transitional justice, considering it closely related to other aspects of the field. Indeed, on one hand, memorialization involves condemning past abuses and telling the truth about them. On the other hand, it serves as a form of reparation and contributes to promoting non-recurrence. This is not to downplay the significance of memory, which is undoubtedly crucial for healing, democracy, and peace. However, in terms of defining the field of transitional justice, it seems more appropriate to contextualize memorialization in relation to other measures.

implementing criminal punishment could be counterproductive in preventing human rights violations.

Even in light of these shortcomings, retribution often takes precedence over deterrence as the primary justification for supporting the value of criminal prosecution in times of transition. From this perspective, it is not the outcomes of the punishment that matter, but rather the punishment is seen as an end in itself. It is perceived as a harm that compensates for the harm endured by the victims, along the lines of the well-known principle of “an eye for an eye and a tooth for a tooth.” In the face of gross human rights violations, perpetrators must be condemned not only to fulfill the legal duty of punishing wrongdoers but also the moral obligation to acknowledge the suffering of victims. More specifically, promoting criminal trials entails recognizing victims as bearers of rights (previously violated and now honored) and as individuals with human dignity (Kritz, 1996, p. 128; Landsman, 1996, p. 84; Méndez, 1997, pp. 276-277). It is not coincidental that victims often demand retributive justice (Lambourne, 2009, pp. 37-39).

On this basis, some suggest that criminal prosecution has the value of a “ritual cleansing process,” which prompts a “moral and political renaissance” (Huysse, 1995, pp. 339-340). It is assumed that it contributes to the healing of both victims and society at large while promoting reconciliation. The reconciliatory potential of criminal prosecution was praised, for instance, by UN Resolution 1534 (2004) concerning the work of the International Criminal Tribunal for the former Yugoslavia (ICTY). However, even the reconciliatory effect of trials can be questioned. The ICTY’s own case illustrates the limitation of tribunals in this regard; “[m]ore often than not, ethnic groups responded with increased hostility toward one another after an arrest or judgment” (Meernik, 2003, p. 287).

From this perspective, establishing a direct causal relationship between prosecution and reconciliation appears a bit far-fetched. Instead, it seems more fitting to argue that the attainment of reconciliation depends significantly on contextual factors, particularly the acceptance of a court’s rulings. In the case of the former Yugoslavia, “the different ethnic communities ... are (still) engaged in competitive victimhood, which is a major impediment to mutual forgiveness and reconciliation” (Milanović, 2016a, p. 246). Furthermore, the findings of the ICTY were not believed to be true by a significant portion of the target audience, undermining any effort to rebuild social cohesion and fueling denialism and revisionism (Milanović, 2016a; Milanović, 2016b).



Reconciliation was not the sole objective the ICTY was expected to achieve. In 1996, a high-level delegation from the Republica Srpska and the ICTY issued a joint press statement affirming that

it is essential for the re-establishment of the rule of law in Bosnia and Herzegovina and for the creation of a lasting peace in the region, that all perpetrators responsible for serious violations of international humanitarian law be brought to justice, regardless of their ethnic or religious background.<sup>22</sup>

Thus, the tribunal had to establish the rule of law and promote peace. It can hardly be said that the ICTY has been successful in these aims, given the existing weaknesses in the rule of law and poorly functioning institutions in Bosnia and Herzegovina today. However, the idea that criminal trials play a crucial role in legitimizing the rule of law and enhancing democracy finds support in research (Olsen, Payne & Reiter, 2010). Furthermore, criminal prosecution is seen as a testimony to the departure from a past where human rights violations went unpunished and justice served the interests of power (Landsman, 1996, p. 83; Méndez, 1997, p. 277; Orentlicher, 1991, p. 2543). By demonstrating that no one is above the law, trials can instill trust in democratic institutions; a judiciary actively involved in thorough investigations into the violent past is perceived as trustworthy, as the public recognizes the values guiding its actions (de Greiff, 2014, p. 421; Offe, 1999). Conversely, the failure to prosecute undermines the rule of law and fosters a culture of impunity, which may encourage distrust toward the new political system and lead to further violations (Huyse, 1995, p. 340).

### *Truth*

While criminal trials can provide insights into past events, they are not generally considered the most effective tool for uncovering the truth regarding widespread human rights violations that involve large segments of society and extend over time. In fact, they often present a partial truth, particularly when compared to the broader historical truth (Calamandrei, 1939; Ricoeur, 2006). Judicial investigations focus solely on what is brought before the courts, and the analysis of events is constrained by legal procedures and rules, which primarily aim to determine the guilt or innocence of a defendant (Bartoli, 2011, p. 76; Mastromarino, 2018, pp.

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<sup>22</sup> International Criminal Tribunal for the Former Yugoslavia (1996). Joint press statement, visit to The Hague by a delegation from Republika Srpska, Press Release CC/PIO/101-E. Retrieved from <https://www.icty.org/en/press/joint-press-statement-visit-hague-delegation-republika-srpska> (accessed on 10/8/2023).

42-43; Naqvi, 2006, p. 245). Furthermore, trials overlook the social and cultural factors crucial to the context of mass crimes.<sup>23</sup>

Given these limitations, other mechanisms are considered more appropriate for fulfilling the right to the truth. Among these, special attention should be given to truth commissions (Roche, 2005, pp. 569-571. For a comprehensive overview of various truth-seeking mechanisms, see Freeman, 2006, pp. 40-69; Groome, 2018, pp. 65-69; OHCHR, 2006a, paras. 47-54). The Sierra Leone Truth and Reconciliation Commission noted that

[j]ust as the Commission may address the ‘right to truth’ component of the struggle against impunity better than the Special Court for Sierra Leone, the contrary may be the case with respect to the ‘right to justice’ component (TRC Sierra Leone, 2004 Report, vol. I, Ch. 1, para. 80).

Defining truth commissions and outlining their functions is a challenging task, given the uniqueness of each experience. The functioning, content, and outcomes of such institutions vary from time to time, depending not only on the specifics of the contexts but also on potential constraints (temporal, political, or resource-related) that may limit the scope of their investigations.<sup>24</sup> Hayner (2011) has provided the most widely accepted definition of truth commissions to date, highlighting five key features of these institutions. In her words

[a] truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (pp. 11-12).

Interestingly, this definition does not mention the search for ‘truth’ as the primary goal of truth commissions but instead refers to the investigation of specific events occurring within a defined timeframe. It is unclear whether this wording is intentional. Certainly, however, the concept of ‘truth’ is complex and somewhat elusive, and challenges arise when attempting to establish a ‘single truth’ about socially intricate facts primarily recounted by victims (Parlevliet,

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<sup>23</sup> Naqvi (2006) notes that in rulings on international crimes, the concept of truth assumes a broader significance. It must be situated within the context of combating impunity, serving the goals of promoting peace, reconciliation, and preventing further crimes (p. 246).

<sup>24</sup> Considering only the scope of the investigations, Chile’s National Commission for Truth and Reconciliation was tasked with drawing up “as complete a picture as possible of the most serious human rights violations that resulted in death and disappearances which were committed by government agents or by private citizens for political purposes” (TC Chile, 1991, p. 21). The Commission for Reception, Truth, and Reconciliation in East Timor also investigated violations of economic and social rights, even those not arising as a by-product of military operations (TC East Timor, 2005 Report, Ch 7.9). Guatemala’s Commission for Historical Clarification went so far as to analyze the connections between direct and structural violence (TC Guatemala, 1999, p. 18).

1998; Chapman & Ball, 2001, pp. 4-9). This complexity must be considered when discussing truth and truth commissions in the context of transitional justice.

Along these lines, it is important to note that transitional contexts are often characterized by denial, which can make it difficult for the truth to emerge. Aside from the scenario where individuals may attempt to forget traumatic events as a coping strategy (Appiah-Boateng & Bukari, 2022, p. 6), denial manifests at various levels. Firstly, those who supported previous regimes might be unwilling to cooperate in the truth-seeking process, withholding information or interfering in the investigation. For instance, in Brazil, the military handed over power but continued to exert influence, attempting to conceal incriminating documents. Moreover, denial can arise as a spontaneous but unconscious social process aiming to erase truths that taint the group's identity and reputation (Cohen, 1995, pp. 12-14). In such cases, the work of truth commissions holds extensive value, impacting not only the present but also future generations. Illuminating the truth aims to “narrow[ing] the range of permissible lies” (Ignatieff, 1966, p. 113) – namely, to frame public discourse and public memory.

Denial may also be a strategy employed by authoritarian regimes to maintain order and power over time. The case of the Argentine military dictatorship illustrates this; opponents to the regime were secretly abducted, and their bodies disappeared in perpetual denial of these atrocities. In such situations, truth-telling serves the purpose of “countering the atmosphere of silence and deceit in which such crimes were committed” (Parlevliet, 1998, p. 143), representing a victory over the force of repression. Moreover, it addresses the victims' need to know what happened (Cohen, 1995, p. 18). It is no coincidence that one of the most famous slogans of the Madres de Plaza de Mayo reads “*Los desaparecidos, que digan dónde están*” (Tell us where the disappeared are). Importantly, even in contexts where past violations are common knowledge, the official and objective assertion of the truth is significant. Indeed, it “translates into a sort of collective catharsis” and “contributes to creating a collective conscience” opposed to any repetition of such acts (TC Sierra Leone, vol. I, ch. 3, para. 12).

Besides knowledge, truth commissions also provide acknowledgment<sup>25</sup> – that is, “what was private becomes public knowledge, shared amongst the wider population, and bearing the official sanction of the State” (Parlevliet, 1998, p. 143. See also Cohen, 1995, p. 18; Hayner, 2011, p. 21). By publicly and officially accounting for the victims' experiences, truth commissions acknowledge their pain, thus recognizing their value as individuals.

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<sup>25</sup> The distinction between knowledge and acknowledgement was originally drawn by philosopher Thomas Nagel. See Weschler, 1990, p. 4.

Moreover, they “provide victims a sense of recognition not only as victims but as (equal) rights-bearers, and ultimately as citizens” of the nascent democracy (de Greiff, 2012, pp. 42-43). Although some point out that remembering the past may involve retraumatization (Brounéus, 2010), studies investigating the emotional consequences of truth commissions and tribunals found that participants “experience social recognition, pride, relief, and a feeling of completion from having had the opportunity to express their feelings publicly, under oath, in a solemn setting” (Martin-Beristain, Paez, Rime & Kanyanga, 2010, p. 48).

From this perspective, “the significance, symbolic and non-symbolic, of the reconstruction of individual and collective truths is that of a bridge.” Namely, by acknowledging the moral worth of others and delegitimizing committed abuses, truth propels post-conflict societies toward a “possible future” (Ceretti, 2015, pp. 239-240, my translation. See also Hayner, 2011, p. 11). In its report, the Chilean Truth Commission stated that

[t]hose who worked to produce this report became keenly aware of the cleansing power of the truth. Interviewing thousands of relatives of victims and other witnesses nationwide was a necessarily rigorous method. But, as the interviewers soon discovered, it was at the same time a means to heal the wounds, one by one, and thus to contribute to the building of a lasting peace (TC Chile, 1991, pp. 16-17).

Lastly, truth commissions are believed to play a role in strengthening human rights, the rule of law and democracy – especially if employed together with other transitional justice initiatives (Olsen, Payne & Reiter, 2010, p. 996). Truth-seeking can foster the rule of law by shedding light on “the many ways in which legal systems failed to protect the rights of citizens [, thus providing] the basis on which, *a contrario*, legal systems can behave in the future” (de Greiff, 2014, p. 422). Moreover, the institutionalized effort to shed light on past abuses might be seen by victims and society as a whole as an attempt to initiate a political project consistent with the democratic demands expressed by the community (UNGA, 2012, para. 34).

All this portrays truth as a transitional justice measure with remarkable potential when coming to terms with past abuses. However, empirical research on the topic is significantly underdeveloped, with the consequence that claims about the benefits of truth remain largely unproven (Mendeloff, 2004). Moreover, scholars are also skeptical of truth-telling assumptions, questioning, for example, whether truth commissions can “produce simultaneously both reconciliation and truth” (Campbell & Turner, 2008, p. 375) or whether truth can easily achieve any desired goal (Daly, 2008). Finally, it should not be forgotten that truth commissions face a number of challenges in carrying out their activities, including

incorporating a gender perspective or guaranteeing psychological support for victims (OHCHR, 2006b, pp. 20-26), circumstances that can impact their outcomes.

### *Reparation*

After experiencing severe human rights violations, victims often wish they could turn back time, hoping to undo the harm they endured. However, the past cannot be erased, and the memory of heinous crimes lingers in the lives of those affected. In this context, transitional justice can only help alleviate the suffering of victims and empower them to move forward. This is what reparation is about, to be understood as diverse “*programs that are justified on the basis of past harm and that are also designed to assess and correct that harm and/or improve the lives of victims into the future*” (Brophy, 2006, p. 9). Among the various transitional justice mechanisms, reparation holds particular significance for victims, as it is the only measure explicitly advocated for their benefit (de Greiff, 2006a, p. 2).

However, this is not the origin of the concept of reparation. Originally, the term had a different, predominantly legal, meaning. Focusing solely on the perspective of international law, the Articles on Responsibility of States for Internationally Wrongful Acts (hereafter: ILC Articles) provide that a state committing a wrongful act is under an “obligation to make full reparation” for the material or moral injury caused (Art. 31). Even before the codification of this principle, the International Court of Justice recognized it, specifying that “reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed.”<sup>26</sup> From this angle, the aim of reparation is to restore the *status quo ante* (the situation prior to the wrongful act) preferably through *restitutio in integrum* (the return of what has been lost because of the wrongful act).<sup>27</sup>

While the ILC Articles focus on reparations as a matter of inter-state responsibility, things change within the framework of human rights law, where relations between individuals and states come into play.<sup>28</sup> Reparation principles in this context have primarily evolved through the work of regional human rights courts, especially the Inter-American Court (Carrillo,

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<sup>26</sup> PCIJ, *Chorzów Factory (Germany v. Poland)*, Judgment (Merits), Series A, no. 17, 13 September 1928, p. 47. Retrieved from <https://jusmundi.com/en/document/decision/en-factory-at-chorzow-merits-judgment-thursday-13th-september-1928> (accessed on 20/8/2023).

<sup>27</sup> This understanding of reparation traces back to the notion of corrective justice established by Aristotle in the *Nicomachean Ethics*, namely when one has been deprived of something without consent, it is only fair that the thing be returned to them. Under international law, reparation can take different forms. These are restitution, compensation and satisfaction, which can be applied separately or in combination (Art. 34 ILC Articles).

<sup>28</sup> On whether the principles of reparation can regulate relations between individuals and states, see Buyse, 2008, pp. 134-138. See also Haldemann, 2018, pp. 338 and 346 on the existence of an *individual* right to reparation in international law as general as the right to reparation envisioned by the UN Principles (Principle 31).

2006; Pasqualucci, 1996). The *Velásquez-Rodríguez* case holds particular significance in this regard, as the Court broadened the concept of *restitutio in integrum* inherited from international law. According to the Court, *restitutio in integrum* involves “the restoration of the prior situation, the reparation of the consequences of the violation, and indemnification for patrimonial and non-patrimonial damages, including emotional harm”.<sup>29</sup>

Interestingly, the reparation duties recognized in this case are “manifestly transitional” (Teitel, 2000, p. 125). According to the Court, when addressing a human rights violation, the duty of reparation persists until it is fulfilled, transcending and bridging regimes (ibid.). Consequently, the case law of the Inter-American Court has significantly influenced transitional processes in some Latin American countries, particularly Argentina and Chile. In Argentina, a comprehensive program of economic reparations for victims of state terrorism has been promoted (Guembe, 2006). In Chile, President Patricio Aylwin has taken on the obligation to provide reparations due to the Chilean state’s responsibility for past crimes (Lira, 2006). This marked the emergence of transitional justice reparation programs, tailored to the needs of victims of gross human rights violations.

Following the jurisprudence of the Inter-American Court, there are five types of reparations, as also stated in the UN Reparation Principles (2006),<sup>30</sup> the most important UN document on the topic. These are restitution, rehabilitation, measures of satisfaction, guarantees of non-repetition and compensation.<sup>31</sup> In short on the different types of reparations, *restitution* aims to restore victims to their situation before the harm occurred. While certain situations can be addressed, such as the restoration of liberty, return to one’s place of residence, and return of property, the severity of the suffering may make complete restoration challenging (UN Reparation Principles, para. 19). *Compensation* is a form of material, primarily monetary, reparation that should be proportionate to the harm resulting from the violation suffered by the victims (UN Reparation Principles, para. 20). *Rehabilitation* is intended to help victims recover from serious physical or psychological harm following a violation (UN Reparation Principles, para. 21). Measures of *satisfaction* include efforts to cease ongoing violations, truth-telling initiatives, the search for disappeared persons, identification and reburial of bodies, public

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<sup>29</sup> IACtHR, *Velásquez Rodríguez v. Honduras*, Judgment (Reparations and Costs), Series C, no. 4, 29 July 1988, para. 26.

<sup>30</sup> UN General Assembly, *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*, UN Doc. A/RES/60/147 (21 March 2006).

<sup>31</sup> In the 1997 version, the UN Impunity Principles also included these five forms of reparation. However, the updated text does not specifically mention guarantees of non-repetition as part of reparation but underscores their independent importance in combating impunity.

apologies, commemoration, and memorialization (UN Reparation Principles, para. 22). *Guarantees of non-repetition* encompass various actions, such as ensuring civilian control of military and security forces, strengthening judicial independence, protecting human rights workers, and providing human rights education across all sectors of society (UN Reparation Principles, para. 23; for further discussion, see Carrillo, 2006; Shelton, 2005).

In practical terms, reparation programs in transitional justice environments seldom provide victims with all the benefits outlined in the five categories mentioned earlier. This is partly due to certain benefits overlapping with other transitional justice mechanisms, such as truth-telling efforts or the broader category of non-recurrence. However, the main point is that victims do not always require reparations in all five forms. On the contrary, victims' needs should be evaluated on a case-by-case basis. In this regard, rather than focusing on the five categories, it is common to differentiate between material and symbolic reparation. Material reparations encompass not only monetary payments but also actions like the return of property and provision of medical treatment, constituting a combination of compensation, restitution, and rehabilitation. On the other hand, symbolic reparations may involve official apologies, commemoration, and the establishment of museums to encourage memorialization – falling mainly under the umbrella of satisfaction (OHCHR, 2008, p. 22). Truth commissions often provide guidance on the most suitable measures for a given context.

Whatever the combination of the measures, reparation stands as one of the greatest challenges of transitional justice. In this vein, it has been characterized as a “noble lie” since it will “never be adequate if measured against the depth of the wounds” (Bass, 2012, p. 171). It is difficult to counter this claim, even because transitional contexts are characterized by many victims and limited resources. How to repair the harm suffered by each? This goal is difficult to achieve.

However, perhaps this should not be considered the goal of reparation in transitional environments. While the principles of reparations originated in the judicial legal sphere, where a case-by-case approach is typically taken, this logic may not be suitable for situations involving massive human rights violations and indeed is even counterproductive. Focusing solely on the individual dimension of harm, this approach could lead to the “disaggregation” of victims and reparation efforts, potentially creating distinctions between victims entitled to different levels of compensation (de Greiff, 2006b, p. 458).

In contrast, in transitional contexts, reparation serves broader purposes as a “medium for the contentious yet hopeful negotiation in the present of proper recognition of the past and proper terms of relation for the future” (Walker, 2015, p. 217). Reparation, in this context, aims

to promote recognition of victims as individuals and citizens, showing sensitivity to their experiences of pain and an acknowledgment that their rights have been violated. It fosters trust in people, especially toward state institutions, as a government engaging in reparation takes responsibility for past abuses and demonstrates a commitment to standing with survivors (de Greiff, 2006b; OHCHR, 2008, pp. 30-31; Verdeja, 2006, pp. 454-457; Walker, 2015, pp. 217-218).

Understood in this way, reparation shifts away from the unattainable paradigm of corrective justice and aligns more closely with the notion of distributive justice, which appears more achievable in a transitional context. Regardless of the chosen strategy for implementing reparation, it remains crucial to recognize its indispensability. Indeed, it works “as a standard, an ideal, towards which to aspire” and as a “reminder of what is inevitably lost after mass atrocity” (Haldemann, 2018, p. 348).

#### *Guarantees of non-recurrence*

Unlike criminal prosecution, truth and reparation, non-recurrence is not properly a “measure” of transitional justice; it is a “function,” which can be accomplished through diverse measures (Mayer-Rieckh, 2017, p. 426; UNHRC, 2015, para. 23). What these different measures have in common is the “idea that forward-looking changes need to be part of the mix of post-violation reconstruction” (Roth-Arriaza, 2019, p. 124), meaning that an effort must be made to prevent what happened in the past from happening again in the future. Since they reaffirm basic human rights standards, all transitional justice initiatives yield preventive outcomes. However, prevention is at the core of guarantees of non-recurrence, which is about “[contributing] to a reduction in the likelihood of recurring violations” (UNHRC, 2015, para. 25). In this regard, it has been noted that the phrase *guarantees of non-recurrence* “is somewhat misleading,” since it is challenging to define strategies that ensure the absolute non-repetition of crimes. Using terms like “preventing recurrence” or “measures to prevent recurrence” may better reflect the true potential of non-recurrence (Mayer-Rieckh, 2017, p. 432).

Efforts to guarantee non-recurrence are undertaken by states in the interest of the society as a whole, extending beyond the concerns of victims of past abuses (UNHRC, 2015, para. 26). This distinction underscores why guarantees of non-recurrence should be viewed separately from reparation, despite the UN Reparation Principles categorizing non-recurrence as a type of reparation (UN Reparation Principles, para. 23). Moreover, states are urged to prevent the



recurrence of past abuses not due to their duty to provide reparations but because of distinct obligations under international law<sup>32</sup> (Mayer-Rieckh, 2017, p. 424).

From a broader perspective, it should be acknowledged that measures of non-recurrence lack comprehensive conceptualization, and there is a dearth of empirical studies demonstrating their preventive effectiveness (Davidovic, 2021, p. 387). International documents on the subject suggest various actions that would be beneficial for preventing crimes, encompassing reforms of institutions, primarily within the security and justice sector, demobilization of child combatants, and protection of human rights defenders.<sup>33</sup> However, this is not a closed list (Mayer-Rieckh, 2017, p. 427). It is widely believed that ensuring non-recurrence should involve interventions tailored to the target context (Kinder, 2021, pp. 512-513; Mayer-Rieckh, 2017, p. 434), recognizing that “opportunities, just as much as needs, are not uniform across all contexts” (UNGA, 2017, para. 26). In identifying the causes of violations and the most effective strategies to prevent them in the future, the involvement of victims – especially women – would be beneficial, also contributing to “restoring their citizenship status” (Mayer-Rieckh, 2017, p. 434).

Importantly, guarantees of non-recurrence “cannot be achieved through ‘institutional engineering’ or institutional reforms alone” (UNHRC, 2015, para. 32). Certainly, transforming abusive institutions is crucial in preventing the recurrence of crimes, as the resources and organizational apparatus of institutions often facilitate large-scale violations (OHCHR, 2006c, p. 3; on institutional reform efforts, UNHRC, 2015, sec. IV). Further, building institutional integrity and legitimacy lends credibility to the new state, which would otherwise struggle to gain the trust of citizens (for effective strategies in this regard, see Mayer-Rieckh, 2007, pp. 494-501). Further still, institutional reforms are an essential part of transitional justice efforts, since they “may [...] be a precondition for providing domestic criminal accountability for the abuses of the conflict or the authoritarian past” (OHCHR, 2006c, p. 3). However, effective prevention also necessitates interventions at the social, cultural, and individual levels (Mayer-Rieckh, 2017, pp. 437-438; UNHRC, 2015, para. 32). Thus, in addition to institutional reforms, states should enhance the preventive potential of civil society (UNHRC, 2015, sec. V; UNGA, 2017, paras. 58-74), ensure that history teaching fosters critical thought (UNHRC, 2015, paras. 93-94), encourage cultural interventions that “‘make visible’ both victims and the effects of

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<sup>32</sup> ILC Articles provide that “[t]he State responsible for the internationally wrongful act is under an obligation: (a) to cease that act, if it is continuing; (b) to offer appropriate assurances and guarantees of non-repetition, if circumstances so require” (Art. 31). On the topic, Davidovic, 2021, pp. 388-391.

<sup>33</sup> See Principles 35, 36, 37 and 38 of the UN Impunity Principles; Principle 23 of the UN Reparation Principles.

victimization” (UNHRC, 2015, para. 95. See also UNGA, 2017, para. 79) and promote psychological support for people who suffered abuses (UNHRC, 2015, paras. 98-102).

In practice, however, institutional reforms have been predominant in prevention strategies, focusing on security sector reforms and vetting (McAuliffe, 2022, p. 163; Roth-Arriaza, 2019, p. 124). This trend likely stems from early transitional justice interventions targeting abuses of state power. In particular, the “transformation of the state security apparatus” was at the time deemed essential to “[provide] guarantees to victims that violations would not be repeated” (Arthur, 2009, p. 356). The Chilean Truth Commission was among the first to trace past violations to a “legal system that was flawed and defective in the area of human rights” (TC Chile, 1991, p. 1076). While acknowledging that “the true cause of human rights violations is an insufficient respect for those rights in a national culture,” it recommended legal and institutional reforms to strengthen the rule of law and prevent further violations in Chile (TC Chile, 1991, pp. 1076-1077). These included judicial reform and interventions related to security forces and police (TC Chile, 1991, pp. 1077-1104).

The effectiveness of institution-focused non-recurrence policies has yielded varied outcomes. For instance, in Bosnia, the vetting process has received mixed evaluations, with police vetting often viewed negatively and judiciary vetting earning more positive assessments, particularly in terms of improving public perception of the judiciary (Horne, 2017, p. 439). Lustration processes in post-communist countries have also shown mixed results regarding their impact on strengthening democracy and trust in institutions (ibid.). However, it is crucial to highlight that this emphasis on institutions contributes to a narrow interpretation of prevention, addressing only the visible causes of abuses – such as corrupt public officials, overly authoritarian police, or discriminatory laws – while overlooking the intricate social, political, economic, and cultural factors and dynamics that shape and influence criminal intentions (McAuliffe, 2022, p. 168; Roth-Arriaza, 2019, p. 125). In parallel, it returns the idea that states can solve their issues simply by intervening in themselves (McAuliffe, 2022, p. 167). This constrains broader considerations that could lead to more effective solutions in preventing the recurrence of crimes.

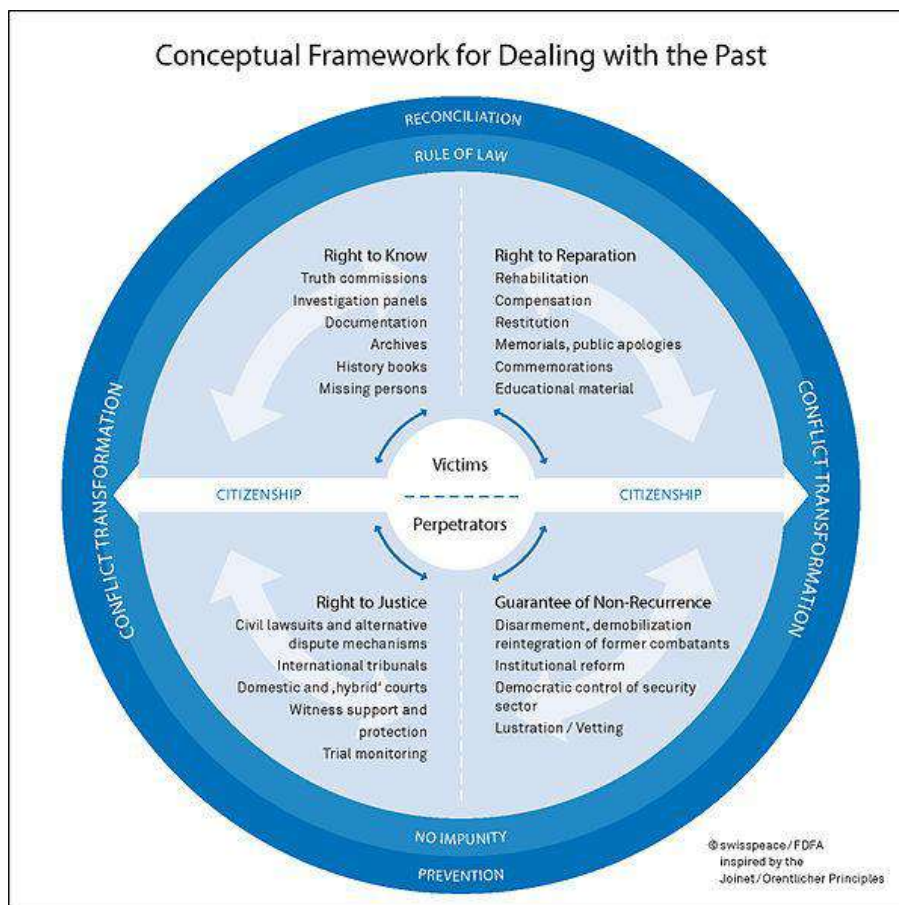
The review of criminal prosecution, truth, reparation, and guarantees of non-recurrence paints a picture that is as rich as it is complex and perhaps a bit confusing. It is rich in that each transitional justice measure holds significant potential, offering diverse pathways toward a better future for victims and society. It is complex due to the different ways each measure can be implemented, impacting multiple fronts simultaneously. It is a bit confusing because all these

measures pursue different and intersecting objectives at the same time. More precisely, on the one hand, it is unclear how justice, truth, reparation, and non-recurrence – each asserting different claims – should coordinate in establishing coherent policies. On the other hand, these measures share, at least in the long term, partially overlapping goals.

In this regard, the aforementioned 2004 UN Report stipulates the need to treat the various measures in close relation to each other; “[w]here transitional justice is required, *strategies must be holistic*, incorporating integrated attention to individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or an appropriately conceived combination thereof” (UNSC, 2004, para. 26, emphasis added). Clearly, the specific combination and coordination of these measures vary according to the context, considering both the specificities of each situation and what is realistically feasible in concrete terms. However, from a theoretical point of view, it is still important to think of truth, justice, reparation and non-recurrence not as “elements of a random list” but as “parts of a whole” (de Greiff, 2012, p. 34. See also Boraine, 2006). Among these measures, there is a complementary relationship, bridging the limitations of each measure and avoiding dichotomies. More specifically, scholars highlight a bi-directional relationship existing among the measures (de Greiff, 2012, p. 37). For instance, take the relationship between prosecution and reparation; prosecution needs reparation to attain objectives beyond fulfilling victims’ desire for revenge, and simultaneously, reparation depends on justice to avoid being perceived as mere compensation or bargaining chips for victims’ acquiescence (ibid.).

The relationship between these measures becomes apparent when considering their ultimate goals, which exhibit some degree of overlap. The analysis above indicates that all the measures aim at victims’ recognition, reconciliation, fight against impunity and, to some extent, the enhancement of the rule of law. In this regard, it has been observed that while each measure may pursue a distinct “immediate goal,” they are “a part of transitional justice in virtue of sharing two mediate goals (providing recognition to victims and fostering civic trust) and two final goals (contributing to reconciliation and democratization)” (de Greiff, 2012, p. 34). This means that truth, justice, reparation, and non-recurrence are intricately connected within a collective project that can only be achieved through coordinated efforts. In line with this perspective, research indicates that no individual transitional justice measure, on its own, effectively reduces human rights violations or positively impacts democracy (Olsen, Payne & Reiter, 2010, p. 996).

The holistic approach to transitional justice has been famously expressed through the *Dealing with the Past* diagram (Sisson, 2010; Swisspeace, 2016)



The diagram presents the rights to justice, to know, to reparation and the guarantees of non-recurrence in connection with each other. In addition, it emphasizes the importance of involving both victims and perpetrators in these measures, aiming to strengthen the rule of law, prevent impunity, and facilitate reconciliation. Furthermore, the diagram underscores that these collective efforts should contribute to conflict transformation, which lies at the core of transitional justice processes. Indeed, discussing the promotion of reconciliation, democratization, victim recognition, and non-recurrence encapsulates a transformative process. Moreover, the very notion of ‘transition’ suggests change, signifying a shift from one state or condition to another.

Along these lines, literature underscores two undeniable characteristics of transitional justice. Firstly, transitional justice is about dealing with violence, a kind of violence that is collective, systemic, enduring, and exceptionally cruel – features often framed in terms of human rights as “severe,” “large-scale” and “systematic” violations and sometimes encapsulated in the concept of “radical evil” (Haldemann, 2023, p. 18; Nino, 1996). Secondly, transitional justice is concerned with fostering social change (Haldemann, 2023, p. 18; Sandoval, 2014), accomplished through not only legislative and institutional reforms but also interventions that can impact societal power structures and their ideological and cultural

dimensions. It is within this dual focus on the past and the future that the practical endeavors of transitional justice are encapsulated. The effectiveness of these efforts is explored in the following section.

## **2. Transitional justice questioned and the emergence of transformative justice.**

To say that transitional justice efforts were in vain would be unfair. Initiatives for truth, justice, reparation, and non-recurrence have accomplished certain goals, at least the more immediate ones. Albeit with context-related variations, prosecution has been actively pursued, light has been shed on the truth, victims received some forms of reparation, and non-recurrence strategies have been attempted. However, the effectiveness of transitional justice measures in fostering social change remains a subject of debate. It is from here that a new theoretical perspective on transformative justice emerges, which advocates for post-conflict justice strategies that delve into the root causes of violence, actively fostering social transformation.

Before delving into the analysis of this school of thought, it should be noted that transitional justice entered a phase of reassessment in the late 1990s and early 2000s. Both practitioners and scholars in the field began questioning its meaning, strategies, and purpose, raising critical issues and proposing a variety of solutions. Drawing on the genealogy of Teitel (2003), Sharp (2013) referred to such practical, legal and policy dilemmas as the “preoccupations of fourth generation transitional justice.” Bell (2009) took a more drastic view, labelling this period as “the field premature midlife crisis,” characterized by a “pressure to reframe the field to include increasingly broad agendas and issues” (p. 13).

The existing literature presents numerous criticisms of transitional justice, and it is beyond the scope of this research to look into all of them.<sup>34</sup> In general terms, critiques of transitional justice are classified as “internal” and “external” (Turner, 2017). Internal critiques do not reject the conventional model of transitional justice but rather scrutinize its implementation, proposing alternative approaches. Notable among these critiques are the calls for a more gender-sensitive transitional justice, emphasizing the importance of considering gender issues in these processes (O’Rourke, 2015). Furthermore, critics challenge the top-down nature of transitional justice, advocating for increased participation of communities directly affected by conflicts in shaping strategies (Lundy & McGovern, 2008). Additionally, there is a push to broaden the scope of transitional justice to encompass violations of economic, cultural,

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<sup>34</sup> An overview of the criticisms of transitional justice can be found in Haldemann & Unger, 2018, pp. 21-23. The authors refer to the ‘Rigidity Critique’, ‘Disconnectedness Critique’, ‘Legalism Critique’, ‘ESCR Neglect Critique’, and ‘Beneficiaries Critique’. See also Haldemann, 2023, pp. 34-43.

and social rights (Arbour, 2007; Mani, 2008). In essence, internal critiques aim to “[expand] the definition of ‘justice’ in transition and thereby the range of people, groups and harms included within its operation” (Turner, 2017, p. 62).

On the other hand, external critiques of transitional justice raise fundamental questions about its mechanisms and underlying principles. Some critics challenge the perceived efficacy of truth-telling initiatives, questioning their potential positive impact (Campbell & Turner, 2008; Daly, 2008). Concerns are also expressed regarding the temporary nature of transitional interventions, suggesting that transitional justice is often treated as a short-term project (Hansen, 2017, pp. 36-41; Nagy, 2008, pp. 280-281; Nickson & Braithwaite, 2014, pp. 454-456). Another significant external critique centers on transitional justice’s failure to capture the grey zones of culpability. More specifically, critics argue that the field tends to oversimplify by creating a binary division between victims and perpetrators (McEvoy & McConnachie, 2012; 2013). This approach may neglect the position of those who cannot be easily accommodated within the categories of victims or offenders, such as child soldiers – often typified as “faultless passive victim[s]” despite having played an active role in conflicts (Drumbl, 2012, p. 9). Similarly, individuals who, while not having committed criminal acts, have benefited from an unjust system are also overlooked in this binary framework (Mamdani, 2015).

Against this backdrop, the view of those who question transitional justice “for treating the symptoms rather than the causes of conflict” emerges, a circumstance which calls for “a concept of justice that is more ‘transformative’” (Gready & Robins, 2014, p. 340). These are precisely the proponents of ‘transformative justice’, who aim to go “beyond critique and the suggestion of micro-alternatives [to transitional justice] to set out an alternative approach in a comprehensive fashion” (Grady, 2019, p. 1). As mentioned, this perspective has developed in response to concerns about the effectiveness of transitional justice in achieving social change. Scholars in this field highlight that, while transitional justice is intended to realize “conflict transformation” based on the transformative potential attributed to each of its measures, these purposes and assumptions remain “normative and human rights-based, rather than empirically rooted, resulting in a tendency to present interventions as a self-evident good” (Gready & Robins, 2020, p. 281). Additionally, transitional justice tends to conceptualize change from a linear and mono-causal perspective as an outcome. In contrast, transformative change is seen as a process, requiring multilevel and multi-causal interventions that consider the interplay between all transitional actors and their context (Gready & Robins, 2020, p. 293; Hoddy, 2022, p. 76; Sandoval, 2017, pp. 186-193). Hence the need for new theoretical and practical perspectives to pursue the transformation of societies.

Daly (2002) was among the first to confront this challenge. She observed that the issue of transformation has historically been neglected by transitional justice, noting that “the terms ‘transition’ and ‘transformation’ tend to be used interchangeably” (Daly, 2002, p. 74). However, she found this analogy problematic; “transition happens at the top” and refers to “a movement from one thing to another” – specifically, from authoritarianism and abuses to democracy and justice. In contrast, transformation “reach[es] deep into the soil of the new society” and is fundamentally about changing the culture of the public at large, fostering an embrace of democratic values (ibid.). From her perspective, promoting the transformation of culture is crucial for post-conflict societies, as it ensures reconciliation and deterrence (Daly, 2002, p. 84).

Lambourne’s (2009) work is also pioneering in the field of transformative justice. Her objective was to critically assess the contribution of transitional justice to peacebuilding and to “developing a model of transformative justice” (p. 30). The scholar advanced an integrated approach to understanding justice interventions that reconciles the purely Western-derived idea of retributive justice with that of restorative justice (Lambourne, 2009, pp. 30-34). Viewing transitional justice as a dynamic process, she emphasized that “transformative justice requires transformation of social, economic and political structures and relationships” (Lambourne, 2009, p. 30). Moreover, she placed considerable emphasis on the local dimension of conflicts; for transitional justice to be transformative, it cannot be imposed on local communities but must be designed with and for them, which also implies a marked cultural sensitivity (Lambourne, 2009, p. 35).

Building on this research, local empowerment and participation became the hallmarks of transformative justice, along with a focus on structural inequalities and critiques of the Western setting of transitional justice strategies. In an article that has become paradigmatic for the transformative justice field, Gready and Robins (2014) stated that the traditional transitional justice approach suffers from “two foundational limitations,” namely “the liberal peace and top-down, state-based processes” (p. 341). Concerning the liberalism inherent in transitional justice, the scholars first point out that transitional justice has focused on the strengthening of democratic institutions, the promotion of a market-oriented economy and the recognition of civil and political rights at the expense of social, economic, and cultural rights (ibid.). These are framed as the main distinguishing features of transitional justice and, admittedly, this is not surprising.

Indeed, as highlighted in the previous sections of this research, transitional justice was born as an exceptional paradigm of justice aimed at fostering political transformation toward

democracy. For this reason, engaging in transitional justice has meant promoting institutional arrangements supporting new democratic regimes and has involved the recognition of civil and political rights, which are at the core of democracies. Conceptualized as relatively short-term processes, transitions have never been properly concerned with addressing economic, social, and cultural change, which has always fallen to the new governments (Waldorf, 2012, p. 173). The present characteristics of the field can thus be explained by examining its origin. However, even its evolution is relevant in this regard: both the emergence of human rights as a practice of global governance and the process of internationalization of transitional justice play a significant role in explaining its current state.

From the first point of view, it is well known that there is an original imbalance between civil and political rights and economic and social rights in the sphere of human rights, which is well reflected in the distinction between first- and second-generation rights. More generally, “[h]uman rights foregrounds problems of participation and procedure, at the expense of distribution” (Kennedy, 2002, p. 109), with the consequence that economic and social rights have emerged over time as “aspirational principles” rather than “enforceable rights” (Wiles, 2006). The same biases have recurred in human rights-oriented transitional justice, as freedoms and liberties tend to be favored over the redress of socioeconomic and cultural inequalities (Sharp, 2012, pp. 796-801; Waldorf, 2012, p. 173).

This may also be explained from the second point of view. The internationalization of transitional justice has resulted in the prominence of international criminal law, which does not protect against the violation of social, economic, and cultural rights or primarily deals with civil and political rights (Arbour, 2007, p. 5). Along these lines, the emphasis on prosecution in transitional justice settings has neglected structural factors affecting conflicts (Miller, 2008, p. 275).

However, prioritizing the implementation of civil and political rights over the socioeconomic and cultural dimensions of conflicts has consequences. Advocates for transformative justice argue that conflicts often stem from issues like marginalization, poverty, or discrimination, which are root causes (Arbour, 2007, pp. 8-9; Evans, 2016, p. 4; Gready & Robins, 2014, pp. 345-348; Mani, 2002; 2008, p. 254; McGill, 2017, p. 84; Laplante, 2008, p. 333; Sharp, 2012). Disregarding these concerns means legitimizing social and economic power imbalances in societies, a circumstance that may also undermine the establishment of civil and political rights (Kennedy, 2002, p. 109; McGill, 2017, p. 80; Sharp, 2012, p. 794; 2013, p. 171). The case of South Africa is often referred to in this regard, where transitional justice is criticized for failing to address racial discrimination and land inequalities, leading to the persistence of



racism, poverty, and everyday injustice (Evans, 2016, pp. 10-11; Mahmood, 1996; Modiri, 2015).

The origin and evolution of transitional justice also help to explain the second “foundational limitation” of the field, namely the understanding of transitional justice as both state-centric and top-down. From its inception, transitional justice has focused on building democratic institutions. Moreover, “[h]uman rights [discourse] places the state at the center of the emancipatory promise ... [:] rights are enforced, granted, recognized, implemented, their violations remedied, by the state. By consolidating human experience into the exercise of legal entitlements, human rights [strengthen] the national governmental structure and [equate] the structure of the state with the structure of freedom” (Kennedy, 2002, p. 113). Along these lines, transitional justice has progressively favored an institutionalized approach that relies on “supra-state and ‘state-like’ structures” (McEvoy, 2007, p. 421). International tribunals and truth commissions, along with initiatives to strengthen state institutions and the rule of law, have become pivotal in transitions. The fundamental idea that seems to have taken hold is that strong institutions are essential for “rebuilding governance” in post-conflict societies (Brinkerhoff, 2005), often at the urging of the international community. Indeed, the “vertical expansion” of the field has led to greater international involvement in defining measures to address gross human rights violations. Today, post-conflict interventions are predominantly Western donor-driven and implemented in a top-down manner, even considering the limited resources available to countries emerging from hostilities (Gready, 2005; Lundy & McGovern, 2008, pp. 275-277; Sriram, 2007, pp. 588-591).

This has resulted in the disconnection of “individuals and communities from any sense of sovereignty over transitional justice practices” (McEvoy, 2007, p. 425), in the sense that those directly affected by past abuses find themselves excluded from deciding, managing, or even participating in how to deal with them (Gready & Robins, 2014, p. 343). From the transformative justice perspective, this hinders the achievement of lasting peace. Indeed, participation in transitional justice initiatives could enhance the autonomy and self-determination of people and communities (Gready & Robins, 2014, pp. 357-358; Lundy & McGovern, 2008, p. 280). More generally, transitional justice must consider local customs and knowledge to be effective; “[w]hat culturally resonates in one context may not do so in others” (Haldemann, 2023, p. 118. See also An-Na‘im, 2013). Uganda provides an illustrative case in this regard, where civil society advocated for local rituals to address serious crimes committed during the conflict, rejecting international prosecution as a “neocolonialist imposition” and a “form of punitive justice” incapable of guaranteeing peace (Clark, 2012, p. 55).

While literature highlights the risks of local ownership in transitional justice processes (Clark, 2012, pp. 62-68), there is an ongoing discourse on striking a balance between international standards and local culture, especially concerning justice (Sharp, 2013, pp. 160-168). Grassroots initiatives have gained prominence, and international documents often endorse a bottom-up approach in transitional justice settings (Mac Ginty, 2008). The 2004 UN Report mentioned above emphasizes the need to “learn better how to respect and support local ownership, local leadership, and a local constituency for reform” (UNSC, 2004, para. 17). However, these words have been ignored in many cases, as they probably ill-fit the normal model of transitional justice, which aims to “establish a unified, universally applicable scheme” of practice (Haldemann, 2023, p. 116). After all, the very language of human rights works against the local, as its universalism resists exceptions, and “human rights movement contributes to the framing of political choices in the third world as oppositions between ‘local/traditional’ and ‘international/modern’ forms of government and modes of life” (Kennedy, 2002, p. 116) – where ‘modern’ seems signifying civilized and ‘traditional’ something closer to barbarism.

Summing up the above, it seems that the “two foundational limitations” of transitional justice have resulted in the emergence of dysfunctional transitional mechanisms, which are not focused on ensuring social change. This is primarily due to a flawed understanding of conflict and violence, an issue that deserves special attention.

Prioritizing violations of civil and political rights over economic, social, and cultural rights signifies a narrow perspective on violence, which concentrates only on the visible aspects of conflicts (Sharp, 2012, pp. 792-793) – what is usually referred to as “direct violence” (Galtung, 1969). Direct violence encompasses acts that physically harm victims, like rape and murder, or deny them certain opportunities for action, such as exclusion from political participation. It does not include economic, social and cultural violations, which remain invisible. They constitute the pattern of unjust societies marked by unequal life opportunities – what is typically referred to as “structural violence” (Galtung, 1969). The case of South Africa is again meaningful in this regard. The Truth and Reconciliation Commission defined victims narrowly, identifying them as those who had suffered serious human rights violations. Poverty and racism were left in the background, with the consequence that “apartheid ... featured as the context to crime rather than the crime itself” (Nagy, 2008, p. 284. See also Sharp, 2012, p. 793). In this vein, critics argue that transitional justice does not afford economic and structural violence its own significance but treats it merely as a contextual element to interpret direct violence (Miller, 2008, p. 276). In parallel, this “frame[s] the conflict in one dimension,”

disregarding the dynamics and mechanisms that normalize injustice and contribute directly or indirectly to the emergence of the conflict (Miller, 2008, p. 280).

This simplistic narrative of violence and conflict is reinforced by the preference given to institutional mechanisms in transitions. Courts and truth commissions adopt a legalistic approach, thus primarily addressing episodes of violence that can be framed as criminal charges (Campbell & Turner, 2008, p. 377; Nagy, 2008, p. 284). “Criminal trials [tend] to cast conflicts in terms of identifiable criminal acts against the victim’s body integrity, formalizing an attitude that the conflict revolved more around physical violence than unequal social structures” (McAuliffe, 2017, p. 38. See also Campbell & Turner, 2008, p. 376; Muller, 2015, pp. 469-470). Truth commissions, focusing on the “‘most serious’ violations, a standard set with reference to law,” investigate a narrow range of gross human rights violations rather than systemic abuses and inequalities in the distribution of power (Campbell & Turner, 2008, p. 377. See also McAuliffe, 2017, pp. 38-39; Muller, 2015, pp. 470-471).

In this context, institutions interpret violence and conflict as violations of the law, framing them as mere “deviations from the norm: they are ‘dark times’ in an otherwise peaceful nation” (Thomason, 2015, p. 73). However, extreme acts of violence or conflicts are not merely violations of the law; instead, they represent the exacerbation of unjust and violent social dynamics deeply embedded in everyday life, to the extent that they can be perceived as the norm. “In the context of mass atrocities, the entire social space takes a violent character. ... No action in these contexts can be treated as independent of the larger context” (Mullen, 2015, p. 472).<sup>35</sup>

On this basis, transformative justice aims at

(1) emphasizing local agency and resources; (2) prioritizing process and pluralism rather than singular paradigms and preconceived outcomes; (3) addressing a violent past, but in a way that acknowledges continuities between past and present and that creating a better future is an open-ended, ongoing project; and (4) challenging unequal and intersecting power relationships and structures of exclusion through strategic action spanning local, national (the state), and global levels (Grady, 2019, p. 27).

However, how can these goals be achieved? In this regard, transformative theories offer contradictory answers, including regarding the relationship between transformative justice and transitional justice. Some argue that “the established toolkit of transitional justice is not

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<sup>35</sup> The violation-centric fixation of transitional justice clearly emerges in its attempts to address violence against women. In promoting gender equality, limited attention has been paid to the ideologies of male domination within social structures, prioritizing the consequences of violent masculinities, particularly sexual violence (Hamber, 2016).

adequate for pursuing the socioeconomic and structural outcome transformative justice necessitates” (Evans, 2016, p. 7). Conversely, others dispute this position, believing that “existing mechanisms can be developed to have deeper social impacts” (McGill, 2017, p. 88). This confusion has not gone unnoticed and has led some to assert that, beyond promising preconditions and careful critiques of traditional transitional justice paradigms, transformative justice is vague and imprecise when describing its practical intentions (Balasco, 2018; McAuliffe, 2017). It has failed to develop a comprehensive theory of change; it is unclear ‘how’ and ‘why’ transformative interventions should bring about change, and it is also unclear ‘what’ these interventions should be (McAuliffe, 2017, pp. 62-66).

More specifically, doubts emerge regarding the basic assumptions of transformative justice. First, while it is undisputed that promoting bottom-up interventions would be beneficial for the field, questions arise about how to implement them. Transformative justice suggests putting civil society at the center of transitional processes (Gready & Robins, 2017), but can civil society truly represent community interests? Does it have real power to shape the agenda of transitions and overcome elite interests in preserving the status quo? Is it possible to exclude the international community from managing contexts in which it believes it has interests at stake (McAuliffe, 2017, pp. 55-59 and Chapter 5; Sharp, 2022, pp. 28-31)? Second, if it is indisputable that transitional justice should implement social justice alongside retributive justice, who should take care of it? It seems unlikely that weak and fragmented states, such as those emerging from conflicts, would be able to do so (McAuliffe, 2017, pp. 59-62 and Chapters 3 and 4). Finally, can the legalistic approach to transitions be dispensed with? By establishing basic principles for a dignified life, human rights law has the potential to break down the power structures that led to the conflict (Sharp, 2022, pp. 29-30). From these perspectives, “it is worth considering to what extent the transformative turn may simply represent the journey from one faith to another faith: from a faith in liberalism and legalism to help establish democracy to a faith in social movements and bottom-up processes to generate unspecified but hopefully progressive social justice ends” (Sharp, 2022, p. 27).

Even more fundamentally, transformative justice can be criticized for a lack of conceptual clarity. Even in view of the absence of a well-defined theory of change, one wonders what should be meant by ‘transformation.’ As noted above, the goal of transformative justice is to promote social change by transforming the root causes of conflict and thereby addressing structural violence. However, doubts remain about what the root causes of conflicts and structural violence are.

Transformative theories seem to conceive structural violence as concerned with power relations that exclude and marginalize, primarily manifesting in the violation of economic, social, and cultural rights framed as the root causes of conflicts (Gready & Robins, 2014; Schmid & Nolany, 2014, pp. 371-374). However, this approach seems somewhat simplistic. First, it is undeniable that the neglect of civil and political rights may also be related to the root causes of conflict. Second, economic, social and cultural violations can be discrete rather than structural abuses when they occur during conflicts. Finally, relating structural violence to power relations that exclude and marginalize lacks scientific accuracy. What does it mean? When may unequal power relations lead to mass violence? Answering these questions is the necessary first step in identifying credible strategies for social transformation.

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***Summary and next steps.*** The Chapter extensively explored the origins, evolution, and current state of transitional justice, including the criticisms it has faced in recent years. It begins by examining its early intervention paradigms, wherein transitional justice emerged as an exceptional tool tailored for addressing exceptional political situations. In this initial phase, achieving democracy was seen as the primary goal of the transition; transitional justice policies were home grounded, with locals as the main actors in the processes.

Over time, the field has undergone a progressive ‘normalization’ and ‘expansion.’ From the first perspective, transitional justice has shifted from being an exceptional tool to becoming a normal instrument for addressing grave human rights violations. From the second perspective, it has evolved beyond addressing political transitions toward democracy, encompassing a broad range of scenarios. Moreover, the actors involved in transitions have increased, and the role of the international community and international law has become predominant.

Today, transitional justice has become a valuable toolkit for fostering peace. Contemporary strategies involve various mechanisms and practices, typically associated with “a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.” Specifically, transitional justice measures usually include criminal prosecutions, truth-telling, reparations and institutional reforms.

However, as transitional justice has solidified as a model of practical intervention, it has increasingly faced critical scrutiny. Based on a liberal, individualistic model of accountability, transitional justice initiatives have adopted a top-down and legalistic approach, privileging norms, supra-state structures and state-led practices over a contextualised engagement with the

welfare of local populations. On this basis, critics argue that transitional justice falls short of promoting meaningful social change. Hence, proponents of transformative justice put forth an alternative approach aimed at addressing the root causes of conflicts and dismantling structural violence. However, their proposal lacks clarity, as it remains unclear what they specifically mean by structural violence and how the transformation of structural violence can be achieved.

Recognizing the importance of social transformation in promoting lasting peace, the second Chapter aims to delve into the notion of structural violence to clarify its contents and potential. The idea is that by deepening this concept, it is possible to develop a rigorous theory of change for post-conflict contexts.

## Chapter II

### **Structural violence: looking at causes rather than symptoms of conflicts.**

#### **1. Structural violence in peace studies and beyond.**

As discussed in Chapter I, the field of transitional justice is currently undergoing debates and criticisms. Among other concerns, critics point out its limitations in promoting social transformation and stress the need for interventions aimed at deconstructing structural violence. However, these analyses fall short in thoroughly exploring the characteristics of it. There is a tendency to interpret structural violence as asymmetric power relations, primarily manifesting in the violation of economic, social, and cultural rights. However, the specifics of these power relations are not detailed, and it remains unclear how violent structures can be transformed.

It is worth noting that the idea of structural violence was not developed within the transitional justice literature, and the most comprehensive studies on the subject have not emerged from this field. Anthropology, particularly public anthropology, has taken a leading role in addressing structural violence, with the goal of facilitating broad and public conversations on social issues to foster social change (Borofsky, 2000a; 2000b; 2000c; 2004). However, interest in the structural – rather than behavioral – character of violence originated within Marxist views of the global political economy. Structural violence was first explored in anti-colonial resistance movements (Fanon, 1963) and Catholic liberation theology (Camara, 1971; Martin-Baro, 1994), which focused on the values of social and political emancipation found in Christianity.

Against this background, the earliest studies explicitly focused on structural violence can be credited to Johan Galtung (1969). This author's exploration of the subject should be understood within the broader framework of his peace studies. Born on October 24, 1930, in Norway, Galtung personally witnessed the injustices of war at an early age. In 1944, his father endured imprisonment in a Nazi concentration camp for 14 months, an experience that deeply affected Galtung and shaped his pacifist convictions. In 1954, Galtung declared himself a conscientious objector, leading to a six-month prison term. This period of incarceration became a time of introspection and writing, during which he delved into Gandhi's philosophy of nonviolence (Venturi, 2013, p. 147). Nonviolence, from that point onward, became a central theme running through his work, described as the "comet" guiding his intellectual endeavors (Altieri, 2014, p. 8, my translation).

Galtung's research served as a manifesto challenging the predominant paradigms within peace and conflict studies of his time. He criticized the lack of consideration for global inequalities in conflict analysis and the failure to recognize liberal capitalism as a primary cause.<sup>36</sup> It is within this context that the concept of structural violence emerged. Galtung argued that sustainable peace could only be achieved by understanding the root causes of violence and the mechanisms that lead to its systemic manifestation in society. In essence, achieving peace necessitates expanding the perspective on violence to encompass its structural dimension.

The upcoming sections of this Chapter will thoroughly explore Galtung's concept of structural violence, examining its evolution in scholarly discourse and the criticisms it has faced. By scrutinizing the contributions of influential anthropologists to this topic, the objective is to identify key limitations in the literature's definition of structural violence and subsequently address them. This Chapter's primary goal is to attain a clear comprehension of the characteristics of structural violence, for the benefit of transitional justice. A precise understanding of structural violence is indeed essential to lay the foundation for robust theories of social change applicable to post-conflict societies. In short, a focused examination of structural violence becomes crucial for transitional justice to function as a guiding framework for societal transformation.

### **1.1. Johan Galtung's triangles and his conception of structural violence.**

As mentioned above, Galtung's examination of structural violence originated from his discontent with the prevailing state of peace and conflict studies. He not only criticizes their narrow perspectives, which fail to address the root inequalities and origins of conflicts, but also emphasizes that peace research often oversimplifies the idea of peace. Indeed, the promotion of peace is mainly seen as attaining a violence-free situation; essentially peace means the restoration of the status quo (Webb, 1986, pp. 432-433).

Galtung contended that this approach is operationally ineffective and provides a limited understanding of peace. He argues that peace can be conceptualized in diverse ways. On one hand, he discusses the concept of "negative peace," defined as the "absence of violence" or the "absence of war" (Galtung, 1964, p. 2). On the other hand, he emphasizes "positive peace,"<sup>37</sup>

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<sup>36</sup> In this regard, Schmid (1968) spoke about a process of "institutionalization of peace research," also referring to the pressures faced by peace researchers in elaborating policies and recommendations. In his words, "peace research has adopted a system perspective and a value orientation which is identical with those of the existing international institutions and lies very close to the rich and powerful nations" (Schmid, 1968, p. 221).

<sup>37</sup> The idea of "positive" and/or "negative" peace can be attributed to Quincy Wright (1942), who wrote that "the positive aspect of peace – justice – cannot be separated from the negative aspect – elimination of violence" (p. 1305). Galtung further developed and expanded upon these insights.



conceived as the “integration of human society” (ibid.) or “a pattern of cooperation and integration between major human groups” (Galtung, 1968). From this perspective, promoting peace involved not merely restoring the pre-conflict status quo – that is, the state of affairs that led to the conflict – but transforming it to prevent the recurrence of violence. In later research, Galtung equated positive peace with “social justice,” describing it as a condition characterized by an egalitarian distribution of power and economic resources (Galtung, 1969, p. 183 and note 31).

In the context of these ideas, the concept of structural violence was developed. Galtung’s multidimensional understanding of peace led to a corresponding multidimensional understanding of violence. Broadly, Galtung defines violence as “influence,” asserting that “*violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations*” (Galtung, 1969, p. 168). Violence, in this view, is “*the cause of the difference between the potential and the actual*” (ibid.). Discussing “the difference between the potential and the actual” refers to a situation where things have the potential to be better than they currently are. More specifically, Galtung understands “the difference between the potential and the actual” as a condition of harm, deprivation or injustice, or of “avoidable insults to basic human needs, and more generally to *life*” (Galtung, 1990, p. 292).<sup>38</sup>

However, there are different ways of insulting people’s human needs and therefore there are different types of violence. Galtung distinguishes “personal” or “direct” violence, where an individual’s actions directly limit human needs (Galtung, 1969, p. 170). Consider as examples a murder committed by a man against a woman, or parents who decide against sending their children to school. The actual somatic realizations of the woman or the children are below their potential somatic realization – namely, the woman could be alive, and the children could be educated – and this is the direct consequence of the actions of specific persons.

Besides direct violence, Galtung also recognizes cases where the limitation of human needs is not directly tied to individual actions. For instance, in societies where support for the poor is lacking, children may be indirectly forced to work, which prevents them from studying regardless of whether anyone obliges them to do so. Similarly, in societies with high rates of

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<sup>38</sup> Human needs constitute a fundamental aspect of Galtung’s work, serving as a focal point for the identification of strategies to promote peace and mitigate violence in policy and research. Having defined violence as “insults to basic human needs,” Galtung details the concept of violence precisely in relation to the kind of harm it produces, that is, in relation to the kind of human need that violence limits or insults. Along these lines, he identifies four classes of human needs: (i) security (limited by direct violence); (ii) welfare (limited by misery); (iii) freedom (limited by repression); and (iv) identity (limited by alienation) (Galtung, 1978).

violence against women, the causes extend beyond individual actions (Galtung, 1969, p. 171). Again, the actual somatic realizations of the women and the children are below their potential somatic realization, but in view of contextual or structural elements. According to Galtung (1969), in these cases “violence is built into the structure and shows up as unequal power and consequently as unequal life chances” (p. 171). Inspired by Gandhi’s approach (Galtung, 1985, p. 145), Galtung (1969) refers to this type of violence as “structural” or “indirect” violence and equates it with “social injustice” (pp. 170-171). The scholar acknowledges that this violence is usually labelled as institutional violence. However, he avoided using this term to prevent a narrow focus on violence caused solely by institutional systems (Galtung, 1969, p. 187, note 12).

In this framework, structures are conceptualized as “patterned relationships among components of a social system” (Weigert, 2008, p. 2006). They are considered “social fact[s]” and, therefore, external to individuals; however, they influence their behavior (ibid.). While this might suggest a deterministic view, research emphasizes that Galtung does not see structures as “laws” determining social behavior. Instead, he views structures as dynamic “games” with their own rules, which social actors follow as players. Although structures (games) exist externally to individuals, they are also internal to players collectively, given that games are human creations and are inter-subjective. Structures are thus highly relational, serving as maps guiding individuals in social life (Demmers, 2017, p. 66).

In this context, structures are considered violent when the interaction between social actors results in an imbalanced outcome in terms of resource access (Galtung, 1985, p. 145). More specifically, the advantaged individuals (topdogs) gain significantly more from the interaction than the disadvantaged ones (underdogs). This disparity arises because “the power to decide over the distribution of resources is unevenly distributed,” leading to an unequal distribution of resources (Galtung, 1969, p. 171). From this perspective, it becomes evident that structural violence is closely tied to hierarchical relationships among participants in the game and the dynamics of power. Those at the top of the hierarchy wield more power, enabling them to realize their potential in terms of life expectancy, educational attainment, control over resources, and other factors (Iadicola & Shupe, 2013, pp. 379-399).

In broad terms, Galtung conceptualizes power as a “center” exploiting a “periphery,” and this exploitation unfolds on various levels, including knowledge, economics, and politics. Indeed, according to Galtung, power manifests in cultural, economic, political, and military forms (Pekka, 1990). This perspective emerges clearly in his early work on imperialism, where he defines imperialism in terms of the control of the center over the periphery, based on the

assumption that “the world consists of Center and Periphery nations; and each nation, in turn, has its centers and periphery” (Galtung, 1971, p. 81). Galtung introduces different types of imperialism (economic, political, military, communication, and cultural) forming a dominance system that generates and perpetuates inequality. More precisely, imperialistic domination is portrayed as a form of structural dependence, representing an exploitative relationship between central and peripheral nations. This occurs by virtue of a complicated mechanism. In short, the center’s abundance of knowledge and resources creates a situation where the periphery inevitably relies on the center. Thus, inequalities of power and resources end up merging (Galtung, 1971).

As is clear from the above, Galtung’s construction of structural violence broadens the traditional understanding of violence, which mainly focuses on visible behavioral evidence – that is, on direct violence. Galtung’s approach shifts away from the emphasis on violent agents and highlights violence that is “silent,” that “does not show” (Galtung, 1969, p. 173). His goal is to uncover the reality of structural dynamics that uphold and perpetuate unjust social systems, comparable in destructiveness to a shot from a cannon. In this context, Galtung (1990) emphasizes that “the archetypal violent structure . . . has exploitation as a center-piece” (p. 293). However, he acknowledges other forms of structural violence, such as patriarchy, conceptualized as a vertical structure with men at the top and women at the bottom (Galtung, 1996/2000, pp. 73-82).

It is worth noting that violence, whether direct or structural (though more pertinent to understanding structural violence), is present only when the difference between actual and potential needs realization is *avoidable* (Galtung, 1969, pp. 168-169). Galtung (1969) illustrates this concept using the example of tuberculosis, asserting that in the 18th century, deaths from this disease would not be considered violence since effective means to prevent or treat it were unavailable at the time. However, if a person were to die of tuberculosis today, it could be deemed an act of violence due to the advancements in modern medicine (p. 168).

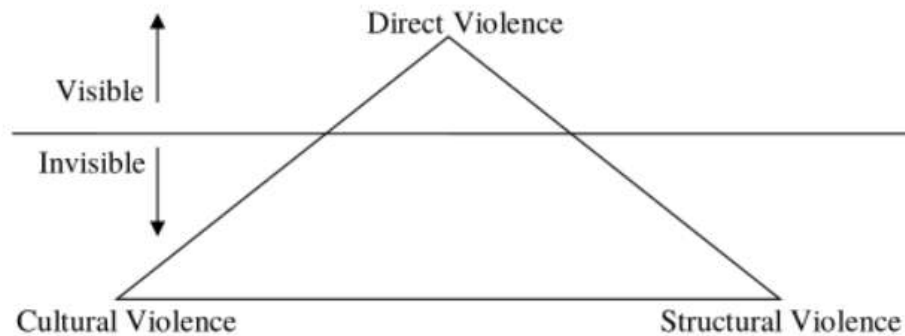
Applying this perspective, one might question whether migrant deaths in the Mediterranean Sea or deaths from malnutrition in sub-Saharan African countries, among others, should be classified as violence, considering the potential for avoidance. Recognizing that these issues stem from globally defined power dynamics between rich and poor countries, primarily driven by economic interests, the answer becomes clearer. Uncontrolled migration and deaths from malnutrition could largely be prevented through policies based on equality and solidarity. Consequently, these occurrences are manifestations of structural violence.

While these events are avoidable, it is undeniable that they often fail to shock us, and we tend to accept them. To be more precise, what we tacitly accept is not properly the death of a starving child or a migrant but the underlying structural dynamics that lead to such suffering and poverty. Looking back in time, it becomes apparent that various forms of violence, both direct and structural, were not only accepted but considered legitimate. Examples include slavery, where the extreme poverty and exploitation of black people were deemed legitimate, as were the abuses they endured. Similarly, the Holocaust saw the genocide of Jews accepted by some based on a theory of racial superiority. These historical examples underscore that violence, whether direct or structural, undergoes processes of legitimation that permit its occurrence.

Galtung (1990) delves into the issue of the legitimization of violence, questioning what makes structural and direct violence “look, even feel, right – or at least not wrong” (p. 291). Understanding the mechanisms that legitimize violence is crucial for devising strategies to delegitimize it and foster nonviolent societies. Galtung introduces the concept of cultural violence within this framework, referring to those “aspects of culture, the symbolic sphere of our existence ... that can be used to justify or legitimize direct or structural violence” (Galtung, 1990, p. 291). He provides six examples of potentially violent cultural domains, including religion, ideology, language, art, empirical and formal science (Galtung, 1990, pp. 296-301). For instance, Galtung notes that certain languages “make the woman invisible by using the same word for the male gender as for the entire human species” (Galtung, 1990, p. 299). Additionally, one can think of the widespread use of sexist expressions in many languages. In most cases, they are not even perceived as such, with the consequence that they become deeply ingrained in our mindset over time. This is precisely what Galtung refers to as cultural violence.

More specifically, Galtung’s concept of cultural violence pertains to the cultural conditioning that upholds oppressive structures (structural violence) and can lead to direct violence. These three types of violence are interconnected, constantly influencing and legitimizing one another, as depicted in Fig. 1.

Fig. 1: Galtung's Violence Triangle.



Source: TRANSCEND Media Service-TMS (available at <https://www.transcend.org/tms/2020/01/varieties-of-violence-structural-cultural-and-direct-2/>).

Galtung (1990) emphasizes that, despite the symmetry of the triangle, there is “a basic difference in the time relation of the three concepts of violence. Direct violence is an *event*; structural violence is a *process* with ups and downs; cultural violence is an *invariant*,” since the basic culture needs considerable time to change, and it remains the same for long periods (p. 294). The causal relationships among these three types of violence flow in all directions, indicating that the legitimization of violence can originate from any vertex of the triangle. For instance, in the case of slavery, the process of legitimization begins with direct violence. In Galtung’s (1990) words:

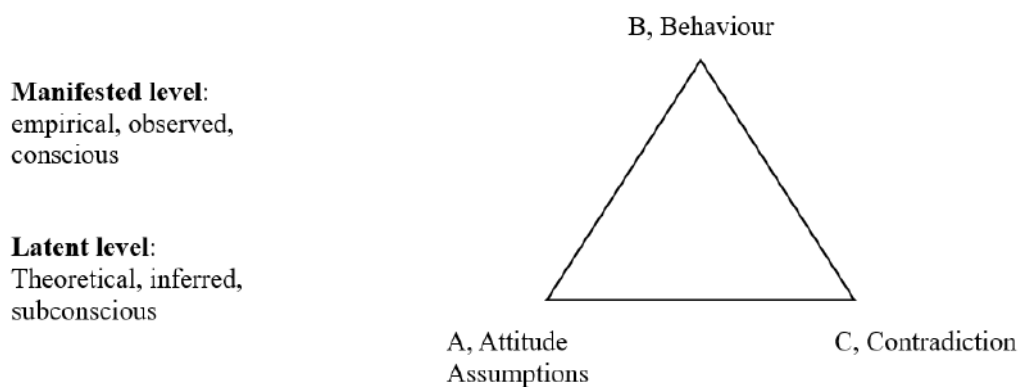
Africans are captured, forced across the Atlantic to work as slaves; millions are killed in the process – in Africa, on board, in the Americas. This massive direct violence over centuries seeps down and sediments as massive structural violence, with whites as the master topdogs and blacks as the slave underdogs, producing and reproducing massive cultural violence with racist ideas everywhere. After some time, direct violence is forgotten, slavery is forgotten, and only two labels show up, pale enough for college textbooks: ‘discrimination’ for massive structural violence and ‘prejudice’ for massive cultural violence. Sanitation of language: itself cultural violence (p. 295).

However, in most cases “a causal flow from cultural via structural to direct violence can be identified” (Galtung, 1990, p. 295). To illustrate this, Galtung examined the criminalization of the poor. In brief, cultural elements normalize the idea that exploiting the poor (structural violence) is socially acceptable (cultural violence). Those subjected to exploitation may attempt to break out of the “structural iron cage” that confines them to their social condition. This occurs

through ordinary crime (direct violence), perceived as a means of wealth redistribution. In response, the poor face repression and criminalization (counter-direct violence) and are stigmatized as aggressors. Consequently, by criminalizing the victims of structural violence who react to their deprivations, those in positions of power legitimize exploitation and reinforce the cultural norms that support structural violence (Galtung, 1990, p. 295). A similar pattern is observed in the case of war, where direct violence is rooted in structural and cultural systems (Galtung, 1994, p. 139).

The triangular model not only helps Galtung theorize the dynamics of violence but also those of conflict and its resolution. Galtung defines conflict as a “social system of actors with incompatibility between their goal-states” (Galtung, 2009, p. 35). Three fundamental elements underlie each conflict: (i) attitudes of the conflicting parties, encompassing emotions and perceptions that pre-exist conflict and determine conflict behavior; (ii) contradictions, representing incompatibilities between the goals, interests, and needs of the parties; and (iii) behaviors, encompassing violent physical and verbal actions pursued to achieve goals (Galtung, 1996/2000, pp. 132-136; 2009, p. 105). These elements are visually represented as the vertices of a triangle – the ABC triangle (Fig. 2).<sup>39</sup> They interact and reinforce each other, creating a cycle of escalation. However, the contradiction is identified as the core of any conflict.

Fig. 2: The Conflict Triangle



Source: Galtung, 1996/2000, p. 134 (my translation).

<sup>39</sup> The conflict triangle serves as an operational model that facilitates the analysis of conflicts by offering a framework to recognize and categorize various aspects and dimensions within them. In essence, it proves valuable for comprehending the dynamics of a conflict, thereby aiding in its resolution and the promotion of peace. See Galtung, 2004/2014.

As depicted in the figure, the behavior dimension is the only manifest aspect, while A and C operate at the latent level. The conflict process can initiate from A, B, or C and evolve in any direction; there is no predetermined development path, varying case by case (Galtung, 1996/2000, pp. 133-134).

Galtung draws a distinction between “actor conflicts” and “structural conflicts.” In actor conflicts, both A and C are conscious, along with B; the involved parties are aware of the underlying incompatibilities (C) and the emotions they experience (A), ready to act accordingly. However, most conflicts are structural, where A and C remain unconscious; a contradiction exists, but there is no awareness of it, nor can people connect their emotions to the contradiction. In these instances, the contradiction lies in the social system’s structure (Galtung, 1996/2000, pp. 137-142). Galtung uses patriarchy as an example, illustrating how contradictions are deeply embedded in the social structure and thus remain imperceptible to social actors.

According to Galtung, conflict cannot be fully resolved but can only be transformed or transcended. To transcend involves redefining the situation to unveil new perspectives. Creativity plays a crucial role in transcending conflict – that is, the ability to view the conflict situation from a different and reconciling perspective (Galtung, 2000; 2004/2014). For structural conflicts, this process necessitates making A and C conscious, a concept Galtung refers to as “conscientization,” drawing on Paulo Freire’s studies (1970). In short, conscientization involves a critical consciousness-raising process that empowers parties in a structural conflict to become active participants in the conflict itself – acknowledging the conflict’s existence and the systemic structures of contradiction. This allows individuals to make conscious choices about their behavior, leading to personal growth and social change. Conscientization, as outlined by Galtung, opens the door to these transformative possibilities (Galtung, 2004/2014, pp. 141, 173).

Galtung’s process of transformation and conflict resolution will be further explored later in this work (see Chapter III, section 2.2.). For now, it is important to emphasize that Galtung positions the individual at the core of this process, often entangled in webs of structural violence that may go unrecognized.

## **1.2. Developments in and criticisms of the idea of structural violence.**

Galtung’s research has been as much appreciated as it has been criticized. Criticisms, appreciations and developments of the idea of structural violence are intimately linked, as they stem from the flexibility of Galtung’s terminology (Jacoby, 2008, p. 43).

In terms of appreciation, Galtung's work has found application and development across various disciplines and by numerous authors. The concept of structural violence has been widely used in anthropology, particularly in medical anthropology, but has also permeated diverse fields such as philosophy, sociology, political science, and peace studies (for an overview, Rylko-Bauer & Farmer, 2016). Even environmental issues have been reframed through the lens of structural violence. For instance, Nixon (2011) introduced the concept of "slow violence" to signify the destructive impact of climate change, deforestation, oil spills, and the environmental consequences of wars. Similar to Galtung's structural violence, slow violence is invisible, depends on unjust power dynamics, and predominantly affects marginalized communities, particularly the poor.

Much of the early research on structural violence aimed to operationalize the concept by quantifying the suffering in terms of life expectancy, with Galtung being among the pioneers in this effort. He assessed structural violence as the "difference between the optimal life expectancy and the actual life expectancy" (Galtung & Høivik, 1971, p. 74). Subsequent scholars developed more complex quantifications, still aimed at identifying the fatal consequences of structural violence, especially for underprivileged classes with limited access to resources (among others, Eckhardt & Young, 1974; Høivik, 1977; Köhler & Alcock, 1976). The goal was also to compare the destructiveness of structural violence with that of direct violence.

Importantly, these early works recognized both global and local processes as structural determinants of violence. However, there was a tendency to emphasize the global ones, focusing on large-scale international systems and processes of domination and oppression that lead to suffering and inequality. In the realm of conflict studies, for example, Ahmed (2007) examined the impact of the international economic order in terms of genocidal structural violence. Prontzos (2004) focused on the Western-dominated global economic structure of neoliberal capitalism, attributing both the creation and resistance to the reduction of structural violence to it. Along these lines, many scholars consider neoliberalism and capitalism as structuring the injustices of modern societies, with Banerjee (2008) developing the concept of "necrocapitalism" to denote "contemporary forms of organizational accumulation that involve dispossession and the subjugation of life to the power of death" (p. 1541).



Medical anthropologist Paul Farmer's research is noteworthy in this context.<sup>40</sup> He was among the first anthropologists to explore structural violence, placing power and social inequalities at the center of modern anthropology (Bourgois & Scheper-Hughes, 2004, p. 318). Farmer defines structural violence broadly, sometimes referring to it as the "violence exerted systematically – that is, indirectly – by everyone who belongs to a certain social order" (Farmer, 2004, p. 307). In other works, structural violence is described as "a host of offensives against human dignity [such as]: extreme and relative poverty, social inequalities ranging from racism to gender inequality, and the more spectacular forms of violence that are uncontested human rights abuses" (Farmer, 2003, p. 8). Similar to Galtung's research, the explanation of violence moves beyond individuals; violence is not solely the result of individual actions (direct violence) but is deeply influenced by structural conditions that subject someone to severe human rights violations.

Farmer interprets structures as "social relations and arrangements – economic, political, legal, religious, or cultural – that shape how individuals and groups interact within a social system" (Rylko-Bauer & Farmer, 2016, p. 47). On this basis, underlying structural violence are "forms of desocialization," namely dysfunctional ways of interacting among individuals that make oppressive structural conditions possible (Farmer, 2004, p. 307). Thus, understanding structural violence involves exploring social mechanisms of oppression and the forms of desocialization that enable them, leading to suffering and harm (*ibid.*).

According to Farmer, the investigation into structural violence should begin precisely with suffering, which is the "ethnographic visible," the tangible manifestation of structural violence. Indeed, the flip side of structural violence is human suffering – encompassing death, illness, psychological distress, and more (Farmer, 1996; 2003). Kleinman, Das, and Lock (1997) had previously defined structural violence and the harm it produces as "social suffering," aiming to illuminate the impact of political, economic, and institutional power on people (p. ix). From Farmer's perspective, focusing on human suffering provides insight into how inequalities are structured or historically legitimized by social and cultural processes, revealing their connection to a particular political and economic order. Farmer emphasizes that "[h]uman rights violations are not accidents ... Rights violations are, rather, symptoms of deeper pathologies of power and are linked intimately to the social conditions that so often determine who will suffer abuse and who will be shielded from harm" (Farmer, 2003, p. 7). In short,

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<sup>40</sup> Some scholars refer to Farmer – and not Galtung – as the father of the concept of structural violence (as reported by Rylko-Bauer & Farmer, 2016, p. 56). Despite the inaccuracy of such claims, they underscore the significance of Farmer's theoretical contributions to the field of structural violence studies.

according to Farmer, structural violence results from large-scale social forces or social processes of domination that maintain power inequalities and lead to individual experiences of suffering. Dominant and oppressive social orders are sustained by cultural apparatuses that make structural violence appear as “nobody’s fault,” echoing Galtung’s notion of cultural violence.

One of the instances of suffering that Farmer explores is the spread of AIDS in Haiti, a country where he practiced as a physician for many years. In sketching the bio-social story of the virus, Farmer underscores the significance of political and economic oppressive forces rooted in the country’s colonial history, further solidified by its economic dependence on the United States. Specifically, he attributes the disease to the sex tourism of Americans in Haiti, primarily affecting economically disadvantaged Haitians who engage in sex work for financial gains. Farmer links this poverty to the historical context of slavery and racism in the country, along with the impact of neoliberal policies that have perpetuated power imbalances (Farmer, 2004).

It is worth noting that Farmer does not establish a direct cause-and-effect relationship between factors such as gender, ethnicity, and socioeconomic status and human rights violations. While these factors make individuals more vulnerable to suffering, the occurrence of violations often requires the intertwining of multiple social factors and an understanding of the specific spatial and temporal context in which people live. For instance, although all women worldwide may face sexism and male domination, the risk of rape is higher for poor women in impoverished countries compared to wealthy women in rich nations (Farmer, 1996, pp. 274-275).

While Farmer’s work has inspired many scholars, it has not been immune to criticism. According to Wacquant (2004), the term “structural violence” is “conceptually limited and limiting” (p. 322). It serves as a broad category with blurry boundaries, conflating various types of violence and structures of domination that should be distinguished. This conceptual vagueness hinders the identification of those responsible for different forms of oppression (Nichter, 2008, p. 149). Correlatively, relying on structural violence conceals the risk to “stop inquiry where it should begin,” that is, may obscure the need to explore and differentiate between various forms of violence and structures of domination (Wacquant, 2004, p. 322).<sup>41</sup>

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<sup>41</sup> In this regard, Sen (2003) notes that although Farmer does not give a rigorous definition of “structural violence,” “power” and “social conditions,” he effectively clarifies their meanings through numerous examples (p. xiii). However, this perspective is not shared by the majority.

Bourgois & Scheper-Hughes (2004) suggest that Farmer's concept of structural violence needs further elaboration and diversification to avoid determinism. They emphasize the importance of specifying empirically and theoretically how historical, political, economic, and cultural processes influence everyday life and suffering (p. 318). Green (2004) echoes a similar sentiment, asserting that Farmer's analysis falls short in explaining "how power operates not only on the global scale but in the daily lives of the people with whom anthropologists work" (p. 319). Therefore, in addition to concerns about vague definitions, the literature points to the need for a more in-depth exploration of the mechanisms driving oppressive power dynamics, particularly through a micro-level analysis.

These criticisms directed at Farmer's work share some similarities with those aimed at Galtung's research. As a reminder, Galtung posits that violence stems from the disparity between the actual and potential realization of human beings. Hence, structural violence involves inequality in the distribution of power and resources, with power understood as the control and exploitation of the periphery by the center. In this context, structural violence becomes normalized within social dynamics. Some critics argue that this definition is overly flexible and broad, to the extent that Galtung seems to include everything he dislikes under the umbrella of structural violence (see Boulding, 1977, p. 84; Rubenstein, 2017, p. 8). Beyond conceptual issues, Galtung's thought is criticized for its perceived static and abstract nature. This is for several reasons.

First, Boulding (1977) points out that Galtung's work relies on dichotomies – structural versus direct violence, center versus periphery, top dogs versus underdogs – that oversimplify the complexity of everyday life and social systems (p. 78). This simplistic approach to reality is also reflected in how Galtung addresses the issue of violent structures. Galtung (1969) states that structural violence is inherent in the structures that regulate the functioning of societies, but he does not delve into the genesis of these structures. In his view, structures are "simply *there*" (Alexander, 2019). Regarding Galtung's work on imperialism, Van Benthem van den Bergh (1972) acknowledges its merit in outlining different mechanisms, types, and phases of imperialism, considering both intra- and inter-state relations. However, it falls short in explaining how and why they occurred (p. 79).

Additionally, Galtung does not explore the specific content of structural violence, concentrating primarily on its outcomes – whether or not it results in harm. According to him, structural violence equates to social injustice, which is "built into the structure and shows up as unequal power and consequently as unequal life chances." More generally, he says that structural violence consists of inequality in the distribution of power. However, while he

mentions imperialism, exploitation, or patriarchy, Galtung does not provide a detailed account of what constitutes the violent structure. Similar to Farmer, he ends up associating structural violence with multiple forms of domination leading to harm, drawing an inaccurate equation between (structural) violence and (unequal) power and between (unequal) power and harm.

Furthermore, Galtung fails to scrutinize the dynamics of subordination between the periphery and the center. He asserts the existence of someone who exploits (the center) and someone who is exploited (the periphery) without identifying the site, features, and functioning of exploitation. Essentially, Galtung does not delve into the intricacies of the structure's dynamics. This omission is critical, as violent structures are not understood in their relational dimension, and power is not conceptualized in dynamic terms. Galtung does not explore the mechanisms of power relations but remains on the surface of social processes. Despite his intention to shed light on the hidden dimension of violence, Galtung portrays structural violence as a self-creative and stagnant force embodied in the excessive power (whether visible or imperceptible) of one party in social interaction at the expense of the other (the topdog at the expense of the underdog). In essence, Galtung appears incapable of recognizing "the structure of (asymmetrical) interdependence relations upon which the interaction relations and mechanisms that he describes are based" (Van Benthem van den Bergh, 1972, p. 82).

This point is particularly important and reveals an additional issue in Galtung's analysis. Neglecting the asymmetrical interdependence relations that underlie the inequality in the distribution of power and resources implies overlooking the fact that structure is not only a constraint on behavior but also a product of behavior. Galtung does recognize a correlation between behavior and structure, acknowledging a relationship between direct and structural violence and vice versa. Nevertheless, as Brown (1981) argues, "Galtung's formulation seems to suggest an initial creation of structure after which the relationship between structure and action is one-way only; this ... portrays structure as a 'thing', a sort of supernatural presence that influences without being influenced" (p. 223). Jacoby (2008) contends that Galtung pays little attention to individual agency to distance his analysis from Marxist thought, which sees violent revolution as a means to diminish structural violence (p. 43). After all, Galtung is first and foremost a pacifist. However, neglecting human action is problematic not just theoretically but also practically, making it challenging to envision how to transform violent structures.

Setting criticisms aside, Galtung's work is undeniably valuable. Weber (2004) credits Galtung with proposing that "the opposite of peace is violence *not* war" (p. 205). His exploration of the various dimensions of violence is commendable, aiding not only in gaining a better understanding of this complex phenomenon but also in formulating practical strategies

to counter it. However, some questions about structural violence still remain unanswered in light of the aforementioned issues. They can be summarized as

- (i) *What are the characteristics of a violent structure and what does power have to do with it?*
- (ii) *What is the relationship between structure and human action and how can violent structures be transformed?*

The following sections attempt to answer the first question; the second question will be tackled in Chapter III of this research.

## **2. Unpacking structural violence: what is a social structure?**

The previous section delved into Galtung's definition of structural violence, aiming to clarify the concepts emerging in the transformative turn of transitional justice. Galtung characterizes structural violence as inequality in the distribution of power and (mostly) economic resources. However, his work leaves several crucial questions unanswered, especially those pertaining to power dynamics in structural violence and the transformation of a violent social structure. These gaps are also apparent in the transformative justice literature (Chapter I, section 2).

This Chapter aims at addressing the first of these questions, namely *What are the characteristics of a violent structure, and what role does power play in it?* Specifically, the initial step involves exploring the concept of social structure. As previously discussed, there is a close connection between structural violence and social structures. Indeed, it is within the social structure that the asymmetrical power arrangements solidify. In a broader sense, if structural violence exists, it implies that social structures are violent – a notion suggesting that structural violence is inherent in the social structure.

It is worth noting that understanding the concept of social structure can be challenging. The term 'structure' has been employed in diverse fields, including sociology, language studies, art history, psychology, and mathematics, leading to varied perspectives on its meaning (Barbano, 1966a; Barbosa de Almeida, 2015; Bastide, 1962/1966).<sup>42</sup> Over time, the concept of social structure holds such richness in connotations that summarizing them in a single definition is almost impossible, to the point that many sociologists choose not to do so. Gallino (2006)

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<sup>42</sup> Some express skepticism regarding the extensive use of the term structure, noting that the notion of structure "tends to be applied indiscriminately because of the pleasurable connotations of its sound" (Kroeber, 1948, p. 325), quoted in Lévi-Strauss, 1958/1963, p. 278). Others, however, stress that if the term is used it is because it meets a need – that is, because it is useful – thus highlighting its generative nature (Bastide, 1962/1966, p. 11).

suggested that the term “social structure” is “virtually meaningless,” essentially referring to the correlation between a set of behaviors (p. 676, my translation). The characteristics of this correlation depend on the nature of the social structure’s constituent elements and the form of the relationships existing between them (ibid.). In this sense, social structure is described as a “conceptual model” or a “situational context” (Barbano, 1966a, p. 104, my translation).

Based on this, understanding what constitutes a social structure involves exploring the essential elements traditionally associated with it and how these elements are believed to interrelate. The following sections precisely move in this direction, specifically examining Marxist, structural-functionalist, and structuralist perspectives on social structure. It is important to note that this review does not claim to be exhaustive; its aim is to provide an understanding of the main features of social structure.

### **2.1. The first ideas of social structure and Marx’s economic structure.**

Auguste Comte was among the first to explicitly mention the existence of a ‘fundamental structure’ of society in his work *The Course of Positive Philosophy* (1830-1842). However, political philosophers in the 17th and 18th centuries specifically analyzed the interdependence between different parts of societies or states. Apart from thinkers like Locke and Hobbes, Montesquieu deserves special attention in this regard. He identified a close connection between the cultural organization of a society and its government. Montesquieu (1748/1965) proposed that every society is characterized by a particular governing sentiment, which he termed “the general spirit of nations.” This general spirit encompasses the habits, beliefs, and sentiments that facilitate the harmonious functioning of the form of government (Aron, 1965/1972, pp. 59-60). It represents the core experience of people living together (Arendt, 2011). Montesquieu (1748/1965) also posited that at the foundation of any form of government lies a legitimating principle derived from the general spirit of a particular nation. These principles include virtue for republican governments, honor for monarchies, and fear of tyranny. These governing principles are not merely psychological motivations but criteria that guide the actions of a community. Montesquieu thus identified a relational pattern that structures and enables the existence of different forms of government. For instance, in a tyranny, if the subjects do not fear the tyrant, the tyranny fails. In this way, Montesquieu can be considered among the first to recognize the structural links between the sociocultural, individual, and political-institutional dimensions of societies.

A similar approach to understanding the interdependence between different parts of societies is evident in Tocqueville’s *Democracy in America* (1835-1840). However, the seminal

works on the topic of social structure belong to Karl Marx. In the Preface of *A Contribution to the Critique of Political Economy* (1859/1977) Marx wrote that

[i]n the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness.

For Marx, the structure of society is first and foremost an economic entity. The economic structure is defined by relations of production, which are social relations imposed on individuals and manifest in property relations and income distribution (Aron, 1965/1972, p. 149). Despite being imposed on the individual, the structure is a result of individual actions. Structure does not pre-exist humanity but is produced by human activity. According to Marx, “men make cloth, linen, or silk materials in definite relations of production ... these definite social relations are just as much produced by men as linen, flax, etc.” (Marx, 1847/1955). In this perspective, the individual becomes both the condition and limit of action through structure (Bastide, 1966, p. 111).

Relations of production influence all other social relations, including morality, philosophy, religion, and norms, which collectively form the “superstructure.” Despite some ambiguities in the use of the concepts of structure and superstructure,<sup>43</sup> Marx makes it clear that the structure does not mechanically determine the superstructure. Indeed, reality depends on how human beings live (Bastide, 1966, pp. 112-113; Jedlowski, 2019, p. 46). Just as people produce the structure, they also produce the superstructure.

In addition to the economic notion of structure, Marx introduces the concepts of “mode of production” and “economic development of society.” The “mode of production” refers to the internal structure of relations of production, connecting them to “productive forces” – that are, the productive capacity of a society, determined by scientific knowledge, technical equipment, and the organization of collective labor. The “economic development of society” involves the relationship between relations of production and the superstructure (Gallino, 2006, p. 676). These concepts are crucial for understanding Marx’s perspective on social change, which

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<sup>43</sup> Doubts arise especially concerning what belongs to the structure or superstructure in social reality. According to Marx, the structure of society encompasses relations of production tied to productive forces, which, in turn, include technical knowledge related to equipment and labor organization. However, the classification of technical knowledge within the superstructure also seems plausible, as scientific knowledge is inherently connected to modes of thinking. Similarly, the organization of labor is contingent upon property laws, falling within the legal domain, categorized by Marx as superstructural (Aron, 1965/1972, pp. 182-183).

constitutes the central focus of his endeavors. Indeed, Marx's primary aim was to develop a theoretical understanding of the transformation of capitalist societies.

Delving deeper into the matter, Marx contends that the economic-material aspects of society are usually in balance with the political, cultural, and institutional superstructural elements. Historical and social change occurs when this balance is disrupted. To be more specific, change occurs when new productive forces emerge that do not align with the existing relations of production. In other words, conflicts arise in the internal dynamics of the mode of production. This, in turn, inevitably impacts the superstructure, leading to a process of transformation.

At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production ... From forms of development of the productive forces these relations turn into their fetters. Then begins an era of social revolution. The changes in the economic foundation lead sooner or later to the transformation of the whole immense superstructure (Marx, 1859/1977, Preface).

The conflict Marx refers to escalates into revolution, leading to the stabilization of the new productive forces. The outcome of the revolution involves the shift from one mode of production to another, fundamentally altering the social structure. In this sense, the structure changes in response to internal processes (Collins, 1988/1992, p. 107).

Building on this framework, Marx identifies four stages of human history, corresponding to four modes of production that have succeeded over time: Asiatic, ancient, feudal, and bourgeois. He emphasizes that "the Asiatic, ancient, feudal and modern bourgeois modes of production may be designated as epochs marking progress in the economic development of society" (Marx, 1859/1977, Preface). This means that changes in the mode of production bring about transformations in the superstructure, specifically in the relationship between the relations of production and the superstructure, reflecting the economic development of society (Gallino, 2006, pp. 306-307). Marx's overarching goal is to theorize the transition from bourgeois society to socialist society, which is based not on the capitalist mode of production but on collective ownership of goods. In this way, the "prehistory of human society" will come to an end (Marx, 1859/1977, Preface).

Whether the structure and superstructure are in balance or undergoing change, there exists an interdependence among the components of society. Specifically, they seem to be connected through a relationship of causal determination, where relations of production (the structure) determine the superstructure. Change, in this context, is explained by the emergence of new productive forces that disrupt the existing structure, leading to subsequent



transformations in the superstructure. From this viewpoint, historical processes are seen as primarily influenced by factors related to economic production (structure), potentially leaving limited room for human agency. However, the interpretation of Marxism as being strictly tied to economic determinism can be reconsidered, at least to some extent.

Firstly, Marxism acknowledges the crucial role of class struggle in driving societal change, as highlighted in documents like the *Manifesto of the Communist Party* (1848). Additionally, Marx states that “[m]en make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past” (Marx, 1852/1977, Chapter 1). This essentially means that, while economic and social structures, along with productive forces, may influence human actions, they do not entirely shape them. These structures set the parameters within which individuals must navigate to achieve their goals, contingent on circumstances inherited from past human actions (Topolsky & D’Eboli, 1983, pp. 352-353). After all, as noted above, structures are not solely imposed on individuals but are also produced by human agency. Therefore, one can acknowledge a form of determinism in Marx’s theory while recognizing the mutual interdependence between the systemic-structural level and the level of social action.

## **2.2. Structure as a pattern of social cohesion: the structural-functionalist perspective.**

While Weber also examines the relationships within different parts of society, Durkheim is often regarded as one of the first authors attempting to understand its deep structure. Drawing on Spencer’s organic theory of society (see in particular *Principles of Sociology*, 1876), Durkheim delves into the issue of social cohesion and the reproduction of society. ‘What holds a society together?’ he asks.

In his seminal work, *The Division of Labor in Society* (1893), Durkheim answers by exploring the evolution of human societies. He distinguishes between simple societies (primitive) and complex societies (industrial). Unlike complex societies, simple ones are marked by low division and differentiation of labor. Durkheim posits that social cohesion in simple societies is characterized by “mechanical solidarity,” rooted in similarity. Social ties are relatively homogeneous in terms of common beliefs and sentiments, leading to normative consensus. In contrast, complex societies exhibit “organic solidarity,” where the high differentiation of labor results in individuals depending on each other’s production, fostering mutual interdependence and solidarity. Thus, social cohesion in complex societies arises from differentiation, not similarity, and is maintained through the need for cooperation. In other words, in complex societies, people are in a relationship of functional interdependence from

which solidarity arises. Whether mechanical or organic, solidarity grants social organization (Aron, 1965/1972, p. 298). While Durkheim does not explicitly use this terminology, both forms of solidarity are believed to define the structure of a society or its parts (Gallino, 2006, p. 677).

In contrast, Durkheim explicitly employs the term “structure” concerning the physical or sociodemographic elements of a society. According to him, these elements – encompassing the volume, material density, and moral density of a society – result in fluctuations in the division of labor and social relationships, ultimately defining the organization of society. In Durkheim’s words, “[t]he division of labor varies in direct ratio with the volume and density of societies, and, if it progresses in a continuous manner in the course of social development, it is because societies become regularly denser and more voluminous” (Durkheim, 1893/1964, p. 262). Simply put, higher population density corresponds to increased labor specialization and intensified relationships among individuals, leading to cooperation and the emergence of organic forms of solidarity. Thus, social cohesion is contingent on the characteristics of the social structure.

It is noted that this emphasis on environmental factors to explain social organization tends to diminish as Durkheim’s thought evolves (Alexander, 2002, pp. 29-30). In later works such as *The Rules of Sociological Method* (1895) and *The Elementary Forms of the Religious Life* (1912), Durkheim explains social cohesion and social order by also referring to inner feelings. These works argue that what holds society together is morality – that is, a set of values and beliefs expressed in norms. Norms, as social facts, impact individuals both externally and internally. This is the sense that individuals feel an inner urge to comply with norms, and non-compliance results in legal or social penalties applied from the outside (Jedlowski, 2019, p. 68). Thus, morality serves as the foundation for the solidarity that binds members of a society together.

This is significant not only because it suggests that morality is connected to social structure, particularly in relation to solidarity, but also because it encourages reflection on the relationship between the individual and society. In this regard, many elements in Durkheim’s work convey the idea of a social structure constraining individual action. The conception of society as determined by environmental factors aligns with this idea. Additionally, Durkheim famously observed that social facts exert a “coercive” and “constraining” power on the individual (Durkheim, 1895/1982, p. 52). However, when Durkheim speaks of coercion, it is in a broader sense than commonly understood (Aron, pp. 336-337). For example, he qualifies fashion as a social fact, stating that it is coercive in the sense that everyone dresses a certain

way in a certain year because others do the same. More generally, when stating that social norms and morality influence the individual from within, he refers to feelings of attachment that presuppose inner conviction rather than mere obligation. In other words, the individual's "subordination" to society is possible because it rests on "feelings of attachment and respect which habit has implanted within him" (Durkheim, 1895/1982, p. 144). Thus, individuals retain a form of autonomy from social norms, as morality involves more than compliance with rules; an individual's moral development is fully realized when a norm is freely understood and accepted as a guiding criterion for action.

Although Durkheim's view of the relationship between the individual and society is somewhat ambiguous (Bowring, 2015), the above indicates that he understands social structure as a set of relationships or practices that regulate social integration. This perspective paved the way for structural-functionalist studies, which precisely address the issue of the integration process in societies.

Among the leading exponents of this school of thought is Radcliffe-Brown, the first anthropologist to explicitly deal with social structure and perhaps the structural-functionalist most faithful to Durkheim's thought. Distancing himself from Malinowski's functionalism and his conception of culture, Radcliffe-Brown perceives social phenomena as "relations of association between individual organisms" (Radcliffe-Brown, 1940, p. 2). The object of his study is precisely the forms of association between human beings (social relations), what he calls "social structure" (ibid.). However, studying social structures does not strictly mean studying social relations; a relationship between two people is just one part of the wide network of relations involving many others (Radcliffe-Brown, 1940, p. 3). Thus, social structure refers to the network of relationships holding people together not only at the interindividual level but also at the community and global level (Radcliffe-Brown, 1952, pp. 191-192). It encompasses any kind of social relationship, including, for example, kinship relationships or relationships between social classes (Radcliffe-Brown, 1940, p. 3).

Radcliffe-Brown's focus is not on describing the observable details of relationships, what he terms "structure as an actually existing concrete reality" (Radcliffe-Brown, 1940, p. 4). Instead, it is on examining the abstract and general form of the structure. This emphasis arises because if concrete social life is in constant flux – for example, the relationship between a husband and wife may break off – the structural form tends to change little (ibid.). Consequently, continuity of relationships over time is essential for defining social structure. In practical terms, "[t]he form of a social structure has ... to be described by the patterns of

behaviour to which individuals and groups conform in their dealings with one another” (Radcliffe-Brown, 1940, p. 8).

The study of values and culture is also integral to the study of structure. Social relations are seen as a consequence of “interest,” resting “either on the mutual interest of persons in one another, or on one or more common interests, or on a combination of both of these. ... When two or more persons have a *common interest* in an object, that object can be said to have a *social value* for the persons thus associated. ... The study of social values in this sense is therefore a part of the study of social structure” (Radcliffe-Brown, 1940, p. 9). Additionally, culture plays a role in structural analysis as it constitutes the characteristic aspect of human societies. Studying culture means examining the behavior of a group of people who interact with each other and are thus bound by a social structure. In this perspective, culture is not viewed as a set of ways of life that determine the behavior of members of a community; rather, it is a process – a set of interrelationships through which these ways of life are transmitted (Barbano, 1966a, p. 110).

Lastly, it is crucial to note that the notion of structure is closely linked to that of function in Radcliffe-Brown’s perspective. Each part of the structure – that is, each pattern of behavior to which individuals conform in their relationships – serves a social function that contributes to the existence and continuity of the social whole and the structure itself. Just as the heartbeat contributes to the existence of organic structure, social practices contribute to the existence of social structure (Radcliffe-Brown, 1940, p. 10; 1952, p. 178).

Parson is also a functionalist and studies social structure. More specifically, this author uses the term structure in different ways: (i) as a conceptual analytical scheme; (ii) as social system structure, one of the components of a social system, which is the same in all social systems; (iii) as social systems viewed as types of structure, signifying structure as a social system (Barbano, 1966a, p. 121). This research is particularly concerned with the second meaning, necessitating an initial grasp of what Parsons signifies by a social system.

According to Parsons, “a social system consists in a plurality of individual actors interacting with each other in a situation which has at least a physical or environmental aspect” (Parsons, 1951/2005, p. 3).<sup>44</sup> Therefore, the social system is a system of interaction among

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<sup>44</sup> Every social system performs certain basic functions: it must adapt to the physical environment (Adaptation), achieve its goals (Goal attainment), ensure the integration of its parts (Integration) and preserve its organization (Latent pattern maintenance) – the so-called AGIL paradigm. These functions are concretely fulfilled by differentiated, interdependent and interconnected subsystems. More specifically, adaptation is carried out by economics; goal attainment by politics; norms, law and community ensure integration; family, education and religion maintain the latent pattern (Collins, 1988/1992, pp. 78-79).

individuals in a specific situation,<sup>45</sup> whether involving two or more people or an entire society. However, Parsons does not focus on individuals per se but on the roles they play in society. He asserts that “in most relationships the actor does not participate as a total entity, but only by virtue of a given differentiated ‘sector’ of his total action. Such a sector, which is the unit of a system of social relationships, has come predominantly to be called a ‘role’” (Parsons, 1954, p. 230).<sup>46</sup> A role is “the processual aspect” of an actor’s participation in a relationship, representing “what the actor does in his relations with others seen in the context of its functional significance for the social system” (Parson, 1951, p. 16). In other words, roles are organized sets of acts, i.e., patterns of behavior directed toward the performance of a function – for instance, the role of a teacher (Jedlowski, 2019, p. 222).

However, the actor’s participation in the social system involves an additional aspect, namely status. It represents the “positional aspect” of engagement in social interaction, defining “where the actor in question is ‘located’ in the social system relative to other actors” (Parson, 1951, p. 15). In essence, status is the social position of an individual (e.g., teacher), and role is the activity associated with that specific social position (e.g., teaching). Thus, social structure (social system structure) is the structure of patterned relationships of actors who participate in social interactions by virtue of their status-role (Parsons, 1951/2005, p. 15; 1954, p. 230).

It is crucial to emphasize that social interaction, like any component of the social system, always serves the functional needs of the social system (Barbano, 1966b, p. 3), including the maintenance of social order, which requires the stability of the structure. Consequently, social relationships forming the social structure are inherently stable (Segre, 2012, p. 4). This stability arises from human actions guided by shared norms and values, that is, by culture. Parson (1951) defines culture as “patterned or ordered systems of symbols which are objects of the orientation of action, internalized components of the personalities of individual actors and institutionalized patterns of social systems” (p. 220). During social interaction processes, various cultural elements regulate communication, grounding reciprocal expectations. When individuals act, they conform to previously internalized and shared norms and values within their community, reflected in how they perform a given role (Parson, 1937/1987, p. 115). Specifically, through

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<sup>45</sup> By situation Parson means a set of “objects of orientation,” which are of three species: physical objects (empirical entities that do not interact with the individual, such as a house); social objects (the individual himself or other individuals who interact with the individual); cultural objects (symbolic elements, ideas, expressive symbols). The relationship that binds an acting individual to the situation is called orientation (Parsons, 1954; 1951/2005, pp. 1-2).

<sup>46</sup> It should be noted that the role is not the only unit of the social system. It also includes the “social actor,” who exercises a role; the “social act,” performed by the social actor; the “collectivity,” comprising multiple social actors performing roles; and the “institution,” which encompasses the elements defining roles. Nevertheless, the role stands out as the most significant unit of the social system (Parson, 1951/2005, p. 26).

the process of socialization, individuals assimilate common value-patterns (the process of internalization of social value-orientations), leading them to pursue specific ends by specific means while excluding others. Socialized individuals, therefore, tend to behave in ways that contribute to the stability of the structure (Crespi, 1998, pp. 135-136).

This aspect introduces Parson's innovative perspective on the relationship between human action and social structure, grounded in two seemingly contradictory assumptions. On the one hand, Parson argues that actions are intentional and align with the will of social actors – Parson (1937/1987) labels his theory of social action as a “voluntaristic” theory. On the other hand, he asserts that individuals perform their roles according to an internalized value system. From this perspective, the social structure seems to determine behavior. The contradiction between these propositions can be reconciled by recognizing that individuals identify with their social tasks and roles (Magatti, 1995, p. 27). In other words, while action is guided by a normative order, norms are also internalized, with the consequence that the individual chooses to follow them.

However, Parson does not delve into how individual actors make choices or why they internalize a particular normative system instead of another. This omission results in a limited recognition of individual freedom of choice, especially moral freedom, and a reduced acknowledgment of the creative nature of human behavior. Parson perceives people's deviation from the dominant normative order solely as deviant behavior (Crespi, 1998, p. 136; 2008, p. 334), attributed not to a deliberate choice by the individual but to the failure of the social control system.<sup>47</sup> Not surprisingly, one of the main criticisms of functionalism is its incapacity to theorize social change. In short, society is deemed capable of self-regulation and human actions seem to be determined by underlying forces, values and norms that structure it (on the topic, see, among others, Coser, 1977/1997, pp. 603-617; Izzo, 1994, pp. 293-296).

Only Merton's functionalism partially deviates from this prevailing trend. To begin with, he defines social structure by focusing not only on the analysis of functional interdependencies, but also on the analysis of the interactions between individuals and social structure (Barbano, 1966a, p. 127). Without delving into this author's structural analysis (the reference work is *Social Theory and Social Structure*, 1949; rev. ed. 1968), Merton understands social structure as the distribution and organization of status and roles in the social space and

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<sup>47</sup> According to Parson (1951), human choice against common value-patterns (social change) “is potentially so dangerous to the stability of a given institutional system that it may be presumed that one of the major functions of the mechanisms of social control is to forestall the establishment of a claim to legitimacy for the expression of need-dispositions which are alienative relative to the major institutionalized patterns of the social system” (p. 191).

thus as the structure of social relations on which the social realization of individuals depends.<sup>48</sup> Simply put, social structure pertains to the set of possibilities available to individuals within a society. Merton posits that social norms shape roles and establish systems of mutual expectations in society. However, he acknowledges the inherent ambiguity and contradictions within these norms, which compel individuals to make choices about their actions in each situation. As a result, human action is not constrained by a predetermined script but rather entails continuous adaptation (Martire, 2009, para. 37). Accordingly, social structure does not determine human behavior; it provides the elements upon which individuals base their decisions on how to perform social life.

From this perspective, Merton appears to distance himself from a deterministic viewpoint (*contra*, Wallace & Wolf, 1999/2000, pp. 16-17). Like Parson, he acknowledges the constraining influence of social structure on social life (Magatti, 1995, p. 27). However, his approach to social change differs from that of most functionalists. According to Merton, social systems are not inherently self-regulating. Instead, he contends that social change is contingent on the decisions made by individuals when interpreting conflicting norms (Martire, 2009, para. 55). Therefore, the individual seems to be given a new centrality.

### **2.3. Structuralism, structural Marxism and network analysis.**

Starting in the 1930s, structuralism<sup>49</sup> gained traction in Western Europe and the United States. Linguistics is the scientific field where structuralism not only originated but also saw its most extensive development.<sup>50</sup> However, structuralism has also found a prominent place in anthropology, primarily thanks to the pioneering efforts of the French anthropologist Lévi-Strauss. His primary objective was to bring order to the highly intricate and seemingly fragmented phenomenon of culture. Building on the ideas of Durkheim and Mauss, Lévi-Strauss believed that a society's culture could be traced back to a deeper reality, which could

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<sup>48</sup> Barbano (1966a) highlights several ways in which Merton understands social structure, including (i) group of social formations; (ii) structural context of the situation; (iii) structure of social relations, which essentially corresponds to a structure of status (pp. 130-131). However, a comprehensive analysis of the author's work suggests a predominance of the last meaning.

<sup>49</sup> To avoid any confusion, it is essential to clarify that structuralism encompasses more than just works that investigate structure. Additionally, studies that reference the term 'structure' may not necessarily be considered structuralist. For example, structural functionalists, as discussed in section 2.2 of this research, focus on social structure, but they are not considered structuralists. Instead, Ferdinand de Saussure's *Course in General Linguistics* (1916), which is regarded as the foundational text of European structuralism, notably lacks the use of the term structure.

<sup>50</sup> In this regard, mention should be made of the late 19th century studies of de Saussure, who aimed to determine "the true nature of language" (de Saussure, 1916/1959, p. 17). To this end, he focused on language considered as a global system rather than on its units (words) by adopting a synchronic rather than diachronic approach.

be identified and examined in its structure (Tullio-Altan, 1966, pp. 230-232). More concretely, from a structuralist perspective, tracing back to structures entails an exploration of the universal, formal, and unconscious cognitive categories that serve as the foundation for the development of beliefs, artistic and religious expressions, and social organizations.

According to Lévi-Strauss, “[t]he term ‘social structure’ has nothing to do with empirical reality but with models which are built up after it” (Lévi-Strauss, 1958/1963, p. 279). Therefore, structures are not empirical realities, and they do not originate from social life. At the same time, they are not simply conceptual models created by observers. Rather, they represent unconscious, enduring realities, which are external to the observer and can be grasped on the basis of abstract models developed using deductive reasoning (Crespi, 1985, pp. 146, 157). They serve as the foundational framework for all human phenomena, including social relations. Indeed, social relations “consist of the raw materials out of which the models making up the social structure are built” (Lévi-Strauss, 1958/1963, p. 279). However, not all models can be qualified as structures. A structure is a model characterized by four distinctive elements, namely (i) the model “exhibits the characteristics of a system;” if one of the elements of a model is altered, all the others change; (ii) “for any given model there should be a possibility of ordering a series of transformations resulting in a group of models of the same type” – that is, in a group of models of the same type, the more complex model can be made dependent on a simpler model through appropriate transformations of the more complex model. In addition, properties of the simpler models can be included in the more complex models through new transformations; (iii) “the above properties make it possible to predict how the model will react if one or more of its elements are submitted to certain modifications;” (iv) “the model should be constituted so as to make immediately intelligible all the observed facts” (Lévi-Strauss, 1958/1963, pp. 279-280. See also Barbano, 1966a, p. 18). It should be noted that this definition is primarily a methodological one used to initiate the process of structural analysis. When approaching the phenomenon he wishes to study, Lévi-Strauss does not immediately delve into its empirical aspects. Instead, he first examines its characteristics through the theoretical framework just described (Valeri, 1970, p. 349).

In this framework, attention should be paid to the concept of transformation, which holds a fundamental role in structural analysis. Indeed, ‘structure’ is defined as a “group of transformations.” Here, ‘transformation’ should not be interpreted in its conventional sense as a specific change within a local system, considering its historical evolution and changing forms over time. Instead, it is used in its mathematical sense (Valeri, 1970, p. 352). This is to say that transformations refer to the structural (not historical) set of forms of which the local system is



part of. Structure is a set of transformations in the sense that it comprises the common elements within a uniform group of objects, that is, what remains constant amid variations among the components of the group (Weyl, 2012, pp. 170-171). Consequently, the focus of analysis shifts to the group level. Lévi-Strauss's aim is not to scrutinize the details of a specific local system but rather to compare various local systems in order to construct a universal system – a structural matrix common to all experiences. For instance, in his work *Mythologiques* (1964-1971) he analyzes different myths by observing their synchronous, not diachronic, variations (transformations) across America. This approach helps identify the underlying mythic structure that remains consistent throughout these transformations.

Philosopher Althusser is also a French structuralist, and more specifically he is the leading theorist of structural Marxism.<sup>51</sup> This author aims to review Marx's work from a non-empiricist, non-humanist and non-idealist perspective – and thus from a structuralist perspective. Similar to Lévi-Strauss, Althusser is interested in understanding the structures that underlie social phenomena, which are conceived as totalities made up of elements connected in specific ways. These totalities cannot exist independently of their constituent elements and these elements exist only as part of the totality (on Althusser and the structuralism, see Assiter, 1984, p. 278).

Examining the main features of Althusser's work, he sought to revise Marx's ideas by trying to avoid economic determinism. Along these lines, Althusser does not recognize only an economic mode of production. Marx had defined the mode of production as the internal structure of relations of production, thus giving it an exclusively economic connotation. Althusser, on the other hand, acknowledges the existence of multiple modes of production. In this context, his concept of "practice" plays a pivotal role. He defines practice as "any process of *transformation* of a determinate given raw material into a determinate *product*, a transformation effected by a determinate human labour, using determinate means (of 'production')" (Althusser, 1965/1969, Part Six). Building on this definition, Althusser identifies four distinct practices or modes of production: alongside economic production, he identifies political production, ideology and science (or theory). All of these are considered modes of production since they entail the transformation of raw materials or objects into products through labor processes that differ according to the particular practice (Geras, 1972, p. 61).

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<sup>51</sup> Although Althusser is qualified by the literature as a Marxist structuralist, he explicitly rejects this label: "[w]e believe that despite the terminological ambiguity, the profound tendency of our texts was not attached to the 'structuralist' ideology" (Althusser & Balibar, 1970, p. 7).

Althusser's identification of various modes of production implies the existence of additional structures beyond the purely economic one, such as the political, ideological, and theoretical structures. Each of these structures possesses unique characteristics that set it apart from the others. Nevertheless, they all operate simultaneously as an interconnected whole, collectively forming what Althusser refers to as the "social formation" (Geras, 1972, p. 62). In parallel, the social formation forms a global structure, which is described as "*decentred* since its elements do not derive from one original essence" (Geras, 1972, p. 71. See also Kelly, 1977, p. 193). The global structure (and thus also social formation) has a dominant element, which is alternately politics, ideology, economics, or theory (Geras, 1972, p. 72; Resch, 1992, pp. 52-53). "In any case, while one element can displace another to assume the dominant role, such variations occur within a structure which is *invariant* to the extent that it always has a dominant element, and this is what Althusser intends by calling the social formation a *structure in dominance*" (Geras, 1972, p. 72).

Of particular interest is the relationship between the political, ideological, and theoretical structures. According to Althusser, these structures function autonomously from the economic structure, which nevertheless remains decisive with respect to the superstructure "in the last instance." This means that the economic structure does not permit political or ideological practices that are inconsistent with the economic forces and relations of production existing in a given society. However, it allows for a range of causal relations within the social system without specifying permissible political institutions or determining ideological and knowledge apparatuses (Resch, 1992, p. 53). Furthermore, human action is not solely understood as a mere reflection of relations of production. Instead, individuals are viewed as creative actors moving within a system of rules, discourses and interests that respond to the coordinates of the global structure (Resch, 1992, p. 27).

While structuralism represents the lens through which neo-Marxists have sought to reinterpret Marx's thought, it has stimulated scholarly reflection across various fields. This research considers the Social Network Analysis (SNA). Although it has recently found applications in the fields of physics, biochemistry, genetics, and computer science, SNA originated in the field of anthropological and sociological studies, as its name suggests. In a broad sense, SNA is grounded in the belief that the patterns of social ties in which individuals are embedded have important implications for them. Network analysts seek to identify different patterns, determine the conditions giving rise to them, and understand their consequences (Freeman, 2007, p. 28).

More specifically, there are two main theoretical traditions of SNA that developed in England and America. In England, the study of social networks emerged as a response to the dissatisfaction of some anthropologists with traditional structural-functionalist analysis methods. While conducting research in African societies, scholars from the Manchester school<sup>52</sup> observed significant instability, which contradicted the structural functionalist's idea of stable societies. This led to a shift in research methodologies to emphasize conflict and change over integration and cohesion. Within this framework, the concept of social network was employed to describe the flexible, discretionary, and dynamic relationships established in these contexts (Piselli, 1995, p. VIII-XI).

In contrast, American sociology uses network analysis to study social structure (Piselli, 1995, p. XLIV), drawing influence from classical German sociology by Simmel and the psychological theory of Moreno.<sup>53</sup> American structural analysts employ the concept of network to describe and explore relational patterns involving social actors. They argue that social life is rooted in the structure of social positions and relationships, and it can be explained by analyzing these patterns of positions and relationships (Blau, 1982). This approach shares similarities with structuralism; network analysis does not focus on the personal attributes of social actors, but instead examines the interdependencies among the system's units, exploring their morphology and deep structure through a synchronic approach (Piselli, 1995, p. LXX). However, unlike structuralism, the explicit goal of network analysis is to investigate “*concrete* social relations among specific social actors” (Wellman & Berkowitz, 1988, p. 5).

In this perspective, social structure is conceived as a social network, consisting of the social actors and the relationships connecting them. More specifically, “social structures can be represented as *networks* – as sets of *nodes* (or social system members) and sets of *ties* depicting their interconnection.” Thus, relationship is the basic unit of social structure. It is important to stress that nodes are not only individuals, but also “groups, corporations, households, nation-states, or other collectivities ... ‘Ties’ are used to represent flows of resources, symmetrical friendships, transfers, or structured relationships between nodes” (Wellman & Berkowitz, 1988, p. 4). On this basis, American structuralists study relationship patterns among social actors within social systems, how these patterns influence behavior, and how connections between

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<sup>52</sup> For a theoretical and methodological framing of the Manchester School, see, among the most recent contributions on the topic, Evens & Handelman, 2011.

<sup>53</sup> Moreno's studies emphasize the influence of group relations on individuals. The author wants to analyze how the psychological well-being of individuals is related to the structural characteristics of “social configurations,” that is, group relations formed by concrete patterns of interpersonal choices (see especially Moreno, 1934). Moreno uses graphic tools to describe group relations (sociogram) and promotes the idea of a direct relationship between micro and macro systems. This is also part of American network analysis.

actors shape the overall network of relationships in society (Freeman, 2007, p. 28). In other words, they explore the circular effects of mutual influence among actors, relationships, and networks (Salvini, 2005).

The combined focus on these three levels of analysis prevents the reification of the superstructure and gives relevance to social interactions. Actors and structures are not placed in antithesis, but they are viewed as interdependent elements, as mutually constructed elements. Relationship patterns are both structural components influencing social action and the outcome of the social action. This means that social structure is both the creator and the creation of social action (Salvini, 2005, pp. 25-26; Vergati, 2008, p. 53). Consistently, social actors are both free and constrained. While individuals can negotiate their reality, the conditions of this negotiation are invariably shaped by larger relationships beyond their control (Collins, 1988/1992, p. 398).

From the perspective of network analysis, individuals do not act on the basis of internalized norms that compel them to behave in a particular way. As a result, culture is not a precondition of individual action or a factor that correlatively shapes structure. Instead, behavior is explained by “analyzing the social distribution of possibilities: the unequal availability of resources – such as information, wealth, and influence – and the structures through which people may gain access to them” (Wellman, 1988, p. 33). The processes through which resources are mobilized and the resulting interactive context determine behavior, as well as the norms and values of individuals. Thus, for example, it has been argued that those emigrating from underdeveloped countries to the West do so not because they have internalized Western values, but rather because friends or relatives who previously emigrated promised to assist them in finding employment (Wellman, 1988, p. 35). The values of Western society will eventually be internalized as a consequence. Culture is thus seen not as a cause but as an effect of structure.

For the sake of clarity, a summary of the three perspectives presented above is provided below.

1) According to Marx, social structure primarily constitutes an economic entity. It corresponds to relations of production, which encompass social relations in the form of property relations and income distribution. The superstructure, or any element of social reality, including ideology and culture, emanates from the structure. Marx posits that social structure can change. Simply put, structural change occurs when new productive forces emerge that are no longer consistent with the existing relations of production. The change in structure leads to a corresponding change in superstructure. From this perspective, both the coherence of structure and superstructure and social change depend on production-related factors – and, more

specifically, on dynamics within the structure. As a result, it appears that structure plays a dominant role in explaining the course of history, overriding individual action. However, Marx also notes that “[m]en make their own history”, while specifying that they do not do so on the basis of free choice. Structure determines the range of actions available to individuals based on their past actions. Therefore, structure limits individuals’ ability to choose in view of their past behavior. After all, according to Marx, structure is imposed on individuals, but emanates from individuals at the same time.

2) In Durkheim’s perspective, as well as in that of structural-functionalism and Merton’s functionalism, social structure represents the cohesive pattern within a society, serving as a stable component of a system’s organizational modes. Specifically, it comprises a set of relational practices that regulate functional interdependence and ensure the coordination of the social body. At its core, the notion of structure is rooted in the processes of social interaction in which individuals participate due to their social position or role. During these interactions, individuals are stably guided by (legal, moral, and religious) norms that reflect their culture. Notably, this definition of structure places emphasis on symbolic and cultural elements. In this regard, it should be noted that norms and values precede structure; structures, represented by relational practices, take various forms depending on the norms and values shared within a particular society.

Within this framework, a deterministic view of human behavior appears to be prevalent. Functionalists are primarily concerned with social integration, stability and cohesion of the social system. Stability and cohesion are maintained by the social structure (along with the norms and values that form it), guiding human behavior. Consequently, there seems to be limited room in society for individual agency. Only Merton considers the freedom of choice for individuals, based on the contradiction among norms in a society. Nonetheless, even within his perspective, the available options for choice are still defined by structure.

3) Lévi-Strauss’s structuralism aims to grasp the deep structures of social phenomena. Social structures are not empirical realities, but rather abstract models used to study empirical reality. More precisely, they represent unconscious, enduring realities that underlie concrete relations and can be understood through abstract models. Consequently, the structure is not the observable social relations themselves but the latent system of relations that defines reality. While dealing with abstract models, structuralism aims to capture social structures directly and concretely. Structuralists analyze the ordered arrangements of contingent relations to create maps and typologies of social structures. On this basis, Althusser reconsiders the notion of structure as defined by Marx, freeing it from a purely economic dimension. There are economic,

political, ideological and theoretical structures simultaneously at work as a structured whole – the global structure. The global structure does not determine human behavior but rather establishes the coordinates within which it develops. Still in the wake of structuralism, American network analysts observe concrete social relations among specific social actors to uncover the patterns of social ties. From this perspective, social structure is conceptualized as a social network, comprising social actors and the relationships that connect them. Actors and structures are not placed in antithesis; they are interdependent, mutually constructing elements. Human behavior is not determined by the network but depends on the possibilities offered by the network. This means that individuals are both constrained by the structure and free to choose among the possibilities it presents. Furthermore, since social actors are integral components of the structure, they indirectly contribute to shaping the social relations that define their options. Therefore, social structure is both the creator and the creation of social and human action.

In light of the three perspectives presented, the concept of social structure appears to refer to an organized system of interdependencies (links between elements), which remains coherent even when its constituent elements change. The structure is formed at the level of economics (Marxism), systemic integration (functionalism) or the unconscious dynamics of reality (structuralism). However, the essence of the structure lies in the relationships it embodies. *The structure represents the specific way a set of parts relates to one another, and the way they relate explains reality.*

Individuals' actions depend on the options given by the structure. For some authors, these options are closely linked to culture, suggesting that culture shapes structure. For others, the options are determined by broader social relations and mechanisms that extend beyond the direct control of individuals. In both cases, *structure constrains human action, at least by offering specific options for action.*

At the same time, it seems that structure requires human action for its functioning. In fact, if relationships are the essence of structure, human action appears essential for the very survival of structure. *The structure appears to be engaged in an ongoing process of structuring, deconstructing and restructuring that depends on human action.* This aspect is crucial when considering the transformation of structure and will be explored further in Chapter III of this research.

### **3. What are the characteristics of a violent structure and what does power have to do with it?**

The previous sections delved into the concept of social structure, as the first step in attempting to answer the first of the two questions left open by Galtung's work on structural violence, namely *What are the characteristics of a violent structure, and what role does power play in it?* This exploration highlighted the inherently relational nature of social structure, portraying it as a system of interconnected components. The focus now shifts to understanding what a 'violent' structure is.

As discussed above, Galtung defines structural violence as something "built into the structure," that "shows up as unequal power and consequently as unequal life chances." In a broader sense, he posits that a violent structure consists of inequality in power distribution, leading to unequal life chances. From this perspective, structural violence can be understood as a form of disproportionate power, emphasizing the crucial role of power in defining violent structures. However, Galtung does not accurately describe the dynamics of unequal power relationships and how power relates to structural violence. This section aims to address this gap.

To achieve this goal, the so-called relational perspectives on power<sup>54</sup> are considered, among which a prominent role is given to Foucault's work.<sup>55</sup> This choice is guided by the exploration of the notion of violent structure provided above. Since the concept of social structure revolves around the idea of relations, understanding what constitutes violent structures necessitates a dynamic and relational approach to power. In this context, relational perspectives on power reject the traditional Leviathan model of governance, which asserts that power is bestowed by an authority and is something one possesses. Instead, they advocate for a networked conception of power that considers the interaction among individuals engaged in power relationships. Importantly, these perspectives make a clear distinction between the

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<sup>54</sup> Bobbio (1985) distinguishes three major theories of power: the substantive, the subjective, and the relational (*sostanzialistica*, *soggettivistica* and *relazionale*). In the substantive theory, power is conceptualized as a means to attain one's desires, as exemplified in Hobbes' understanding of power. Contrasting this, the subjective theory defines power as the capacity to bring about specific outcomes, as illustrated by thinkers such as Locke. The relational theory, however, defines power as the dynamic between two subjects, where the first entity influences the second to exhibit behavior that would not have occurred naturally. This interpretation stands as the prevailing understanding of power in modern political discussions (pp. 66-68).

<sup>55</sup> The authors discussed in this section approach the concept of power from various perspectives. Classical political power studies are explored, as well as organizational studies and the work of Foucault, which defies categorization within a single discipline or perspective. Despite the distinct routes each author takes in their arguments and the different viewpoints they adopt, their works share a common thread: the perception of power as a pervasive and highly interconnected phenomenon. While the dynamics of power's operation may vary in each author's work, they collectively highlight common aspects of power, which are outlined here.

notions of power, conflict and violence, which are often mixed up. This clarification is crucial for accurately delineating the concept of structural violence and, more importantly, preventing its erroneous equivalence with imbalanced power.

### **3.1. Relational perspectives on power.**

From a relational point of view, power means the situation in which one or more social actors lead others to behave in ways they otherwise would not. Weber (1922) was the first to define power as “the chance, within a social relationship, of enforcing one’s own will against resistance, whatever this chance might be based on” (para. 16). Similarly, Robert Dahl (1957) posits that “A has power over B to the extent that he can get B to do something that B would not otherwise do” (pp. 202-203). In a more general sense, Foucault (1983) states that the exercise of power “is a way in which certain actions modify others.” Specifically, power is “a way in which certain actions may structure the field of other possible actions” (pp. 219, 222).<sup>56</sup>

Relational perspectives provide a comprehensive understanding of power, suggesting that power does not possess a specific inherent content. Instead, power becomes real when put into action. In this view, power is not a kind of possession. Unlike Hobbes’ perspective, power is not a good but rather something contingent on the actions of social actors. Power is something that “arises from action and remains bound to action” (Anter, 2020, p. 12, referring to Weber). Essentially, power is realized within relationships; it comes into existence the moment a relationship is established. Furthermore, from this perspective, power pertains to any relationship involving multiple social actors, which can be individuals, groups, nations, or any organization. Power is therefore multilateral and extends beyond the realm of politics.

On the multilateral nature of power and its character as an attribute of relationships, some clarifications are needed. Firstly, as previously mentioned, power is multilateral in the

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<sup>56</sup> This understanding of power as any intentional influence of A on B’s behavior, regardless of whether it benefits B, first emerged in Foucault’s writings in the late 1970s. In his earlier work, Foucault leaned toward a conflict-based interpretation of power, where power was seen as a form of imposition within a conflict, whether explicit or latent. Exercising power meant winning or having an advantage, while being subjected to power meant losing or being in a disadvantaged position (Brigaglia, 2019, pp. 10-13, 40-44. Spina (2020) disagrees with this interpretation, arguing that power in Foucault’s work is always conceptually linked to conflict. Foucault conceives power as a relation that inherently involves underlying antagonism). Irrespective of this, Foucault uses the term power (*pouvoir*) in three different meanings in his work. In the first meaning, power refers to intentional influence on the actions of others. From this perspective, the power relation is a relationship that exists between social actors who have power over other social actors regarding their potential actions. In the second meaning, power denotes complex social situations formed by sets of ‘objectively’ existing power relations, that means, existing whether or not they are the result of the intentional action of one or more subjects. In the third meaning, power signifies complex social situations (as in the second meaning) seen in relation to conditions of domination or subjugation, representing adverse conditions for those who experience them (Brigaglia, 2014, p. 523; 2019, pp. 4-8). This research considers all three meanings.



sense that the power relation involves at least two social actors, if not more. In this context, power is exercised by all participants in the relationship. For example, A exerts power over B, while simultaneously, B exerts power over A. Along these lines, Luhmann discusses reflexivity, meaning that both partners in the relationship hold power and can exercise it reciprocally, albeit in different forms and measures (Zolo, 1979, p. xvii).

Secondly, while power exists only within relationships involving two or more social actors, it is not entirely formed within it and thus does not depend simply on the intentions and relational skills of individuals. According to Weber, power also depends on context, and thus on the possibilities of establishing certain power relations at that historical moment. It depends on the existing power relations within that situation (Ferrarotti, 2015, p. 62). Friedberg (1993/1994) suggests that power relations are inherently structurally imbalanced, and this imbalance stems from how the social field of action is structured, based on the rules that govern the interaction of individuals (pp. 82-85, 98. See also Crozier & Friedberg, 1977/1978, Ch. III). Giddens (1979) argues that power is an attribute of relationships, but it works depending on the resource imbalance intrinsic to structures of domination – with domination being one of the structural dimensions of society (pp. 91-92). Hence, power seems to manifest itself on two levels: that of the inter-individual relationships and that of the structure of the social field of action.

Drawing on Giddens' work, Chazel (1983) seeks to elucidate the relationship between these two levels. He reiterates that power relations depend on the asymmetrical distribution of resources (structures of domination). However, he also emphasizes the reverse, stating that the asymmetric allocation of resources is equally dependent on the way power relations unfold. This suggests that power relations continually (re)construct structures of domination (p. 393).

Foucault seems to align with this perspective. According to him, individual power is closely linked to interconnected powers, encompassing both the powers of other individuals and the more complex interrelationships of powers.<sup>57</sup> To denote these interconnected powers, Foucault primarily employs the terms “*le pouvoir*” (the power) and “*réseau de pouvoir*” (power

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<sup>57</sup> In *The History of Sexuality. Volume I: An Introduction*, Foucault writes: “[i]t seems to me that power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies” (Foucault, 1976/1978, pp. 92-93).

networks), which essentially represent power structures<sup>58</sup> that tend to manifest and reproduce in consistent patterns within the relevant social context. Regarding the relationship between power networks and individual power relations, Foucault first points out that if the exercise of power is intentional in individual relations, power networks are the unintentional result of these individual power relations. More specifically, he argues that “power relations are both intentional and nonsubjective.” Indeed, “there is no power that is exercised without a series of aims and objectives. But this does not mean that it results from the choice or decision of an individual subject” (Foucault, 1976/1978, p. 95). In other words, while individual power relations are intentional, the overall arrangement of power networks is not necessarily intentional, nor is their content consciously perceived. Additionally, Foucault emphasizes the existence of a circular relationship between power networks and power relations; power relations among social actors develop according to the patterns of the structure, thereby contributing to its reproduction (Brigaglia, 2019, pp. 4-5, 94-95).

However, it must be noted that power networks “are not in superstructural positions, with merely a role of ... accompaniment” (Foucault, 1976/1978, p. 94). They exist as unstable and local microstructures that have “a directly productive role” whose outcome is contingent, provisional and unpredictable (ibid.). From this point of view, power appears to be a productive force. “[P]ower produces; it produces reality; it produces domains of objects and rituals of truth” (Foucault, 1975/1995, p. 194). In other words, power does not stand above reality but shapes it from within through the networks of power that permeate everything, including social actors. As is well known, Foucault (1976/1978) defines power thus conceived as “bio-power,” which is “a power bent on generating forces, making them grow, and ordering them” (p. 176). The biopower model takes two distinct forms. On the one hand, there are the disciplines, which affect the body (*anatomo-politique*, an anatomy-politics of the human body) and, on the other hand, the regulatory controls, which affect the population (*bio-politique*, biopolitics of the population). Beyond the details, what is important to stress is the pervasive, as well as generative, nature of (bio)power, which runs through the entire social body and encompasses the totality of relationships (Foucault, 1975; 1976; 2004).

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<sup>58</sup> Brigaglia (2019) observes that Foucault prefers not to use the term structure, afraid of the meaning it might take on in a cultural environment imbued with structuralism (p. 4, note 7). In any case, Foucault (1976/1978) seems to rule out the equation between power and structures. Indeed, he states that “power is not an institution, and *not a structure*; neither is it a certain strength we are endowed with; it is the name that one attributes to a *complex strategical situation in a particular society*” (p. 93, emphasis added). According to Brigaglia (2019), Foucault specifies that power is not a structure to emphasize its complex and unpredictable character (pp. 93-94, note 14).

To summarize, from a relational perspective, power – understood as an influence on the actions of others – is not merely an attribute of individuals’ relationships. Instead, it exists within the interconnection between the relationship in which it is exercised and a dense network of structural factors that enable it to be exercised in certain ways.

### **3.2. Structural violence as a network of states of domination.**

A comprehensive understanding of the concept of power necessitates a clear distinction from notions that might be mistaken for or closely associated with it. One crucial aspect is the relationship between power and conflict. From a relational standpoint, power is defined as A getting B to do something that B would not do spontaneously, leading to the appearance of a conflictual relationship between A and B. However, can we assume a constant coexistence of conflict and power to the extent that these two concepts are interchangeable? While common experiences might suggest such an association, especially in the case of political power, the literature advises against overly simplistic interpretations. For example, Friedberg (1993/1994) points out that conflict is not necessarily a constitutive element of power relations. Moreover, even when there is conflict in power relations, they fundamentally are cooperative interactions (p. 85, note 8). According to this author, there is a close link between power and cooperation; if a person enters a power relationship, it is because he or she wants to get another person’s cooperation to do something. Power relations are thus seen as relations of negotiated exchange of behavior, in which an actor succeeds in imposing terms of exchange favorable to his or her own interests (Friedberg, 1993/1994, p. 85). Although moving from a completely different perspective, Foucault (1983) also agrees that power is not primarily about conflict between two people. In his words, “[b]asically power is less a confrontation between two adversaries or the linking of one to the other than a question of government.” It is how people’s behaviors can be guided (p. 221).

Clearly, then, the relationship between conflict and power is more complex than may appear. Certainly, we cannot assert that conflict is devoid of any connection to power relations. On the one hand, since power involves influencing someone to act differently from their initial intentions, some level of antagonism between the parties of the power relations is to be expected. On the other hand, while it is true, as Friedberg says, that individuals choose to enter power relationships for cooperation, it is also true that, as Foucault says, power is everywhere. Therefore, entering a power relationship is not always a voluntary decision. However, it is critically important not to think of conflict as an ontological feature of power. This is especially

because equating power with conflict conceals the risk of understanding the exercise of power as oppression, as if both sides of the relationship do not allow for it.

Along these lines, another crucial issue arises, namely, the need to clarify the relationship between power and violence, broadly understood as the constraint on freedom. Arendt (1970/2021), for instance, emphasizes a key distinction highlighting that political power, in contrast to violence, relies on consent. Consent and violence are antithetical; when consent to power wanes, violence takes over (pp. 43, 61). Aligned with his notion of reflexivity, Luhmann (1975/1979) differentiates between the exercise of power and coercion. In power relations, both parties have choices regarding their behavior, while those subjected to coercion have their choices reduced to zero. He further posits that power grows as the freedom of both parties increases – meaning, as social actors identify potential alternatives for action (pp. 6-8. See also Zolo, 1979, p. xvi). Simmel (1907/2017) contends that power relations cannot be framed in terms of dominant/dominated relationships. Instead, they represent social interaction processes involving exchange and a significant degree of freedom for participants.

The concept of freedom thus proves to be crucial in clarifying the meaning of power, including to distinguishing it from oppression. During the interview *The ethic of the care for the self as a practice of freedom* (1984/1997), Foucault said that

Power relations are possible only insofar as the subjects are free. If one of them were completely at the other's disposal and became his thing, an object on which he could wreak boundless and limitless violence, there would be any relations of power. Thus, in order for power relations to come into play, there must be at least a certain degree of freedom on both sides. Even when the power relation is completely out of balance, when it can truly be claimed that one side has "total power" over the other, a power can be exercised over the other only insofar as the other still has the option of killing himself, of leaping out the window, or of killing the other person. This means that in power relations there is necessarily the possibility of resistance because if there were no possibility of resistance (of violent resistance, flight, deception, strategies capable of reversing the situation), there would be no power relation at all (p. 292).

According to Foucault, freedom is an integral part of power relations, and individuals always have the possibility of resisting power. Resistances "are the odd term in relations of power; they are inscribed in the latter as an irreducible opposite" (Foucault, 1976/1978, p. 96). In essence, power relationships are dynamic, capable of change through resistance actions taken by the partners involved.

Drawing on the concept of freedom, Foucault makes a distinction between power relations and other, albeit similar, situations. He examines the traditional marriage structure in

strongly patriarchal societies of the 18th and 19th centuries, noting that, in power relations with men, “women had quite a few options: they could deceive their husband, pilfer money from them, refuse them sex.” However, “these options were ultimately only stratagems that never succeeded in reversing the situation” of strong power imbalance in favor of men (Foucault, 1984/1997, p. 292). In such cases, when the freedom of one of the parties to the relationship is severely limited, oppression occurs. More precisely, there occurs what Foucault calls the “state of domination.” In his words:

When an individual or social group succeeds in blocking a field of power relations, immobilizing them and preventing any reversibility of movement by economic, political, or military means, one is faced with what may be called a state of domination. In such a state, it is certain that practices of freedom do not exist or exist only unilaterally or are extremely constrained and limited (Foucault, 1984/1997, p. 283).

Thus, the state of domination represents a highly asymmetrical power relation, characterized by a dominant/dominated relationship where the former possesses significantly more power than the latter. Unlike normal power relations, which are “strategic games between liberties” with possibilities of action for the involved parties (Foucault, 1984/1997, p. 299), the state of domination entails the absence of freedom and the possibility of action. Instead, it embodies oppression and conflict, featuring a power imbalance that heavily favors the dominant’s interests at the expense of the dominated.

Moreover, the state of domination exhibits stability, since the asymmetry of the relationship endures over time. Brigaglia (2019) suggests that Foucault perceives this stability as self-reinforcing, meaning that the greater power and privilege of the dominant contribute to maintaining the oppression of the dominated, and vice versa (p. 122). This process occurs unintentionally, as dominants do not actively choose to dominate; rather, dominations operate anonymously, governing inter-individual relationships without the awareness of both the dominant and the dominated.

It is important to note that Foucault does not extensively explore the concept of states of domination in his work; he fully discusses it only in the mentioned interview. However, by drawing a parallel with his views on power, one can infer the existence of interindividual relations of domination and networks of domination. Similar to power networks, domination networks are essentially structures of domination. There is a circular relation between domination networks and domination relationships, as they are interdependent and mutually reinforcing. States of domination are not superstructures; they develop as ‘micro-dominations’ (mainly domination networks) formed in everyday relationships (of domination), upon which

larger ‘macro-dominations’ can be built, such as the domination of one class over another or one gender over another (Brigaglia, 2019, pp. 123-125).

Moving back to the concept of structural violence, it seems that the idea of the “state of domination” is crucial for the goals of this research. It helps to detail the notion of disproportionate power described by Galtung. As mentioned above, the characterization of structural violence as disproportionate power is deemed overly broad and vague; while the notion of highly asymmetrical power relations surfaces, the specifics of these relations remain unclear. Furthermore, such a definition tends to demonize power, suggesting an equivalence with violence or harm. In this regard, it is essential to remember that Galtung frames power in terms of the exploitation of the periphery by the center.

In reality, power is an integral aspect of daily relations, constituting a “strategic game” inherent in our interactions with others. Power relations are typically unbalanced; the imbalance depends on the context in which the actors move – on the general arrangement of power networks that characterize a given reality. Foucault underscores that imbalanced power relations can be reversed through acts of resistance or, more simply, through the exercise of freedom. Therefore, the core issue lies not in the asymmetry of power per se but when such asymmetry leads to oppression and the denial of the freedom of the other. These are states of domination – stable and asymmetrical systems of power relations condemning the dominated to suffer oppression, devoid of the margin for action and any possibility of reaction. In essence, they are the effects of power in the absence of freedom. And this is also structural violence.<sup>59</sup>

Actually, Farmer referred to social mechanisms of oppression to depict structural violence. To equate structural violence with states of domination is to refine this perspective, elucidating its content and highlighting that oppression evolves in the micro-dynamics of power relations, escalating into states of domination. On the contrary, discussions of structural violence often adopt a macro perspective, identifying global processes as structural determinants of violence. Thus, Galtung cites the example of imperialism, while Farmer discusses political and economic oppressive forces rooted in a country’s colonial past, such as in Haiti. However, both Galtung and Farmer faced criticism for this, as they were accused of confusing structural violence with various forms of domination. Clearly, asymmetrical and stable power arrangements occur in both colonialism and imperialism; moreover, they can be

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<sup>59</sup> Understanding structural violence as a state of domination – and thus as a coercion of freedom – is more consistent with the classical definitions of violence given within criminology and especially legal studies. In contrast, defining structural violence in terms of disproportionate power is not acceptable from these perspectives, since this definition lacks concreteness and results in an over-expansion and dematerialization of the notion of violence – anything, or too much, would be violence, in short.

seen as systems of macro-domination in the Foucauldian sense. Nevertheless, following Foucault, power – and thus domination – is not a superstructure guiding behavior but comprises microstructures (domination networks) that are everywhere. Further, domination networks and interindividual domination relations are interdependent; the domination network shapes the form of the interindividual domination relation, and the domination relation that occurs in that form strengthens the specific network. This underscores the strengthening of domination through daily (domination) relationships, highlighting the significance of the micro dimension of the relation.

In this regard, it is worth noting that Scheper-Hughes and Bourgois (2004) conceptualize mass violence as operating along a continuum. They argue that the particularly cruel manifestations of violence during wars should be viewed as part of a continuum with the “small war and invisible genocide” conducted in the social space during times of peace (pp. 19-20. See also Scheper-Hughes, 1996). Similarly, Basaglia and Basaglia Ongaro (1975) contend that major crimes are always anticipated by everyday dynamics of destroying the other, what they term “crimes of peace.” These authors point to processes of normalization of violence, which brings to mind Galtung’s concept of cultural violence, or the symbolic violence mentioned by Bourdieu – that is, those devices of symbolic order that allow the maintenance of an unjust status quo (Bourdieu, 1998; Bourdieu & Wacquant, 1992). However, these works also suggest that oppression develops at the interindividual level – the micro-sociological level – before becoming a macro phenomenon – or, in any case, that a close relationship exists between the macro and micro dimensions of violence.

In short, structural violence is not, in its primary meaning, an unjust and oppressive social system. It may become one, especially in the case of large-scale human rights violations. However, in its primary sense, *structural violence is a network of states of domination (oppression)*. States of domination – and thus structural violence – are not a superstructure that drives social dynamics and brings about the suffering of which Galtung and Farmer speak. They depend on the relationship between systems/networks of domination and everyday relationships of domination, involving a constant dialogue between individual action and structural dimensions. This perspective aligns with both relational views on power and the notion of social structure. Indeed, as said above, social structure is engaged in an ongoing process of structuring, deconstructing, and restructuring that depends on human action.

#### **4. In conclusion: some clarifications on the violence triangle.**

In light of the insights into structural violence given above, it is crucial to reexamine the internal dynamics of Galtung's violence triangle. As a quick reminder, Galtung emphasizes the complex web of causal relationships among structural, cultural, and direct violence. His idea is that direct violence is upheld by structural violence as well as by processes of cultural legitimization. Moreover, cultural violence plays a role in shaping the violent structure, while direct violence, in turn, reinforces and produces both structural and cultural violence. This perspective aligns with the understanding of structural violence offered by this research. However, the link between structural violence and direct violence needs to be clarified, particularly exploring how states of domination may lead to direct violence – whether in the form of collective violence or gross violations of human rights.

Along these lines, Galtung (1990) portrays direct violence as an attempt “to get out of the structural iron cage” (p. 269). Hence, violence serves as an instrument of liberation in his perspective. Bringing this concept within the theoretical framework of this research, direct violence appears as a means for individuals to emancipate themselves from the oppression experienced within a society. More specifically, since structural violence (the state of domination) implies that certain individuals – and often, cohesive groups of individuals – lack the freedom to negotiate their position in power relations, direct violence is the desperate endeavor to regain that freedom.

This view resonates with some theories elucidating collective violence. For instance, Azar (1990) posits that “[p]rotracted social conflicts occur when communities are deprived of satisfaction of their basic needs,” such as basic material needs (security needs), identity recognition needs (acceptance needs) and the needs to participate in political, market and decision-making institutions (access needs) (p. 12). In these situations, a significant scenario of oppression arises, wherein a group of individuals experiences profound injustice. According to Azar, the collective acknowledgment of these grievances may lead to protest and, ultimately, violent conflict. The likelihood of the latter outcome relies on several facilitating and contingent factors, with the response of government elites to the protest being of paramount importance. Indeed, they might opt to address community grievances, thereby mitigating its discontent. If this fails to occur, violence will ensue instead (Azar, 1990, pp. 12-14). From this perspective, the turn to violence is closely dependent on whether the parties involved in a power relation have the opportunity to negotiate their interests and assert their rights. If the oppressed are not granted space for negotiation, they might opt for violence as a means to coercively assert themselves. Accordingly, Tilly and Tarrow (2007) found that violent conflicts tend to develop



in mainly authoritarian regimes, while contentions lean toward peaceful forms in democratic regimes. Moreover, Pinker (2011) suggests that the ongoing process of reducing violence worldwide is strongly linked to more egalitarian and democratic institutions than in the past, along with increased social inclusiveness – which is indicative of a socio-political environment that promotes listening, dialogue, and compromise.

Certainly, this does not imply that authoritarianism and oppression inevitably result in violence, nor does it suggest that reclaiming spaces of freedom necessarily demands violence. Take, for example, the Singing Revolution (1987-1991), peaceful protests centered around the collective singing of national songs that achieved the independence of Estonia, Latvia, and Lithuania from the Soviet Union. Similarly, consider the Rose Revolution in Georgia (2003) and Ukraine’s Orange Revolution (2004-2005), both nonviolent uprisings resulting in the removal of corrupt and authoritarian governments. These experiences highlight that, while it is possible to identify states of domination as constitutive elements of collective violence, the dynamics of the violent phenomenon remain complex and cannot be reduced to automatic processes. Along these lines, the literature draws attention to specific “opportunities,” “organizational structures” and “frames” that potential entrepreneurs of violence can leverage to foster collective violence (King, 2007).

Furthermore, as previously discussed, Galtung identifies a circular relationship between structural, cultural, and direct violence. This implies that violent behavior depends on mechanisms associated with cultural, cognitive, and relational, as well as structural, factors. In this context, several studies have delved into the psychosocial processes that enable committing violence upon fellow human beings. Among these processes, strategies of moral disengagement – such as delegitimization or dehumanization – play a crucial role (Bandura, Underwood & Fromson, 1975; Bandura, 2016; Bar-Tal, 1898; 1990). From a different perspective, de la Roche identifies four variables that explain collective violence carried out by one group against another. These variables pertain to the interaction between different groups and include “relational distance,” “cultural distance,” “functional independence” and “inequality.” According to her, the greater these variables, the higher the likelihood of collective violence (de la Roche, 1996, pp. 105-115. See also de la Roche, 2001).

It is worth noting that the same cultural and contextual factors that lead to violence for reclaiming spaces of freedom can also result in misjudgments regarding the actual existence of a state of domination. What I am suggesting is that, given the highly imbalanced power dynamics in pre-conflict settings, the perception of lacking any room for peaceful negotiation of one’s oppressed position might depend on contingent elements. As explored in Chapter IV

of this research, some former Italian terrorists testify that the decision to resort to violence as a means to advance the social revolution was primarily because they did not perceive the State as a system of alterable relationships. The literature supports this perspective, interpreting terrorism as a symptom of systemic political block (Bonanate, 1979). However, the same former terrorists today acknowledge that they likely could have pursued democratic avenues to address their grievances – something they failed to grasp at the time, particularly in light of the State’s hostile, almost belligerent stance toward the protests.

Note that asserting that the state of domination can also be perceived does not detract from the validity of the proposed analysis. The primary reason for this lies in the subjective nature of evaluating the actual existence of a state of domination, which is contingent on the cognitive elements held by the assessor. Clearly, there are situations where it is challenging to deny the objective existence of oppression – for instance, in cases of racial segregation where entire groups of individuals are officially deprived of every right and freedom. However, it is also true that, in most cases, views on the matter change depending on the time and space in which they are expressed. Referring again to the Italian context, today we can indeed say that the negotiating margins left open by the State regarding the demands made by protest movements were much broader than those perceived by the terrorists. This assessment, however, is only possible with a comprehensive historical perspective, particularly recognizing the reformist openness exhibited by the Italian government in the 1980s. This does not mean justifying violence, which, as mentioned earlier, is not the only means to react to oppression and should therefore always be avoided. Rather, it emphasizes once again the complexity of violence, where not only the violent structure but also the perception of the structure as violent plays a significant role. This perception forms the basis for the need to reclaim spaces of freedom, even through direct violence.

The emergence of mass violence as a reaction to oppression is not the sole possibility. Galtung (1990) himself acknowledges that, in the face of efforts “to get out of the structural iron cage,” “counter-violence to keep the cage intact” may come into play (p. 269). This is based on the assumption that the oppressive nature of the social structure is not perceived as such by everyone who inhabits and experiences it. Those who benefit from it or do not suffer from it may consider it legitimate, especially due to cultural processes that normalize it. Consequently, when an action – more or less violent – is taken to overturn the established social order, violence can be employed as a means to preserve it. In this context, insights from de la Roche’s work appear relevant once again. Indeed, she posits that collective violence is a form of “social control: self-help by a group” that entails the handling of a grievance by aggression

(de la Roche, 1996, p. 97). Therefore, from the perspective of those perpetrating it, violence is not unjustified; rather, it is a reaction to a – real or perceived – moral, social, economic, and/or political injustice and it is aimed at restoring a situation of social order.

To illustrate the point, the case of the 1994 genocide in Rwanda can be considered. Rwanda's history is highly complex, and the genocide unfolded within the context of ethnic rivalries and mass killings that victimized both Hutu and Tutsi. Beyond the specific events, it is crucial to highlight the gradual structural process of the “ethnicization of the social” (Amselle, 2008, my translation), impacting the Rwandan population since the colonial period. This long-term process involves social actors internalizing the idea of ethnicity as a factor of mutual differentiation over time and basing social interaction on it. More precisely, the colonizers were the ones who imposed ethnic categories on the Rwandans, vertically dividing society into Tutsi and Hutu and assigning significant privileges to the former. After the country gained independence in 1962, the Hutu reversed the colonial order, initiating campaigns of discrimination against the Tutsi, who faced social marginalization, violence, and forced emigration. Throughout this process spanning many years, the Tutsi consistently asserted their right to return to their homeland and to spaces for participation in social and public life, at times resorting to violent actions – particularly through the activities of the Rwandan Patriotic Front (RPF). However, these actions were not perceived by the Hutu population as attempts to reclaim spaces of freedom but as an invasion of Hutu living space. The Tutsi were singled out as the sole culprits for the country's many issues and they were seen as a real threat to the survival of the majority people, the Hutu (*ex multis*, Fusaschi, 2000).

Thus, when President Habyarimana, a member of the Hutu ethnic group, was killed in an airstrike on April 6, 1994, the genocide began. In this regard, it is worth referring to some excerpts from interviews conducted by Strauss (2006) with individuals involved in the genocide. When asked how it started, they responded:

After Habyarimana's plane was shot down, people began saying that Tutsis had attacked Byumba and Ruhengeri [prefectures the RPF attacked before 1994], that they had killed the president, and that meant Tutsis *were going to finish off Hutus*. The war began in this way (p. 154, emphasis added).

I learned in the morning that the plane crashed. People said....Tutsis did it. We were told, “The Tutsi are the ones who killed the president. They also are going to kill you. *You must kill them before they kill you*”. This is how the killings started (p. 154, emphasis added).

Hence, direct violence clearly emerges as a reaction to a threat or, more generally, as a means to ensure social order by preserving the status quo. This dynamic can also be observed

in the case of South Africa. In the early 1900s, the Afrikaners were economically disadvantaged by the Boer War. In the newly established Union, they feared that Black nationalism might gain political control. Additionally, they feared the competition in the labor market between Afrikaners and Blacks, anticipating potential disadvantages for themselves. In short, they “fear[ed] about survival” and this led to discrimination and violence (du Toit & Kotzé, 2010, p. 70). In this framework, the specific meaning of direct violence varies depending on the reference context. However, the dynamics and reasons for collective violence seem persistently anchored to the function of social control. Violence is the (possible) reaction to what disturbs the established social order or threatens the interests and plans of those who, in contingent power relations, occupy the position of oppressors and thus determine social order.

Even within the framework of the dynamics just described, the occurrence of direct violence is contingent upon the interplay of cultural, cognitive, relational, and structural factors – that is, the mutual influence among all vertices of the violence triangle. In the Rwandan genocide, hate propaganda played a crucial role against the Tutsi, who were strongly delegitimized to the point of being referred to as cockroaches (Strauss, 2006, p. 158). A similar treatment was reserved for Jews before and during the Holocaust (Ravenna, 2004, pp. 114-115). As highlighted by Bar-Tal (1990), one group delegitimizes another when it views it as a threat, and this delegitimization serves to justify committing violence. This, in turn, reinforces the delegitimization process. In line with the analysis presented here, the scholar further notes that “violent acts of the delegitimized group during confrontation reinforce delegitimization because they explain the deviant and extreme behavior of the delegitimizing group” (p. 70).

In summary, attempting to generalize, we can identify two scenarios where collective (direct) violence emerges in contexts characterized by highly unbalanced and blocked power relations (structural violence). On one hand, there is the possibility of the oppressed resorting to violence against the oppressors. In this case, violence emerges (and is perceived) as the sole means to gain spaces of freedom within power relations. On the other hand, oppressors may engage in violence against the oppressed to preserve the status quo and retain their position of dominators.

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***Summary and next steps.*** This Chapter builds upon critical literature on transitional justice, underscoring the field’s need to refine strategies for advancing social change. While critiques emphasize the importance of interventions that can deconstruct structural violence,

the specific definition of structural violence remains unclear. Thus, the Chapter explores this concept, aiming to make it truly operational for transitional justice.

To this aim, it reviewed studies by Johan Galtung and the analyses of structural violence in anthropology, particularly those by Paul Farmer. Critiques of both Farmer's and Galtung's work led to the identification of two crucial questions that remain open for understanding the phenomenon and, more importantly, for establishing its relevance in post-conflict contexts. These questions are:

- (i) *What are the characteristics of a violent structure and what does power have to do with it?*
- (ii) *What is the relationship between structure and human action and how can violent structures be transformed?*

The second part of this Chapter focused on addressing the first question, beginning with an exploration of the concept of social structure. The analysis revealed the highly relational nature of social structure, essentially a set of interconnected components. Importantly, it also highlighted that social structure undergoes a continuous process of structuring, deconstructing, and restructuring influenced by human action.

Consistently, the effort to elaborate on Galtung's definition of structural violence – framed as inequality in the distribution of power and resources – involved exploring relational perspectives on power. These perspectives characterize power as a situation where one or more social actors, engaged in a relationship, influence others to behave in ways they might not otherwise. Power is more than a mere attribute of the relationship; it develops within the interconnection of the relationship and various factors, primarily power systems/networks, shaping the relationship itself. In essence, power relationships develop based on structural patterns. Importantly, there exists a circular relationship between power relations and systems of domination; the former strengthens the latter, and vice versa.

A distinctive aspect of power is freedom. Power relations are only possible when individuals are free – if they have the possibility of resistance to the exercise of power. In situations where resistance is not possible, states of domination emerge, forming stable and asymmetrical systems of power relations that subject the dominated to oppression without the chance of reaction. States of domination are believed to fully express what structural violence is. Importantly, they are not overarching superstructures guiding human behavior but manifest both in oppressive inter-individual relations and in extensive networks/systems of domination that mutually reinforce each other. Similar to power, domination networks and interindividual

domination relations are interdependent and mutually reinforcing, highlighting the continuous dialogue between individual actions and structural dimensions in the development of structural violence.

Building on this foundation, the concluding section of this Chapter delved into Galtung's violence triangle, with a specific focus on how states of domination can lead to direct violence in the form of mass violence – with which transitional justice routinely deals. It found that direct violence may arise from violent structures through two distinct dynamics. On one hand, the oppressed may resort to violence against the oppressor as a means to secure spaces of freedom within power relations. On the other hand, oppressors might employ violence against the oppressed to maintain the existing status quo and uphold their dominant position.

Against this backdrop, Chapter III aims to formulate strategies for transforming a violent social structure, aiming to foster social change and ensure positive peace. It initiates this exploration by scrutinizing the relationship between human action and structure. Since structural violence emerges from the interplay of action and structure, dismantling structural violence must prioritize understanding and intervening in this interaction. The overarching goal is to address the second question that remains unresolved in Galtung's work, namely *What is the relationship between structure and human action and how can violent structures be transformed?*

## Chapter III

### **Making transitional justice structurally transformative.**

#### **1. What is the relationship between structure and human action and how can violent structures be transformed?**

Following war or severe human rights violations, it becomes crucial to promote social transformation – that is, the reshaping of the very social dynamics that gave rise to the conflict. Yet, prevailing models of transitional justice appear ill-equipped to confront this challenge. Advocates for transformative justice emphasize that current transitional justice paradigms are normative and human rights-based, state-centric and top-down, consequently fostering a limited understanding of conflict and violence (Gready & Robins, 2014; 2020). Specifically, these paradigms often conceptualize violence solely in terms of direct violence, neglecting structural violence and the broader social dynamics underpinning conflicts. As demonstrated in Chapter I, this limitation, in turn, hampers the ability to instigate meaningful social change (see Chapter I, section 2).

In an effort to delineate the issue, it is worthwhile to reiterate that *structural violence manifests as a network of states of domination*, that are highly oppressive power relations, compelling one party in the relationship to submit to the other. These are multidimensional power relations that permeate society extensively, involving entire communities. However, structural violence also affects the interactions between individuals, persisting precisely due to its perpetuation within these inter-personal relationships. In practical terms, when structural violence is present, those who are oppressed find themselves with little room to democratically negotiate their living conditions, unlike in normal power relations. Due to this, as shown in Chapter II, the system seems stuck and doomed to persist in its unjust nature (see Chapter II, section 3). This, then, is the challenge that transitional justice must confront. It should dismantle structural violence, reversing the dynamics of highly oppressive power relations.

However, a question arises: can this outcome be attained? If so, how? Addressing these inquiries inevitably involves *exploring the connection between individuals' actions and the social structure*. As previously highlighted, structural violence develops within a permanent dialogue between individual action and structural dimensions. Consequently, dismantling structural violence requires addressing the modalities of this dialogue. It is worth noting that Galtung's work falls short in this aspect. While the scholar acknowledges a circular relationship

between structural violence and direct violence, he does not thoroughly explore how both violent and nonviolent actions can influence the structure (see Chapter II, section 1).

In broad terms, it is important to recognize that sociology explains social action through two interpretative frameworks that somewhat overlook the interplay between action and structure. On one hand, some attribute social action to rational purposes pursued by individuals, disregarding the impact of structural or environmental influences on behavior. Social reality is perceived as the consequence of individual decisions and actions, with social actors seen as detached from the social conditions of existence. This perspective develops at the micro level of analysis, and it is notably subjectivist (*ex multis*, Elster, 1979; 1983; Popper, 1957). On the other hand, objectivist theories, typically macro-sociological, elucidate human behavior based on material and structural conditioning. Examples include Marxism, functionalism, and structuralism. In this approach, reality is conceptualized as the outcome of an objective structure external to human agency and constraining upon it, at least by offering specific options for action. In contrast to subjectivist perspectives, this results in the marginalization of individuals within the social framework (Chapter II, section 2).

Simultaneously, both subjectivist and objectivist theories suggest a close connection between structure and action, emphasizing mutual support for survival. Subjectivist perspectives acknowledge that human action is influenced by social elements. Objectivist theories, on the other hand, depict structure as engaged in a continual process of structuring, deconstructing, and restructuring, a process that depends on human action (Chapter II, section 2). This perspective has been explicitly embraced by recent literature, which endeavors to break free from the subjectivism-objectivism and micro-macro dichotomies that were deemed limiting in understanding social reality. The writings of Alain Touraine, Pierre Bourdieu, Anthony Giddens, and especially Margaret Archer are particularly noteworthy in this regard. Thus, the aim of this Chapter is to further explore these theoretical perspectives with the aim of outlining transformative solutions for transitional justice. Specifically, the objective is to address the second crucial question left open by Galtung's work: *What is the relationship between structure and human action and how can violent structures be transformed?*

### **1.1. Some attempts to reconcile action and structure: Touraine, Bourdieu and Giddens.**

Touraine's perspective on the interplay between action and structure centers on the historical expressions of social transformation processes (Crespi, 1999a, p. 251). Indeed, the author conceptualizes the subject of action not as an individual but as a historical subject, representing the collective capacity to interpret the historical situation. Within this framework,



the concept of conflict takes on significance, primarily understood as the process of production and reproduction of reality (Crespi & Cerulo, 2022, p. 243). Society is perceived as a system of action, where action “is not only decision: it is inspired by cultural orientations, through conflicting social relations” (Touraine, 1984/1988, p. 119, my translation).

Touraine places a crucial emphasis on a critical examination of the concept of culture in his work. His theory of action deliberately distances itself from both subjectivism and Parson’s structural functionalism, according to which action is heavily reliant on cultural and symbolic norms embedded in the social structure (Touraine, 1965, p. 9). While acknowledging that culture exerts a certain guiding influence on individuals’ actions in society, the author emphasizes that action should not be reduced to individuals adapting to institutionalized systems of norms and values. Norms and values only exist inasmuch as they are manifested in action – hinging on the choices made by actors when they engage in social relationships. As a result, the cultural reality is contingent upon the choices made through historical action (Crespi, 1999a, p. 250; 1999b, p. 285).

Moreover, the cultural values guiding actions are not fixed once and for all; instead, they are at the center of a dispute among social forces competing for control – they are focal points of conflict. More specifically, the contention among social actors revolves around what Touraine terms “historicity,” namely the set of cultural patterns by which a society produces its norms in the domains of knowledge, production, and morality (Touraine, 1973/1977). In this framework, social actors engaged in conflict against the established social order are social movements. The capacity of social movements to reshape reality precisely underscores the impossibility of viewing society as a self-regulating system (a structure that regulates action). Instead, the system is intricately intertwined with the actions of social actors.

Touraine’s work is primarily known for its emphasis on the dynamics of reality production by collective actors, particularly social movements. According to him, in post-industrial societies, conflict permeates various social spheres.<sup>60</sup> In this context, the subjective dimension of action is predominantly evident in social movements. Indeed, social movements serve as the manifestation of “*the conflict action of agents of the social classes struggling for control of the system of historical action*” (Touraine, 1973/1977, p. 298). They can resist totalizing mechanisms and cultural hegemony, actively striving for emancipation from these forces (Litmanen, 2010, p. 6). As the protagonists in social conflict, social movements also

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<sup>60</sup> Touraine contends that, within industrial societies, conflict primarily centered on the means of production, essentially revolving around labor-related issues. Consequently, in the initial stage of his research, the author interprets labor as the quintessential form of historical action.

stand as the primary source of social renewal. Their actions are directed toward seizing control of historicity, thereby producing society itself and facilitating its transformation and structuring (Wieviorka, 2014).

What has been discussed underscores the central role Touraine assigns to the social actor and action in defining social reality. As mentioned, reality is shaped by social actors – specifically social movements – and the conflicts inherent in it revolve around this generative capacity, involving structure as well. Action and structure thus reciprocally influence each other, allowing individuals to alter the structure through action. It is worth noting that as Touraine’s work progresses, the centrality of the actor tends to intensify, evolving concurrently. Specifically, while in post-industrial societies the driving forces of social dynamics are collective actors engaged in a historical project where social identities are at stake, in late modernity, the protagonists shift to individual actors. These individuals are to be understood as non-social actors – which means that they are identified not in relation to their place in social relations, but rather through “their relation to themselves and their legitimacy” (Touraine, 2010/2012, p. 133, my translation). In this context, actors are no longer guided by their social and economic interests; rather, they act to protect their rights. This involves grounding their pursuit of freedom and justice in a conscious acknowledgment of embodying the essence of the human subject within themselves (Touraine, 2010/2012, pp. 133-134). Consequently, the depiction of social conflict undergoes a shift, evolving into a tension between the economic world and the world of subjectivity. Modernity, in this view, is constructed in the continual interplay between the rationalization of human conduct dictated by the market and subjectivity, characterized by creativity (ibid. See also Farro, 2012, p. 24). In essence, the latter stages of Touraine’s work concentrate on how the subject is constructed and how individuals can actualize their desire for individuation; consequently, it disengages from social constructions. The implication is that the pursuit of a balance between structure and action seems to progressively diminish.

In contrast, Bourdieu displays a notably lesser interest in the individual subject, directing his analysis predominantly toward social phenomena. His extensive body of work, spanning diverse fields, explicitly aims at transcending the conventional subject-object dualism.<sup>61</sup> In his perspective, subjectivism has the merit of highlighting the impact of

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<sup>61</sup> According to Bourdieu, “[o]f all the oppositions that artificially divide social science, the most fundamental, and the most ruinous, is the one that is set up between subjectivism and objectivism. The very fact that this division constantly reappears in virtually the same form would suffice to indicate that the modes of knowledge which it distinguishes are equally indispensable to a science of the social world that cannot be reduced either to a social phenomenology or to a social physics” (Bourdieu, 1980/1990, p. 25).

individuals' daily practices on shaping social reality. Nonetheless, Bourdieu notes that reality transcends the mere aggregation of individual actions and the capacity for individual decision-making remains interdependent with a structured and culturally defined social context. On the other hand, objectivism reveals the intricacies of social relations by resorting to the structural patterns that guide behavior. Yet, it overlooks the fact that structure is not merely a conditioning force determining action but is equally the product of individual actions. Consequently, neither approach fully captures the intrinsic duality of reality, encompassing both the subjective (individual action) and the objective (structure). In Bourdieu's words, "[t]hese two moments the subjectivist and objectivist stand in dialectical relation" (Bourdieu, 1988, p. 782). Bourdieu seeks to reintegrate this relation into unity.<sup>62</sup>

To achieve this, Bourdieu introduced two key concepts: that of the "field" and the "habitus." The field represents a distinct social space, a "microcosm" autonomous from the broader social "macrocosm." This is in the sense that each field operates according to its own set of rules that must be adhered to by its participants (Bourdieu, 2000, p. 52). More specifically, the field is a "network ... of objective relations between positions." Occupying these positions endows individuals with a certain amount of power, influencing their access to the benefits within the field and determining their relations with others (e.g., dominance, subordination, etc.) (Bourdieu & Wacquant, 1992/1992, p. 67, my translation). Essentially, this implies that the field, through its established rules, structures the actions of individuals externally, presenting them with a spectrum of possibilities contingent upon their position.

Conversely, habitus is the internal force shaping individuals' actions. It encompasses provisions that individuals internalize through the socialization process within a specific field. Habitus is inherently "structured" as it relies on the social world and is the outcome of an individual's historical engagement within it. However, it is also "structuring" as it gives rise to "practices" and their representations, thereby delimiting individuals' choices for action and thought (Bourdieu, 1980/1990, p. 53). The dual characterization of habitus as both structured and structuring encapsulates the dialectic of objectivity and subjectivity. It is worth noting that when Bourdieu refers to "practices," he is not merely addressing isolated actions detached from others. Practices encompass behaviors that, over time, tend to conform to a standardized form

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<sup>62</sup> It is worth noting that, despite Bourdieu's quest for a synthesis of subjectivism and objectivism, objectivist analysis takes precedence over subjectivist understanding in his perspective. Namely, structural analysis – focused on reconstructing the objective structures of reality – always comes before considerations of individuals' perceptions and evaluations. This is because individuals' points of view change based on the position they occupy in the social space (Wacquant, 1992/1992, p. 19).

within a specific field. These practices represent habitual ways of behaving linked to a particular understanding of reality (Jedlowski, 2019, p. 297).

In Bourdieu's view, this does not imply that the habitus acts as a tool restricting action by depriving individuals of their freedom. Simultaneously, the practices originating from the habitus are not the outcome of individuals' deliberate planning or intention, since the habitus provides "a spontaneity without consciousness or will" (Bourdieu, 1980/1990, p. 56). The crucial point is that the habitus is "*conditioned and limited spontaneity*. It is that autonomous principle which means that action is not simply an immediate reaction to a brute reality, but an 'intelligent' response to an actively selected aspect of the real" (Bourdieu, 2000/2005, pp. 211-212). In essence, it concerns the practical ability of individuals to undertake necessary actions at the right moment, manifesting in a range of behaviors. In other words, it is the "capacity for structured improvisation" (Postone, LiPuma & Calhoun, 1993, p. 4). Bourdieu employs the metaphor of the game to convey this concept, which he explains in this way:

It is clear that the problem does not have to be posed in terms of spontaneity and constraint, of freedom and necessity, of the individual and the social. Habitus as a sense of the game is the social game incarnate, become nature. Nothing is freer or more constrained at the same time than the action of the good player. He manages quite naturally to be at the place where the ball will come down, as if the ball controlled him. Yet at the same time, he controls the ball. Habitus, as the social inscribed in the body of the biological individual, makes it possible to produce the infinite acts that are inscribed in the game, in the form of possibilities and objective requirements. The constraints and requirements of the game, although they are not locked within a code of rules, are imperative for those, and only those, who, because they have a sense of the game's immanent necessity, are equipped to perceive them and carry them out (Lamaison & Bourdieu, 1986, p. 113).

In this context, action must be perceived as the outcome of the interplay between habitus and fields (Paolucci, 2011). Indeed,

neither habitus nor field has the capacity unilaterally to determine social action. It takes the meeting of disposition and position, the correspondence (or disjuncture) between mental structures and social structures, to generate practice (Wacquant, 2006, p. 8).

The effectiveness of this relationship, particularly the concept of habitus, in transcending the dichotomy between objectivity and subjectivity is a subject of debate (on the topic, King, 2000). Some argue that habitus, influenced by objective conditions, may inadvertently lean toward the objectivism that the author initially sought to avoid. While Bourdieu maintains that habitus extends its influence both within and beyond individuals, it

essentially dictates choices on a subconscious level. Thus, Bourdieu seems to deny conscious decision-making. As Alexander (1995) notes,

Bourdieu wishes not to free up creative and interpretive action but to attach it to structures in a noninterpretive way ... Bourdieu allows that persons act from within the habitus, but habituated action, he insists, actually prefigures structure. Habitus allows structure to pass from the visible and (theoretically and ideologically) vulnerable position of a phenomenon that possesses external form into the invisible and protected physiognomy of subjective, noumenal space. Far from an alternative to social structural explanation, habitus merely operationalizes it (pp. 135-136).

This inevitably influences the potential for social change. Given that habitus is shaped by objective conditions and internalized unconsciously, social change becomes unlikely. In essence, social practices are predetermined, hindering individual creativity (King, 2000, p. 427).

Therefore, neither Touraine nor Bourdieu manages to reconcile the dichotomy between agency and structure. The former tends toward a subjectivist perspective, while the latter reverts to the dynamics of objectivism. Giddens avoids these pitfalls by constructing a theory that effectively considers both the creative capacity of social actors and the structuration dynamics influencing collective behavior. This achievement is primarily realized through a redefinition of the concept of structure, emphasizing its close connection to action.

Upon a brief review of Giddens' research, it is noteworthy that it appears to draw inspiration from Lévi-Strauss's structuralism, while also acknowledging functionalism. Giddens critiques the interpretation of reality offered by French structuralism, Marxism, and functionalism, considering them problematic. However, he finds structuralism valuable for its unique conception of structure, which is not theorized as a "patterning of social relations" (functionalism) but as "an intersection of presence and absence" (Giddens, 1984, p. 16). While Giddens does not completely dismiss the functionalist idea of structure, he critiques it for portraying structure as external to individuals. However, he maintains that "[i]n analyzing social relations, we have to acknowledge ... a syntagmatic dimension, the patterning of social relations in time-space involving the reproduction of situated practices" (Giddens, 1984, p. 17). Simultaneously, he acknowledges the structuralist perspective, highlighting "a paradigmatic dimension, involving a virtual order of 'modes of structuring' recursively implicated in such reproduction." In essence, Giddens contends that both structuralism and functionalism capture "important aspects of the structuring of social relations" (Giddens, 1984, p. 17).

In his theory of structuration, Giddens translates these “important aspects” into the concepts of social system and structure. The social system designates what functionalists had formerly referred to as patterned social relations. They have a real existence in time-space and are observable in the creation and perpetuation of localized “social practices.” Here, Giddens defines practices as partially routinized forms of conduct through which individuals reproduce the social arrangements within their specific contexts, constituting the social system itself (Giddens, 1979, p. 73).

In the wake of structuralism, structure instead refers to “structuring properties providing the ‘binding’ of time and space in social system ... these properties can be understood as *rules and resources*, recursively implicated in the reproduction of social systems” (Giddens, 1979, p. 64, emphasis added). Structures are thus a set of rules and resources. In terms of rules, structures entail specific procedures for social interaction, enabling individuals “to know how to go on, to know how to play according to the rule” (Giddens, 1979, p. 67). As resources, structures drive social activity forward (Giddens, 1979, pp. 65-69; 1984, pp. 18-25). Giddens (1979) further notes that “[s]tructures exist paradigmatically, as an absent set of differences, temporally ‘present’ only in their instantiation, in the constituting moments of social systems” (p. 64). This means that structure, distinct from the social system, is not an empirical reality; it is virtual and transcends time and space. Structure only becomes actualized through social systems and, consequently, through social practices.

In this context, it is crucial to emphasize that social practices serve as the link connecting the social system to the structure through the process of structuration. The social system itself lacks inherent structures. However, the social practices that form the social system – and, more broadly, every action and interaction among individuals – use the set of rules and resources from the structure to unfold. In this sense, Giddens asserts that the social system possesses “structural properties.” This is what Giddens means by saying that structure only exists “in the constituting moments of social systems.” To clarify further, structures only exist through the actions of human subjects, who reproduce structures as structural properties within specific time-space contexts (Giddens, 1984, p. 295). Simultaneously, practices are made possible precisely by the existence of structure, as they draw upon the rules and resources it provides. In this framework, the process of structuring involves

modes in which ... systems, grounded in the knowledgeable activities of situated actors who draw upon rules and resources in the diversity of action contexts, are produced and reproduced in interaction (Giddens, 1984, p. 25).

It should be noted that, from this perspective, structure is not a static model of social relations or an unchanging constraint on action. Instead, it is viewed as a dynamic process, representing the transformative capability of social systems. While structure undoubtedly shapes society, it never does so comprehensively, given the unforeseen consequences of actions that may deviate from standardized behavior. This means that individuals can draw on the resources and rules of the structure in a routine manner, contributing to the reproduction of the social system as it is, or in a creative manner, entailing the modification of the social system. Thus, structure is understood as the compilation of all rules and resources pre-existing any potential transformation, with pre-existing referring to a context outside the space-time interval in which a social system is real and actions occur (Giddens, 1979, pp. 53-59, 70; 1984, p. 17).

What clearly emerges from the above is the inseparable connection between action and structure in Giddens' theory, characterized as the "duality of structure." Specifically, by the duality of structure, Giddens (1979) means that structures – or more precisely, the structural properties of social systems – "are both the medium and the outcome of practices" and, essentially, of action (p. 69). They serve as the medium for practices because practices are grounded in the rules and resources of the structure. Simultaneously, they constitute the outcome of practices because practices actualize and can reproduce the structure. From this standpoint, structure and action presuppose each other, they are two sides of the same coin. There is a dialectical relationship between them that makes them interdependent.

To exemplify, Giddens often uses the metaphor of language, specifically the relationship between speech and language.<sup>63</sup> Like speech, action is spatially and temporally located and presupposes a subject. In contrast, structure, like language, is virtual and subject-less. More importantly, just as the rules of language create the conditions of possibility for speech, similarly structure provides the condition of possibility for social action. In parallel, just as speech gives body to language, action makes structure exist (Giddens, 2013, p. 125). In this way, Giddens overcomes the duality between subject and structure.

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<sup>63</sup> It should be noted that Giddens does not want to establish an analogy between language and structure or society. Indeed, Giddens (2013) says "[a]n approach to the analysis of structures in sociology can be made by comparing what I will now simply call 'speech' (action and interaction) with language (structure), the latter being an abstract 'property' of a community of speakers. This is not an analogy. I am definitely not claiming that 'society is like a language'" (p. 125). He also writes that "not because society is like a language, but on the contrary because language as a practical activity is so central to social life that in some basic respects it can be treated as exemplifying social processes in general" (p. 133).

## 1.2. Margaret Archer's morphogenetic approach.

While Giddens's theory gives a good account of the circular relationship between action and structure, it has not been without criticism. Among them, Margaret Archer's critique stands out, which she formulates within the framework of her morphogenetic theory of society.

Archer's discussion begins by acknowledging the profound ambivalence inherent in the social condition of individuals. In our daily experience, we sense both the freedom to shape our destinies and the constraints imposed by society on our ambitions. The scholar posits that social theory must adeptly reconcile these contrasting aspects, a goal she actively tried to achieve (Archer, 1995/1997, pp. 11-12). This is not an original objective. Archer acknowledges that the relationship between the individual and society, or the connection between structure and action, has always been the focus of sociological studies. However, sociology has tended to overlook the ambivalence experienced by individuals, favoring a "conflational" approach that collapses the two dimensions of action and structure into each other and avoids establishing connections between them (Archer, 1995/1997, pp. 11-17). This trend is characteristic of both subjectivism and objectivism (or individualism and collectivism). In the case of subjectivism, Archer discusses "upward conflation," as it does not recognize an independent ontological status for structure. Reality is seen solely through individuals, and structure is considered nothing more than an effect of present action. On the other hand, objectivism achieves a "downward conflation" by treating action as an epiphenomenon. More precisely, while action may be necessary for the functioning of the social system, it is seen as dependent on structure. Individuals have no behavioral autonomy, and the evolution of social facts responds to immanent structural tendencies of the system (Archer, 1995/1997, pp. 45-71).

Archer then highlights that, in addition to subjectivism and objectivism, there are theoretical perspectives that promote "central conflation" – namely, those theories that define structure and action in terms of each other, making the two elements inseparable. Giddens' theory falls precisely among these approaches. Indeed, it is built on the fundamental premise of the inseparability of structure and action, encapsulated in the notion of the "duality of structure" (Archer, 1995/1997, p. 113).<sup>64</sup> To be more specific, treating structure and action as a duality – two co-present aspects of a single reality – implies the rejection of ontological differences

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<sup>64</sup> While it is true that the duality of structure is central to Archer's mature critique of Giddens, this was not always the case. In her early writings, Archer initially engages with Giddens' theory through conceptual remarks, later shifting her focus to aspects related to social ontology. Indeed, as Archer's theoretical perspective evolves, she transitions from primarily endorsing neo-Kantian perspectives to favoring a realist approach (Bortolini & Donati, 1999, p. 296. See also Maccarini, 2008, p. 190).



between them. This approach also entails a restricted view of the subject and challenges the feasibility of developing a robust theory of social change (Archer, 1982).

Archer replaces Giddens' dual perspective with a dualist analytical approach. She posits that *action and structure are fundamentally distinct entities*, and the separability between the two – dualism – manifests both ontologically and temporally. From an ontological standpoint, Archer does not conceptualize structure and action in terms of social practices but rather as components of a reality with multiple layers. Adhering to Bhaskar's (1989) critical realism, Archer contends that reality is not one-dimensional; instead, it is layered and includes unobservable social entities. These entities, termed "emergent properties," represent powers or abilities generated through the interrelationship of observable elements in a social reality.<sup>65</sup> The emergent properties come in various forms, such as structural, cultural, and action related. Since they are not directly observable, their existence is established by the evidence of their causal effects on present action (Archer, 1995/1997, pp. 64-67, 198-201).

On this basis, structure is characterized as an emergent property stemming from *past actions* that exert influence on *present actions*. Thus, in addition to the ontological differentiation, a temporal differentiation is introduced. Contrary to Giddens' stance, structure and action do not coexist simultaneously; rather, structure precedes action. This means that the *structure confronting social actors today is the result of activities carried out by actors in past generations*. To illustrate, Archer points out that a specific marital structure predates our current status as married individuals – meaning that the form of the marital institution that we engage with today is a consequence of the social practices of actors who lived before us (Archer, 1995/1997, p. 82). Essentially, everyone's actions unfold within a social context they did not create. Interestingly, Archer treats culture similarly to structure. According to her, the cultural system existing at any historical moment is an outcome of past actions. Moreover, just like the social system, the cultural system influences present social interactions (Archer, 1988, Chapter 5; 1995/1997, pp. 202-209).

In examining the impact of social and cultural systems on human actions, it is crucial to highlight that this influence does not lead to determinism. Archer unequivocally rejects the notion that structure mechanically determines behavior. This is because all forms of sociocultural influence are subject to "reflexive evaluation" by individuals. They assess the

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<sup>65</sup> Archer cites the example of the heightened productivity of Adam Smith's pin makers, attributed to the introduction of the division of labor mechanism. This improvement stemmed from a shift in how individuals collectively worked on pin production, rather than from any enhancement in the skills or specific intentions of the individuals themselves. Another illustration she provides is the capability of water to extinguish fire, despite being composed of highly flammable elements like hydrogen and oxygen.

input from culture and structure in comparison with other interests, employing their “emergent properties of self-consciousness and self-monitoring” (Archer, 1995/1997, p. 210, my translation). To clarify, reflexivity, as defined by Archer (2007/2009), involves “the regular exercise of the mental ability, shared by all normal people, to consider themselves in relation to their (social) context and vice versa” (p. 84, my translation). It is essentially the process through which a person consciously and intentionally deliberates concerning themselves in connection to their social surroundings.<sup>66</sup> This conscious deliberation occurs through what Archer terms “internal conversation,” where individuals engage in a dialogue and self-confrontation.

Due to their reflexive ability, individuals are not merely passive recipients of structural influence; rather, they function as “active agents,” capable of exerting some degree of control over their lives. Engaging in internal conversation, individuals can identify and articulate their fundamental “interests,” forming the foundation for their actions in social life and giving rise to intentional “projects.” Successful actions are likely to be sustained, leading individuals to adopt a consistent set of “practices” (*modus vivendi*). In cases of failure, reflexivity empowers individuals to reshape their lives (Archer, 2003; 2000, Chapter 7).

The intention of Archer’s argument is not to embrace a subjectivist perspective. On the contrary, she underscores that the pursuit of a human project must inevitably take into account the cultural and structural properties of society, which shape the situations that agents encounter. This occurs in a twofold sense. Firstly, the interests of individuals originate from society, indicating that, initially, it is the society that presents individuals with specific behavioral options. Secondly, in the realization of their project, individuals are both constrained and facilitated by the social and cultural order. However, *culture and structure do not exert a direct influence on individuals*, compelling them to do or think a certain way. *The influence of structure is always mediated by internal conversation or, more broadly, by reflexivity*. Archer believes that the mediation process of reflexivity is indispensable for structural factors to exert their causal effect on action – that is, if the structure provides the “reasons” for acting in a certain way, reflexivity transforms them into the “causes” of the behavior undertaken. For instance, it is not enough for the structure to offer certain opportunities to individuals; they must perceive these opportunities as such, or they will not act accordingly. Similarly, the obstacles posed by the structure will only concretely affect individuals if they are understood as such; otherwise, individuals may devise strategies to overcome them and act differently. It is crucial

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<sup>66</sup> Archer is concerned with reflexive deliberations on primarily social issues. Thus, in her perspective, the object on which the subject deliberates has to do with people or society.

to note that whether an opportunity or obstacle *is perceived as such* depends on cultural or structural conditioning, often influencing the reflexive capacity of individuals. However, whether the opportunity or obstacle *is actually such* depends on the individuals' internal conversation about it, rooted in their reflexivity, subsequently shaping their behavior. In essence, individuals "activate" structural and cultural factors, making the causal influence of structure effective (Archer, 2007/2009, pp. 92-103, 194-199).

Certainly, this perspective allows for social change and structural transformation, where the reflexive capacity of individuals and their actions play a crucial role. In this regard, it is worth reiterating that, in Archer's view, individuals cannot create structure because structure precedes them. However, the survival or transformation of a certain structure depends precisely on individuals. In social dynamics, if individuals choose actions that stabilize the societal form inherited from previous generations, the structure remains unchanged (morphostatic cycle). Conversely, *if human action diverges from the structure, it leads to reshaping the social world, giving rise to a new reality that becomes the structure for subsequent generations (morphogenetic cycle)* (Archer, 1995/1997; 2007/2009). Therefore, structural transformation involves strategies that stimulate morphogenetic cycles, fostering a reflexive ability counter to the agency patterns suggested by the existing structure.

However, structural transformation does not exclusively rely on strategies encouraging individual reflexivity. Archer highlights that social reality is co-determined by the conditional influence exerted by antecedent structures together with the autonomous causal powers of current agents. While individuals activate cultural and structural factors, these factors exist independently of action and exert conditioning effects. Archer does not posit a determination of action by structure or vice versa; instead, she presents a complex picture of continuous interrelationships between structure and action. Consequently, *structural change involves intricate processes that incorporate both the individual's reflexivity and the influences of structure and culture.*

### **1.3. Morphogenesis in transitional justice contexts: the role of liminality.**

Before delving into the specific processes of structural transformation, some clarifications are needed to draw connections to transitional justice interventions. As evident from the discussion above, Archer does not specifically refer to "violent structure" but rather addresses the concept of structure in general. Additionally, her research is not tailored to conflict and post-conflict social contexts, with the consequence that it must be problematized for adaptation to our purposes.

As for the first issue, it is noteworthy that, despite divergent perspectives and arguments, there exist convergent elements between the morphogenetic theory and the relational theories of power that are at the core of the concept of structural violence proposed in this research. Firstly, both frameworks offer an integrated understanding of the micro and macro dimensions of reality. Interpersonal power dynamics (micro) are intricately linked to structures/networks of power (macro), which, in turn, are the unintended outcomes of those very interpersonal power dynamics (micro). Simultaneously, ongoing actions (micro) are shaped by structures (macro), which are emergent properties of past actions (micro). In essence, both perspectives underscore that structural influence (macro) is challenged through social interaction (micro). Correlatively, both positions emphasize dynamism. According to Archer, the structure of a society can undergo change through individuals' innovative actions moved by reflexivity. Similarly, power relations are unstable, subject to continual negotiation, and, even when imbalanced, can be contested through the exercise of freedom – which depends on subjective evaluations.

As we know, this is relatively true for structural violence, where oppressive power relations tend to be stuck, thus particularly resistant to change: the oppressed have no room to negotiate their positions in the power relation, and the oppressors are interested in maintaining the status quo. In these situations, there is, in short, a tendency toward morphostasis. However, through reflexivity, individuals can devise strategies to break the patterns of violent structure, which very often – though not always – involve the use of large-scale violence. In parallel, oppressors may resort to violence to prevent this from happening (see Chapter II, section 4).

When these attempts – of emancipation from oppression or perpetuation of oppression – have come to an end, transitional justice intervenes, with the aim of incentivizing a morphogenetic cycle capable of deconstructing oppressive power relations and ensuring positive peace. The fact that transitional justice must *incentivize* a morphogenetic cycle is crucial to highlight. Archer tells us about cycles that are activated over time, consistently with people's evolving interests and life projects. In post-conflict contexts, however, the goal is to build patterns of relationships that will restructure the social structure. Certainly, there is no intention of imposing anything; rather, this undertaking should be a collaborative effort involving civil society, politics, and institutions. However, it is clear that, in contrast to Archer's depicted scenario, social change will not occur spontaneously but will specifically need to be propelled by transitional justice.

In fostering social change, transitional justice will then be faced with certain difficulties. In particular, post-conflict contexts are highly complex, fragile, and often identity-fragmented

social settings. Poverty rates are often high as individuals are displaced, livelihoods are devastated, and opportunities for broader growth, development, and prosperity are destroyed. Fragility also affects the institutional dimension; indeed, governments are often arbitrary, representing only narrow interests, and politics tend to be unstable and conflictual. This means that, in seeking to incentivize long-term social transformative practices, transitional justice must deal in parallel with ensuring minimum conditions of survival for the state and people in the short term. In doing so, it must compromise with elites, whose commitments toward non-violence are crucial to stability (on the political and non-technocratic character of transitions and consequences in terms of non-recurrence, see McAuliffe, 2022).

In broader terms, after conflicts, the social fabric undergoes a period of significant discontinuity, which can be defined in anthropological terms as a phase of “liminality.”<sup>67</sup> Coined by Van Gennep,<sup>68</sup> the concept of liminality – from Latin *limen* (threshold) – denotes the intermediate phase of a rite of passage marked by the profound disorientation experienced by those undergoing it. Essentially, it signifies the moment of transition from one state – whether physical, mental, or emotional – to another.<sup>69</sup> Turner (1969) highlights that, in liminal situations, both society and individuals are stripped of reference points. It is “a ‘moment in and out of time’, and in and out of secular social structure” (p. 96). To illustrate, in post-conflict contexts, both victims and perpetrators find themselves in a suspended state between the circumstances that gave rise to the violence and a yet-to-be-constructed new phase of their existence. This holds true for the social structure as well: while direct violence has exposed structural violence, a series of actions have not yet intervened to overturn the oppressive features of the structure, which persist in a latent form. This state of uncertainty can pose challenges for transitional justice, potentially hindering the path to positive peace. Indeed, the societal longing for a return to normalcy, coupled with confusion about how to achieve it, may lead to accepting easy compromises. Alternatively, as Szokolczai (2009) contends, it could make society susceptible to the allure of the “wrong kind of individuals” (p. 157). The rise of

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<sup>67</sup> The concept of liminality has already been used in reference to transitional justice contexts by the criminologist Adolfo Ceretti (2017).

<sup>68</sup> Van Gennep introduced the concept of liminality as part of his research on rites of passage (1909). In examining the mechanisms governing significant changes in human existence, the scholar notes that every change is accompanied by a ceremonial or ritual dimension that designates guides or regulates the change. More precisely, he identifies three interlinked ritual stages in which these ceremonial patterns are articulated: preliminary rites, i.e. rites of “separation from the previous world”; liminary rites, executed during the “stage of margin;” and postliminary rites, i.e. rites of “aggregation” or integration into “the new world.” According to Van Gennep, during periods of margin, individuals find themselves at the margins of society, in a liminal space that is a space of transformation. Examples of periods of margin are pregnancy, puberty, initiation rites, enthronizations, and funerals.

<sup>69</sup> For interesting insights into liminality from a criminological perspective, see Binik (2017).

figures like Mussolini, Hitler, Lenin, or Stalin can be interpreted in this context. In this case “liminality will not be restricted to a temporary crisis, followed by a return to normality, but can be perpetuated endlessly” (Szakolczai, 2009, p. 155).

Despite these undeniable challenges, it should be recognized that *liminality makes transitional contexts notably receptive and prone to social change*. As Turner (1967) contends, liminality provides an opportunity to establish a new social order: “[u]ndoing, dissolution, decomposition are accompanied by processes of growth, transformation, and the reformulation of old elements in new patterns” (p. 99). To be more precise, the crisis that society undergoes after experiencing violence is not solely destabilizing. Social actors are inherently motivated toward seeking a new social meaning and, in doing so, can draw upon a profound sense of comradeship and common humanity, transcending normal social distinctions – what Turner refers to as *communitas*.<sup>70</sup> In a similar vein, Szakolczai (2009) suggests that liminal situations are marked by a complete collapse of order and a loss of traditional social structure, creating a scenario conducive to the formation of new institutions and structures. In specific reference to transitional justice contexts, it has been consistently observed that “[t]ransitions are rare periods of rupture that offer opportunities to reconceive the social meaning of past conflicts in an attempt to reconstruct their present and future effects” (Aguirre & Pietropaoli, 2008, p. 357). Moreover, it is believed that the post-conflict period is particularly conducive to fostering reconciliation in divided societies. In fact, the cessation of violence provides an opportunity for former adversaries to challenge their antagonistic identifications and hostile relationships (Eder, Gisen, Schmidtke & Tambini, 2002; Jeong, 2005).

In sum, fostering a morphogenetic cycle in transitional justice contexts underscores the need for a comprehensive and strategic effort. This is because of the challenges characterizing these situations, coupled with the fact that the liminality period is “unstructured ... : the most basic rules of behavior are questioned, doubt and scepticism as to the existence of the world are radicalized” (Thomassen, 2009, p. 20). At the same time, however, transitional justice can benefit from the “highly structuring” nature of liminality: “the problematisations, the formative experiences and the reformulations of being during the liminality period proper, will feed the individual (and his/her cohort) with a new structure and set of rules that, once established, will glide back to the level of the taken-for-granted” (ibid.).

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<sup>70</sup> The concept of *communitas*, as articulated by Turner, bears a striking resemblance to Durkheim’s notion of collective effervescence (Olaveson, 2001). According to Durkheim, collective effervescence represents a form of social paroxysm wherein the individual transcends one’s self and aligns with a broader collective identity. This mechanism is deemed fundamental for fortifying the sense of identity within a group and, consequently, fostering its social integration.

## **2. Strategies for transforming violent structures.**

As illustrated in Chapter II, Galtung conceptualized violence across three dimensions: direct violence, structural violence, and cultural violence. He suggested that these dimensions of violence can be depicted as the three vertices of a triangle (Chapter II, section 1.1.). In Galtung's view, the violence triangle can be contrasted

with a triangular syndrome of peace in which cultural peace engenders structural peace, with symbiotic, equitable relations among diverse partners, and direct peace with acts of cooperation, friendliness and love (Galtung, 1990, p. 302).

His idea is to promote a combined action that involves the three corners of the violence triangle, not assuming that basic changes in one will automatically lead to changes in the other two. In short, he seems to advocate for a radical transformation of societies' structures, culture and social dynamics.

Although moving from very different perspectives, Archer seems to interpret social change in a fairly similar way. As mentioned earlier, she posits that social change is contingent upon intricate processes, involving individuals, structure, and culture. In specific reference to structure change, Archer frames it as a long-term process, related to individuals' actions: since structure is an emergent property of past actions that influence present action, the prevailing patterns of present action foreshadow specific features of future structure. Moreover, the present action is shaped by the existing social structure and culture.

These interpretations offer valuable insights for developing effective strategies to transform violent structures in post-conflict contexts. Notably, it becomes evident that transformative interventions must be multilevel, addressing structure, culture, and action simultaneously, and focusing equally on the present, past, and future. Hence, focusing solely on the individual experiences of harm (both past and present) is inadequate. On the contrary, there is a need for intervention at the systemic level, addressing pervasive structures of inequality and discrimination. At the same time, merely acknowledging injustice and oppression is not enough; their root causes at the structural and cultural levels should be uncovered, to prevent their recurrence in the future.

More broadly, it is crucial to remember that structural violence (the state of domination) manifests not only in oppressive inter-individual relations but also in extensive networks of oppressive power that mutually reinforce each other (see Chapter II). As an example, we can consider Foucault (1984/1997) once again and reflect on the highly oppressive inter-individual relationship that traditionally bound wives and husbands in the patriarchal societies of past centuries. This inter-individual relationship existed due to the system of macro-domination of

patriarchy, which persisted precisely because of the daily practice of oppressive relationships between husbands and wives. Furthermore, the patriarchal social system manifested in otherwise oppressive and discriminatory social practices and institutionalized norms toward women (systems of micro-domination), such as exclusion from the right to vote, limited access to certain professional positions, or the expectation that women must exclusively care for the home and family.

In summary and in practical terms, this leads to the identification of two primary areas or levels of intervention for transitional justice. On the one hand, it seems essential to concentrate on *interpersonal relationships where oppressive power dynamics and structurally violent behaviors of individuals unfold*; on the other hand, it seems equally important to examine the *characteristics of the system of domination*. Indeed, oppression persists not only through interpersonal dynamics of subordination but also finds recognition and validation within the system itself. This occurs through the institutionalization or semi-institutionalization of oppressive social or cultural norms and practices, which fail to acknowledge all members of society as equal participants in social interactions, further perpetuating the inequalities inherent in such systems.<sup>71</sup> The former interventions involve the *intimate sphere*, while the latter pertains to the *public sphere*, despite there exists an inherent interconnection between the intimate and public dimensions.

More specifically, addressing oppressive relationships in post-conflict contexts entails delving into the tangible ways in which individuals with differing and seemingly irreconcilable interests interact. It involves *engaging in dialogue* with these individuals, both oppressed and oppressors, regardless of whether they are victims or perpetrators. In any case, the goal should be to *increase their “reflexive ability”* (Archer, 2007/2009), aiming to promote a course of action capable of deconstructing the violent structure and constructing a new, peaceful one. As Galtung (2004/2014) articulates, this process requires *fostering “conscientization,”* deepening awareness of the systemic structures of oppression that drive social dynamics and underlie violence. If, as Foucault (1980) asserts, “individuals are the vehicles of power” (p. 98), engaging them in equity-related actions is crucial for eradicating oppression.

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<sup>71</sup> It should be noted that this perspective aligns with the most recent understanding of violence against women and the intervention models implemented globally to address it. Specifically, the United Nations supports an ecological approach to preventing violence against women, which takes into account various factors contributing to the problem at different levels. These are the individual, relationship, community or organizational and societal levels. “The ecological approach is based on the understanding that factors at each of the levels act in a mutually reinforcing way” (UN Women, 2015, p. 23).



On the other hand, dealing with systems of domination involves dismantling those social and normative arrangements that shape and formalize relations of subordination and oppression. It means addressing the discursive, normative, and material conditions that facilitate oppression through the institutionalization of cultural and social norms, ensuring that all members of a given society are recognized as full partners in social interaction. Following the model proposed by Nancy Fraser (1997; 2000; 2003), this can be achieved by concurrently *implementing strategies of recognition and redistribution within transformative paradigms*. This essentially entails promoting a radical transformation of socioeconomic systems and deconstructing traditional cultural patterns.<sup>72</sup>

Before delving into an analysis of the interventions that can be promoted at these two levels, it is worthwhile to once again acknowledge the complexities that characterize post-conflict contexts. As previously mentioned, while it is true that moments of transition are particularly receptive to change, they also exhibit extreme fragilities to the extent that defining structural transformative agendas may run the risk of seeming naive. In this sense, it has been argued that “in all likelihood there will always be hierarchies of power and structures of domination left intact even following a robust, progressive and longer-term approach to transitional justice. This is especially true if one takes into account more subtle forms of violence such as structural violence, whose minimisation – one cannot speak of elimination even in comparatively peaceful consolidated democracies – is the work of generations” (Sharp, 2019, p. 587).

This research is not meant to disregard the challenges associated with promoting structural change in post-conflict contexts. Nor does it dismiss “the need for humility and expectations management” (Sharp, 2019, p. 587) when proposing transformative strategies. The aim is simply to provide a systematic understanding of the guidelines that can steer change in post-conflict contexts, acknowledging that these efforts will inevitably need to grapple with the issues that emerge from contingencies.

## **2.1. Recognition and redistribution as the means to transform systems of domination.**

It is challenging to define in general terms the characteristics of an oppressive system. The specific mechanisms perpetuating oppression vary, as they can be formalized in law, officially institutionalized through government policies, or manifest informally in social

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<sup>72</sup> Upon closer examination, these align with the common recommendations of transformative justice, urging transitional justice to extend its focus beyond civil and political rights to encompass social, economic, and cultural rights as well (refer to Chapter I, section 2 of this research).

practices. This is especially true in (pre)conflict contexts, where oppression manifests in many different shapes. However, a look at reality suggests that structurally violent societies exhibit highly exclusionary mechanisms along two primary axes: cultural misrecognition and inequality in the distribution of/access to socio-economic resources and/or political power. Consistently, literature highlights that the root causes of violent conflicts “are to be found in the interactions of power-seeking with group identity and inequalities” (Stewart, 1998, p. 3). In this dynamic, political, social, and economic inequalities among groups play a crucial role in fostering violence, where the different groups involved in the conflict are typically culturally defined – e.g. by ethnicity, religion or race (Stewart, 2002; 1998).

Here the case of the South African racial segregation policy will be used to demonstrate the point. First, one should bear in mind that, although apartheid is conventionally traced to 1948, segregation spans back to the expansion of British and Dutch colonial settlements in the country through land dispossession. The first legislation that laid down the foundation for a spatially divided South Africa was the Glen Grey Act passed in 1894. However, the Natives Land Act of 1913 is generally recognized as the “major piece of legislation that would later comprise the legal structure of apartheid” (Feinberg, 1993, p. 66). Among other things, the Act prevented Africans from purchasing or leasing land in 93% of South African territory. Essentially, Africans were limited to possessing only 7% of the country’s land.

Since then, numerous racial legislative interventions have followed. The black population’s right to vote was progressively weakened until its suppression in 1936 by the Representation of Natives Act (on the topic, Skovsholm, 1999). Between 1948 and 1951, a series of legislative measures were enacted to complete the racial segregation in the region. According to the Government of the time “the total segregation of races was the ideal situation for all races and ... apartheid was the best mechanism to bring the country as close as possible to this ideal” (Battersby, 2020, p. 171). Specifically, five key legislations that were implemented to achieve this goal can be identified, namely the Prohibition of Mixed Marriages Act (1949), the Group Areas Act (1950), the Population Registration Act (1950), the Immorality Act (1950), and the Bantu Authorities Act (1951). Among them, the Population Registration Act classified people in accordance with their racial characteristics; social and political rights, as well as economic status, were largely determined by the group to which an individual belonged. The Group Areas Act forced people to live in areas that were designated for their racial groups. Educational opportunities also depended on the racial group to which one belonged. The Bantu Education Act of 1953 instituted a separate educational system for black South Africans. This

system was designed to provide traditional instruction, emphasize manual labor, and transmit knowledge that would be beneficial within the framework of the apartheid system.

Unlike the legally enforced racial separation, other forms of segregation, such as language separation, stemmed from social tensions (du Toit & Kotzé, 2010, p. 71). Indeed, the aforementioned legal framework created an environment of profound cultural division. Younger generations underwent a significant “socialization of isolation,” as individuals from different racial groups lived without knowing each other and “based their preconceptions of one another on the stereotypes generated by the opinion leaders in their own communities” (du Toit & Kotzé, 2010, p. 72). In essence, as previously mentioned, it appears that South Africa’s system of oppression took the form of racially charged and profoundly discriminatory legislation at the political, economic, and social levels. This, in turn, fueled a myriad of equally discriminatory social practices rooted in the misrecognition of others.

This implies that, in such scenarios, the transformation of the oppressive system entails both *recognizing the oppressed and their demands* and *promoting their equality through the fair redistribution of resources and rights*. Within this framework, it is crucial to keep in mind the interconnected nature of these two issues. As the South African case shows, cultural injustices are intertwined with socioeconomic ones, and vice versa. In simpler terms, discrimination tied to belonging to a specific ethnic group influences people’s political and socioeconomic opportunities. Simultaneously, socioeconomic and political inequality reinforces identity boundaries and discrimination. In essence, *misrecognition and inequality are inherently linked*.

The question of recognition is best approached by remembering that the philosophical and political concept involves acknowledging or respecting another human being, endorsing and respecting their status.<sup>73</sup> Taylor (1994) has significantly contributed to this topic, responding to the growing prominence of recognition issues in political and public discourse in our societies. His starting point is the notion that individual identity is formed intersubjectively,<sup>74</sup> wherein identity represents “something like a person’s understanding of who they are, of their fundamental defining characteristics as a human being” (Taylor, 1994, p. 25). More precisely, our identity does not solely result from individual activity but is “crucially

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<sup>73</sup> Quoting the work of Inwood (1992), Margalit (2001) reminds us that “[r]ecognition’ has at least three distinct senses. First, ‘recognition’ in the sense of identification: being able to (re-)identify objects and events. Second, ‘recognition’ in the sense of recognizing, or detecting, mistakes—especially admitting one’s own mistakes. Finally, ‘recognition’ in the sense of acknowledging and honoring the status of others” (pp. 128-129).

<sup>74</sup> In developing his perspective, Taylor draws on the influential analysis of recognition proposed by Hegel in *The Phenomenology of Spirit*, according to which understanding ourselves as independent self-consciousness requires the recognition of another.

[dependent] on [our] dialogical relations with others” (p. 34). In short, the idea is that our sense of self (identity) is developed and realized through dialogue, shaped by our interactions with others and particularly influenced by what others recognize or fail to recognize about us. Recognition is thus viewed as integral to self-realization. It is worth noting that this interpretation of recognition is prevalent in the literature. One of the key works embracing this perspective is by Honneth (1995; 2007; 2012), who argues that it is only through recognition “that a person can come to see himself or herself, unconditionally, as both an autonomous and an individuated being and to identify with his or her goals and desires” (Honneth, 1995, p. 169).<sup>75</sup>

According to Taylor, the connection between recognition and identity makes the topic of recognition highly significant. He posits that, since “our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or *misrecognition* can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being” (Taylor, 1994, p. 25). Extending this discourse to the cultural and political realm, the author consistently notes that when a group experiences misrecognition from the dominant culture, it internalizes a negative self-image and, more significantly, struggles to cultivate a healthy cultural identity. In response to this, Taylor proposes a politics of fair recognition – the so-called “politics of difference” – transcending the mere acknowledgment of the equal dignity of each person. Indeed, this approach is grounded in recognizing the uniqueness of each individual – their real, distinct, and irreplaceable identity (Taylor, 1994, pp. 37-43). In other words, it involves revaluing the identities of individuals or groups through interventions aimed at safeguarding and promoting them. Honneth aligns with this notion, asserting that a just society is one where the recognition of all its members is

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<sup>75</sup> While Taylor has sparked the most interest in the topic of recognition among political theorists, he falls short of offering a detailed account of the role recognition should play within a theory of justice and society. Taylor’s focus primarily revolves around developing a politics of multiculturalism, and he does not present a comprehensive model of recognition politics. In contrast, framing misrecognition as social suffering, Honneth proposes an interpretation of recognition within the framework of a theory of justice. As mentioned, Honneth aligns with Taylor in acknowledging the connection between recognition and our sense of self. However, he delves deeper into the mechanics of recognition, outlining three interactional spheres that correspond to three dimensions of the self-critical for an individual’s development of a positive self-relation. These are love, rights, and solidarity (Honneth, 1995, pp. 92ff; 2007, pp. 129-142). From this perspective, society is conceived as a recognition order structured around institutionalizing the appropriate relations of recognition conducive to the self-realization of all members of that society. In Honneth’s view, the denial of recognition serves as the foundational motivation and justification for social struggles. More precisely, it is through the emotional experiences stemming from specific attitudes and actions of others toward us that we can perceive an unwarranted denial of social acknowledgment.

ensured: “[t]he justice or wellbeing of a society is measured according to the degree of its ability to secure conditions of mutual recognition in which personal identity formation, and hence individual self-realization, can proceed sufficiently well” (Honneth, 2004, p. 354).

From the perspective of developing transformative strategies for transitional justice, this is important because it highlights the need to take into consideration all those subjectivities that have been trampled, ostracized and discriminated against during a conflict. More specifically, the idea that transitional justice should take into account the moral claims arising from experiences of cultural discrimination and disrespect seems reasonable. This contributes to defining the institutional conditions for successful self-realization. In this context, it is worthwhile to consider transitions that involve indigenous communities, often facing oppression, displacement, forceful land dispossession and various violations of cultural rights during conflict.<sup>76</sup> Certainly, in such scenarios, addressing the cultural injustices endured by indigenous people becomes paramount; this involves implementing effective mechanisms to recognize their cultural identity and secure their survival. However, transitional justice rarely addresses these specific aspects; most of the time, indigenous communities are not provided with adequate post-conflict justice that is commensurate with their peculiar experiences, or that is meaningful to them (Balint, Evans & Mcmilan, 2014).<sup>77</sup>

Despite these interesting insights, it has been argued that by placing the formation of identity at the center of recognition strategies, Taylor and Honneth may not effectively address the issue of misrecognition. Specifically, Fraser (2000) notes that “equating the politics of recognition with identity politics ... encourages both the reification of group identities and the displacement of redistribution” (p. 110). Indeed, when a minority cultural group insists on having its identity traits recognized by the majority group, it compels itself to make a definitive

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<sup>76</sup> In a broad sense, cultural rights are those human rights designed to foster, safeguard, and uphold the rights of individuals and communities to develop and maintain their cultural identities and practices. An example of this is the right to take part in cultural life under Article 15 (a)(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) or the right of minorities to enjoy their own culture under Article 27 of the International Covenant on Civil and Political Rights (ICCPR). Nonetheless, there are also numerous human rights that share direct links with culture. These encompass, among other things, the freedoms of religion, association, and expression, as well as the right to education. For indigenous peoples, distinctions between cultural rights and their rights to land, religion, and education cannot be clearly demarcated (see the UN Declaration of the Rights of Indigenous Peoples, A/RES/61/295, 2007).

<sup>77</sup> The work of certain truth or inquiry commissions represents an exception (ICTJ, 2012). Alongside the more widely recognized cases of Peru and Guatemala, the experience of Canada’s National Inquiry into Missing and Murdered Indigenous Women and Girls (the MMIWG Inquiry) stands out as particularly significant. Indeed, the MMIWG Inquiry extended beyond acknowledging cultural injustices and misrecognition merely as elements of a broader historical context or as triggers for other violations, but instead categorized them as violations in their own. Moreover, it delved into the mechanisms of denying indigenous identity through which discrimination was denied, thus “arguably set[ting] a better tone for more comprehensive and inclusive post-transition agendas” (Luoma, 2021, p. 47).

choice about what those traits are. This, in addition to being inconsistent with the idea that identity is constructed dialogically, “denies the complexity of people’s lives, the multiplicity of their identifications” and may even encourage separatism (Fraser, 2000, pp. 112-113). Furthermore, the identity model seems insufficient in capturing the intricate connections between misrecognition and economic injustices. In contrast to the assertions of both Taylor and Honneth,<sup>78</sup> misrecognition is not a “free-standing cultural harm” but is closely intertwined with socioeconomic harms (Fraser, 2000, p. 110). Our societies are shaped not only by cultural criteria but also by economic ones. Overlooking this reality risks distorting the analysis of recognition struggles and yielding no effective results in terms of genuine recognition.

On this basis, Fraser attempts to rethink recognition outside of an account of individual identity formation. More specifically, she suggests treating recognition not so much as a question of self-realization (Taylor and Honneth) but as “a question of justice” and thus as “an issue of *social status*” (Fraser, 2003, p. 29). According to her, the injustice of misrecognition consists in the fact that “some individuals and groups are denied the status of full partners in social interaction simply *as a consequence of institutionalized patterns of cultural value* in whose construction they have not equally participated and which disparage their distinctive characteristics or the distinctive characteristics assigned to them” (ibid., emphasis added). Therefore, misrecognition “does not mean the depreciation and deformation of group identity, but *social subordination* – in the sense of being prevented from participating as a peer in social life.” This implies that misrecognition does not exist on a purely cultural level: it is not simply delegitimization and stigmatization but “is *institutionalized* relation of social subordination” that is nourished by discriminatory cultural values and takes shape in socioeconomic and political injustices (Fraser, 2000, p. 113, emphasis added). For example, it is certainly possible to identify a set of cultural values and symbolic meanings that differentiated the black population as a group in South Africa during apartheid, and these values were undoubtedly stigmatizing. However, as mentioned earlier, these cultural and symbolic stereotypes were institutionalized in legislation and practices that denied equal socioeconomic and political participation to the black population. In this sense, misrecognition occurs through institutionally entrenched cultural value patterns that deny the status.

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<sup>78</sup> More specifically, on the one hand, Taylor’s approach ignores maldistribution, thus “strip[ping] misrecognition of its social-structural underpinnings and equate it with distorted identity.” On the other, although linking cultural injustices to economic ones, Honneth’s approach treats economic injustices only as “a secondary effect of misrecognition.” From this angle, economic patterns of recognition are reduced to cultural patterns of recognition and economic equality appears likely to result from policies designed to promote cultural recognition (Fraser, 2000, pp. 110-111. See also Fraser, 2003, pp. 27-28; Zurn, 2003, p. 525).

From this perspective, *promoting recognition means first of all dismantling institutionalized patterns of cultural value that subordinate certain persons and groups in such a way that they are denied the opportunity to participate in social life on an equal basis* (Fraser, 2000, p. 114; 2003, p. 30). Thus, it is not simply a matter of “revaluing unjustly devalued group identities” but of “*transforming* the underlying cultural-valuational structure” that has devalued a group’s identity and prevented its participation in social and political life (Fraser, 1997, p. 52, emphasis added).<sup>79</sup> Thinking about South African ethnic discrimination, effective recognition strategies go beyond a mere revaluation of black identities at the cultural level. Instead, there is a need to transform the values shaping social interaction, leading to the deconstruction of the hierarchical binary logic inherent in social practices and institutions that positions whites against blacks and casts black individuals as inherently inferior. In other words, there is a need to establish a “field of multiple, debinarized, fluid, ever-shifting differences” (Fraser, 1997, p. 52).

In addition to this, it is crucial to acknowledge that achieving participatory equality faces obstacles not only from institutionalized patterns of parity-impeding values but also from the disparities in resources available to social actors (Fraser, 2000, p. 116; 2003, p. 36). Considering racist societies again, it has been said that, in South Africa, the criterion of race structured the socioeconomic system, barring the black population from accessing the highest paid and socially recognized jobs. Consequently, being socioeconomically marginalized, black people had limited opportunities to voice their opinions in public discourse. As previously indicated, there is an evident connection between misrecognition and maldistribution. Indeed, unequal resource distribution within a group triggers cultural and psychological processes that maintain the imbalance. The privileged members exaggerate inter-group differences, perceive their in-group as superior, and promote negative stereotypes about the out-group (Malloy, 2008, p. 352). However, Fraser emphasizes that economic injustice exists independently of cultural injustice and should be addressed as a distinct issue (Fraser, 2000, p. 117). As a result, *transformative interventions aimed at promoting redistribution through “restructuring the relations of production ... [and] change the social division of labour” must be implemented in this context as well* (Fraser, 1997, p. 53, emphasis added). As has been noted, “the move to peaceful

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<sup>79</sup> Fraser explicitly speaks of “transformative remedies,” which she opposes to “affirmative remedies”. More specifically, Fraser (1997) envisions two strategies for redressing injustice. She refers to them as “affirmation” and “transformation” remedies. By affirmative remedies, she means “remedies aimed at correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them.” Transformative remedies are those “aimed at correcting inequitable outcomes ... by restructuring the underlying generative framework” (p. 51). According to Fraser, the transformative approach holds much more promise, especially when the goal is to promote both recognition and redistribution.

intergroup relations hinges on ensuring that the adversarial groups perceive equality of opportunities to procure material and social resources” (Nadler, Malloy & Fisher, 2008, p. 10. See also Malloy, 2008).

Fraser does not delineate specific strategies through which recognition and redistribution can be promoted in a transformative manner. According to her, each particular case requires evaluation, with a focus on how parity-impeding values are institutionalized (Fraser, 2000, p. 114). For instance, if misrecognition is enshrined in legislation, the response should involve both repealing that legislation and a broader reform of the legislative system to proactively prevent the introduction of discriminatory laws. In cases where the judicial system exhibits discriminatory tendencies, alongside essential vetting measures, initiatives promoting training for judges become imperative to ensure the impartial application of the law. Broadening the perspective, when misrecognition is deeply embedded in societal practices, it is essential to implement comprehensive interventions that aim at reshaping people’s perspectives. This may involve a revision of educational curricula to cultivate critical thinking – an essential element for the establishment of new norms and values (Gill & Niens, 2014). In this context, it is essential to acknowledge the intersectional nature of discrimination and oppression – namely, the fact that individuals are frequently subjected to discrimination based on the interaction of multiple inseparable factors (Crenshaw, 1991). Therefore, caution should be used to avoid oversimplifying the intricate phenomenon of oppression and discrimination. It is important to recognize and address all the intricate elements within the system.

However, the crucial point is that *any strategies aimed at promoting redistribution and recognition must be “transformative.”* Merely correcting the final state of maldistribution or reevaluating group identities is insufficient. The goal should be to deconstruct the cultural hierarchies and socioeconomic structure of society that underlie subordination – the impediment to participating as peers in social life. In other words, strategies must affect the micro- and macro systems of domination with the aim of restoring marginalized groups’ freedom within the power relations shaping social life.

The importance of this aspect is clear when considering the case of South Africa once again. The advent of democracy in the country in 1994 brought about various reforms aimed at promoting the recognition of black identities and redistributing social resources. In this vein, the government endeavored to eliminate discriminatory employment policies and practices through various strategies, including the enactment of the Employment Equity Act of 1998.<sup>80</sup>

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<sup>80</sup> Three primary laws reshaped the South African labor market during the post-apartheid period. First is the Labor Relations Act of 1995, which facilitated collective bargaining and guaranteed union rights. Subsequently, in 1997,



Among other things, the Act provided for affirmative measures to redress the disadvantages in employment experienced by “designated groups,” meaning black people, women, or people with disabilities. From this perspective, equity was achieved when the composition of the workforce in any specific unit of measurement closely mirrored the racial demographics of the country. Despite good intentions, this legislation has fallen short in addressing misrecognition and implementing effective redistribution. Studies indicate that racism persists in the South African workplace, and affirmative measures have been perceived by the white population as a form of reverse discrimination (Franchi, 2003). Concurrently, it has also been ineffective in fostering equity. Indeed, “the rich-poor, black-white dualism is still vitally important in contemporary South Africa” (Hendricks, 2003, p. 11). As Fraser emphasizes (2014), affirmative recognition and redistribution alone “fails to engage the deep level at which the political economy is racialized. ... Leaving intact the deep structures that generate racial disadvantage, it must make surface reallocations again and again.” The consequence, she continues, is not only an accentuation of racial differentiations but also the inclination to label black people as “deficient and insatiable, as always needing more and more” (p. 62). Thus, transforming an oppressive institutional system goes beyond merely promoting formal equity. Substantive equity must be ensured by removing cultural and social norms, as well as maldistribution, that hinder the recognition of all citizens as full partners in social interaction. As observed in the context of South Africa, “rights may be equal, but this does not mean a great deal since people are not in an equal position to dispose of these rights” (Hendricks, 2003, p. 10).

## **2.2. Deconstructing oppressive relationships: potentialities and limits of transitional justice.**

As noted above, systems of domination endure through the simultaneous existence of mechanisms for institutionalizing oppression and interpersonal relationships that contribute to their reinforcement and perpetuation. In their daily interactions, people often adopt strategies that affirm the oppressive traits of the structure. Specifically, oppressors act to preserve the oppressive status quo, while the oppressed, lacking margins of freedom for negotiating their position in power relations, are likely to acquiesce to these acts. This is due to the structure,

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the Basic Conditions of Employment Act was enacted to establish minimum conditions of employment, aligning working conditions for vulnerable workers with the standards set by the International Labor Organization. Finally, the Employment Equity Act of 1998 was instituted with the objective of eliminating unfair discrimination in the workplace (Venter & Levy, 2011).

which provides incentives for action based on social and cultural patterns that have solidified over time.

Conflict represents a breaking point in this dynamic, where direct violence may manifest either as an extreme effort to preserve oppression or as an attempt to emancipate from it (Chapter II, section 4). However, regardless of the conflict outcomes, acts of extreme violence prove ineffective in dismantling the underlying violent structure and, even less so, in fostering the transformation of relational dynamics, especially in a peaceful sense. If, as Archer argues, social structure mirrors past actions, establishing a nonviolent structure necessitates the initiation and sustenance of peaceful relational dynamics over time. Therefore, *transitional justice should focus on promoting patterns of peaceful relations among social actors that will, in the long run, shape a new nonviolent social structure*. As noted, “the center of building sustainable justice and peace is the quality and nature of people’s relationships. A key to constructive social change lies in that which makes social fabric, relationships, and relational spaces” (Lederach, 2005, p. 76).

But what does it mean to promote patterns of peaceful relations? The issue of rebuilding relationships is not new in the framework of peace studies and is often associated with the topic of reconciliation. For example, Mani (2002) contends that peacebuilding, though inherently political, is also a “social and associative process that rebuilds fractured relationships between people” (p. 15). More generally, there is an understanding that promoting peace demands a transformation in the relationships among former adversaries. It involves addressing the deep-seated fears and needs of both parties, as well as advancing psychosocial restoration among individuals perceived as ‘others’ (Aiken, 2013; Gawerc, 2006; Kelman, 1999; Lambourne, 2009; Lederach, 1997). Along these lines, some scholars emphasize the importance of truth commissions or informal customary mechanisms in transitional justice strategies, given their high potential to foster reconciliation among different and hostile groups (Hayner, 2011; Tutu, 1999). Within this context, the reconciliation process is conceptualized as a transformation of interactions between opposing factions, shifting from hostile to amicable relations. This enduring process requires former adversaries to establish “new relations of peaceful coexistence based on mutual trust and acceptance, cooperation, and consideration of each other’s needs” (Bar-Tal, 2000, p. 355).

These perspectives are perfectly consistent with the idea that direct violence is often carried out based on the perception of the other as an enemy. As discussed in Chapter II, mass violence is never arbitrary; instead, it tends to arise in response to real or perceived moral, social, economic, and/or political injustices or threats. This is supported by several psychosocial

processes that lead to the reification of the other (Chapter II, section 4). Thus, it is clear that restructuring relationships by challenging and redefining antagonistic identities and belief systems that motivated past violence is of crucial importance in post-conflict contexts.

However, the issue does not stop here. From the perspective of this research, fostering patterns of peaceful interpersonal interactions not only involves stimulating more positive understandings between former enemies; it also requires dismantling the highly oppressive power dynamics that have constrained their relationships and ultimately led to conflict. From this angle, this study argues for the need to *challenge not only the antagonistic view between the parties but also the psychosocial and cultural hierarchies that define levels of superordination and subordination between different groups involved in the conflict*. While these two issues are closely interconnected, it is crucial not to lose sight of the fact that deconstructing structural violence necessitates promoting balanced power relations among social actors. Thus, transitional justice should ultimately strive to foster *relationships among equals*. The following sections will explore how this objective can be achieved and discuss the primary challenges that transitional justice may encounter in this regard.

### **2.2.1. Relational transformation through dialogue and action.**

The parties involved in states of domination are not always aware of the violent structure of society; consequently, they may lack a genuine understanding of the oppressive nature of the interpersonal relations in which they are entangled. Even if they sense injustice, the oppressed may not always recognize the structural dimension of their experiences – namely, the intertwining of their experiences with oppressive power relations in the broader society. On the other hand, oppressors are seldom aware that their actions contribute to an unjust system, often perceiving the existing status quo as legitimate. As noted by Galtung (1996/2000), actors engaged in structural conflicts often overlook the contradictions underlying them – namely, the incompatibilities between their own goals, interests, and needs and those who appear to hinder their realization. From this standpoint, the author argues that transcending conflict requires the promotion of processes of “conscientization,” that is a critical consciousness-raising processes that enable the parties in a structural conflict to acknowledge the systemic structures of contradiction (Chapter II, section 1.1.).

Becoming aware of the structural dimension of conflict indeed appears to be a crucial initial step in fostering peaceful and equal social interactions. Referring to Archer once more, structural change hinges on individuals capable of countering the behavioral incentives embedded in the violent structure through their reflexive capacity. Individuals, therefore,

possess the potential to alter the dynamics of structurally violent social interaction. However, this can only happen if new elements conducive to critical analysis of reality, and consequently the definition of a new life project, enter their internal conversation. Ultimately, if people do not recognize the intricate web of interconnected oppressive relationships in which they live and how those interconnections are both influenced by them and influence them, an attempt to change is a challenging endeavor.

This view is supported by the work of Freire (1968/1970), a renowned Brazilian pedagogue and educational theorist who introduced the concept of “conscientization.” Freire specifically developed a pedagogical approach for individuals denied education, termed the “pedagogy of oppression.” According to this perspective, education transcends the mere acquisition of knowledge; instead, it should foster critical thinking about human beings, their life context, and reality. Often, individuals inhabit reality without truly comprehending it, maintaining a mechanistic perspective on human events that they experience as predetermined outcomes. This results in the acceptance of practices of domination and subalternity, practices that humans should, instead, reject. In this framework, *conscientization is a process of dialogical awareness of social reality*, a reflexive educational process in which both educators and learners are active participants. Simultaneously, it aims to translate into a *strategy of dialogical change within the social order*. Indeed, conscientization entails reflecting on the invisible factors of oppression, problematizing existing situations, and reexamining them to identify solutions for resolution (on the topic, Iacono, 2022; Milan, 2008). Importantly, from Freire’s perspective, dialogue goes beyond merely listening and understanding or defining a project of common coexistence. It means also “to do critical analysis together, pushing the boundaries of how people together interpret the shared world, and then creating ‘other’ spaces of awareness and possible action” (Westoby, 2014, p. 79). Specifically, Freire’s work emphasizes coming to understand the context one is in, gaining voice to address this context, and being able to creatively engage in efforts to transform it” (Watkins & Shulman, 2008, p. 192, quoted in Westoby, 2014, p. 79).

Thus, according to Freire, engaging in open, creative, and nonjudgmental dialogue allows for reflections and new worldviews. *Looking at reality with different and conscious eyes is crucial to challenging oppressive relations and transforming them into healthy and balanced power relations.*<sup>81</sup> Galtung aligns with this assessment, placing dialogue at the center of

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<sup>81</sup> It is worth noting that these considerations align with Foucault’s understanding of interpersonal power relations. He posits a relationship between free and conscious agents actively negotiating their position in the social space with others, rejecting deterministic acceptance of any predetermined roles (Chapter II, section 3). In this context,

peacemaking strategies. According to him, *dialogue serves as a tool to explore conflicts, bringing out their salient features and facilitating a comprehensive understanding* (Galtung, 2000, p. 4). In practical terms, Galtung advocates for dialogue with the parties involved in the conflict and with each other. Specifically, he believes that the dialogic process should commence with separate dialogues led by a practitioner or mediator with each conflict party, serving a conscientizing function. Like in the pedagogical model described by Freire, the mediator does not impart a lesson and thus avoids imposing any particular view of the conflict. Instead, they assist parties in recognizing and interpreting the nature and characteristics of their experience and the broader social reality, encouraging them to think creatively about new approaches. At a later stage, it becomes possible to facilitate a dialogic encounter between members of conflicting groups, which serves to further deepen critical reflection and stimulate mutual understanding (Galtung, 2000). It also acts as an attempt to overcome the antagonistic view of the other, laying the foundation for a shared project of coexistence. As already noted, mass violence is often enacted based on the perception of the other as an enemy and its progressive reification through specific psychosocial processes (Chapter II, section 4). Dialogue among former enemies can help challenge these perceptions by fostering empathy, reducing entrenched biases, and replacing practices of dehumanization with feelings of mutual recognition (Ellis, 2006, pp. 164-177; Rothman, 1997).

In general terms, whether the dialogue is with parties or between parties, the main idea remains that it exposes the normalized nature of oppressive social arrangements. By changing their conceptual horizons, people begin to see themselves as active builders of reality and learn how to redirect their actions peacefully. As Freire (1992) states,

[a] learning process might appear whereby the powerful would learn that their privileges, such as that of exploiting the weak, prohibiting the weak from being, denying them hope, are immoral, and as such need to be eradicated. It might be a learning process, at the same time, for the crushed, the forbidden-to-be, the rejected, that would teach them that, through serious, just, determined, untiring struggle, it is possible to remake the world. The oppressed may learn that hope born in the creative unrest of the battle, will continue to have meaning when, and only when, it can in its own turn give birth to new struggle on other levels. And finally, it may be learned that, in a new democratic process, it is possible gradually to expand the space for pacts between

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scholars have observed that, according to Foucault, “power ... can develop only within *dialogic conditions of shared determination*. Otherwise ... what appears to be powerful is merely domination or oppression” (Hammond, Anderson & Cissna, 2003, p. 126, emphasis added).

the classes, and gradually consolidate a dialogue among the different – in other words, gradually to deepen radical positions and overcome sectarian ones (p. 173).

It is precisely because of this knowledge – or consciousness-raising – that both the oppressed and oppressors will be able to redirect their actions with the aim of deconstructing the violent structure and restructuring it in the long run. This is a crucial moment: while fostering a dialogical and reflective process is essential for enhancing individuals' reflexive abilities, words alone prove insufficient for the transformation of social structures. *The transformation of a violent structure occurs through action, and the ultimate goal of effective post-conflict strategies must therefore be to bring people into equal relationships.* It is challenging to prescribe how this can be done in abstract terms. This is primarily because the dynamics of oppression and violence are unique to each context, necessitating ad hoc strategies each time. In general terms, however, it is possible to highlight a couple of issues that seem important with a view to promoting effective interventions.

First, it is essential for relationships to be non-conflictual before aiming for equity. As previously highlighted, post-conflict scenarios are characterized by significant social fragmentation, distrust, and perceived antagonism among social actors. If dialogue is considered the first step in challenging these dynamics, it becomes equally crucial to *foster positive interactions among members of former conflicting groups.* Research in the field suggests that encouraging even superficial or indirect positive contact between adversary groups holds the potential to diminish prejudice, break down reified perceptions of the other, and facilitate an understanding of different perspectives, ultimately contributing to the development of more inclusive collective identities (Gaertner, et al., 1994; Hewstone, et al., 2005; Kenworthy, et al., 2005; Staub & Bar-Tal, 2003; Tausch, et al., 2007).

However, fostering relationships grounded in mutual trust alone is insufficient to dismantle states of domination; rather, *interpersonal power relations must be specifically targeted. Hence, transitional justice should engage both the oppressed and oppressors in activities that empower the former to regain control of their lives and encourage the latter to actively participate in this transformative process.* In this context, insights from the literature on gender-based violence are noteworthy, as it has played a significant role in devising effective strategies to counter violent structures in societies. Particularly, when outlining strategies to prevent violence, the literature emphasizes the importance of empowerment programs for women. These programs aim to bolster women's self-esteem and self-efficacy, enhance their control over resources, and facilitate direct participation in social, political, and economic decision-making processes (Batliwala, 1994; Kabeer, 2005). In other words, it is essential to

afford the oppressed (women) spaces of freedom wherein they can actively and consciously negotiate their power relations. Concurrently, men must actively participate in these emancipatory practices. This involvement can be facilitated through community events, mobilization, and social action initiatives that strive to promote and embody gender-equitable attitudes and behaviors (Carlson, et al., 2015; Gupta, 2000; Jewkes, Flood & Lang, 2015; Peacock & Barker, 2014). The critical factor lies in ensuring that the oppressors (men) acknowledge the agency of the oppressed (women) to make choices on equal footing, and this acknowledgment is reflected in the way they engage with them.

### **2.2.2. Participation as the main challenge of transforming relationships.**

Summarizing the above, the transformation of oppressive relationships requires approaches that center on a critical examination of oppressive-related social norms and structures as well as on increasing equitable attitudes and behaviors. In this process, *both the oppressed and the oppressors are viewed as agents of change*. Indeed, the awareness of oppressive social arrangements incentivizes them to relate to one another equitably, contributing to securing peace. While this intervention paradigm appears reasonable in theory, translating it into the operational realm of transitional justice is complex. Regardless of the essential political commitment to promote such processes and acknowledging the potential practical challenges, it appears that critical issues revolve around participation. Namely, the effectiveness of initiatives aimed at transforming oppressive relationships can only be based on the active participation of those who are engaged in such relationships. For clarity, it is important to distinguish among different aspects of participation: (i) the ability to participate, (ii) the willingness to participate, and (iii) the opportunity to participate.

#### *The ability to participate*

For the first aspect, it is challenging to involve an entire population in processes of conscientization, empowerment, and social renewal, given the extensive number of people implicated in conflicts. This is not a new concern for transitional justice, although it is not usually framed in numerical terms. While there is a shared understanding that affected communities should have the opportunity to participate in every stage of a transitional justice process, this aspiration is often left unrealized. Notably, many transitional justice mechanisms tend to exclude the poorest and most marginalized citizens or neglect to account for local needs. These challenges can stem from various limitations, including constraints on time, institutional and financial resources, or a lack of donor flexibility. Moreover, transitional justice generally

serves liberal state-building agendas, leading to the devaluation of the agency of socially excluded populations (Robins & Wilson, 2015; Firchow & Selim, 2022).

In response to criticisms of this paradigm, there has been a recent shift toward a more bottom-up approach – one that underscores the vital role of conflict-affected communities in shaping and implementing post-conflict initiatives<sup>82</sup> (Chapter I, section 2). To give an example, a victim-centered perspective was embraced during the peace negotiations in Colombia, wherein the negotiating parties agreed to engage victim delegations<sup>83</sup> (Brett, 2022). Nevertheless, it remains a reality that, even in Colombia, the millions of victims could not actively participate in the transition process on a personal level.

### *The willingness to participate*

Referring to the second aspect of participation, it should be noted that both conscientization processes and initiatives for empowerment and more equitable interactions must be voluntary<sup>84</sup> for effectiveness. However, whether the oppressed or oppressors are willing to engage in these initiatives remains uncertain.

Even this challenge is not new for transitional justice, which grapples with involving both victims and perpetrators in its interventions. To illustrate, consider truth commissions, which often require the participation of all parties in the conflict for their functioning. In Sierra Leone, for instance, former perpetrators initially showed a willingness to cooperate with the Truth and Reconciliation Commission, albeit with the condition that their statements would not be used for criminal prosecution (Schabas, 2003, p. 1050). Additionally, some individuals have expressed concerns about the potential for retaliation if they were to confess before the

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<sup>82</sup> In this context, advocating for a bottom-up approach to transitional justice that includes communities affected by the conflict primarily entails greater involvement of victims rather than perpetrators. The inclusion of victims in transitional processes is aimed at enhancing survivors' perceptions of justice being served and facilitating healing and reconciliation (Lundy & McGovern, 2008).

<sup>83</sup> Despite efforts to ensure the participation of victims in transitional justice mechanisms, someone is inevitably excluded. Even before becoming a practical concern, the problem is theoretical: who qualifies as a victim in the context of a conflict? Is it genuinely possible to identify consistent experiences within the population to draw a clear line distinguishing victims from perpetrators? While it is understandable that differentiating between victims and perpetrators serves as an analytical and social control tool, the assessment of culpability in conflict and post-conflict contexts is often characterized by numerous grey zones. Moreover, ex-combatants may self-identify as victims. In broader terms, it is important to note that the question of who is considered a victim or a perpetrator frequently becomes a matter of political ascriptions and thus depends on state support (McEvoy & McConnachie, 2012; 2013; Quinn, 2021; Selim, 2017). Regarding the case of Colombia, for example, it has been observed that the legacy of state violence led to the deliberate exclusion of state victims from the pool of those who had the opportunity to participate in the peace process or benefit from post-conflict interventions (Voytas & Crisman, 2023).

<sup>84</sup> We can consider women's empowerment processes to counter gender-based violence as an example, emphasizing that these initiatives must be undertaken voluntarily by women. Similarly, pathways undertaken by men should also incorporate voluntariness. Moreover, consider pathways like criminal mediation or restorative justice: here too, both victims and perpetrators cannot be compelled into confrontation.



Commission (PRIDE, 2002, p. 13), a circumstance that may have hindered their willingness to participate. In a broader sense, the literature indicates various reasons why perpetrators might be reluctant to engage with a truth commission, including feelings of shame, fear, or the belief that participation equates to a full admission of responsibility (Zvobgo, 2019, p. 4). Along these lines, scholars also observe that offenders are reluctant to voluntarily share intense experiences or events for which they bear significant responsibility, precisely to avoid expressing feelings of shame or guilt (Karstedt, 2016, p. 53).

On the other hand, victims tend to be more willing to participate in truth commissions, which emerge precisely as mechanisms aimed at legitimizing their suffering and shedding light on the abuse they suffered. Moreover, studies indicate that victims often express a compelling need to share their traumatic experiences (Karstedt, 2016, p. 53). However, there are instances where this is not the case. In Burundi, for example, certain interviews conducted during the truth commission's inception revealed that, while victims expressed a desire to tell the truth, they concurrently feared the potential consequences. According to their accounts, "those who are accused of crimes of the past are the leaders of the country today ... who would attempt a debate on the crimes of the past, faces prison if he is not killed. He would be considered as an enemy of the nation. We are like sacrificial lambs" (Impunity Watch, 2016, p. 7). Additionally, other studies have found that, in postwar Burundi, a majority of the population preferred to forget the past rather than pursue truth, primarily due to cultural reasons (Samii, 2013, p. 230).

#### *The opportunity to participate*

Criticisms also emerge in relation to the opportunity to participate. Indeed, *post-conflict interventions do not provide all social actors with an equal opportunity to participate in the transformation processes they promote*. Specifically, there appears to be some reluctance to ensure the full participation of former perpetrators, since they are seen as "spoilers" to be fought at all costs" (Dudouet, Giessmann & Planta, 2012, p. 1) and as recipients of help rather than agents of change (McEvoy & Shirlow, 2009, pp. 37-38).

Delving deeper into the issue, in post-conflict settings, alongside the support for victims and communities, there exists a need to "transform combatants into former combatants – and ensure they remain that way" (Waldorf, 2010, p. 15). In pursuit of this goal, perpetrators are primarily subjected to interventions designed to neutralize their potential threat. Consequently, pathways for disarmament and demobilization are promoted, aiming at collecting and controlling their weapons while disengaging them from combatant groups. However, this alone does not guarantee peace and stability, necessitating perpetrators' involvement in societal

reintegration paths as well (UNDPKO, 2006, level 1, module 1.20, pp. 6, 19). Altogether, these initiatives are known as Disarmament, Demobilization and Reintegration (DDR) programs,<sup>85</sup> which are distinct measures from the process of transitional justice.<sup>86</sup>

Specifically concerning reintegration paths, it is crucial to acknowledge their social, economic, and political dimensions (UNDPKO, 2006, level 1, module 1.20, pp. 6, 19). However, in practical terms, the majority of these initiatives tend to emphasize economic components, including employment, income generation, and sustainable livelihood through activities such as skills training, loan support, and job placement.<sup>87</sup> Essentially, the prevailing concept of reintegration for former combatants revolves around measures facilitating their independence in society. While undoubtedly beneficial for some, this approach appears to exclusively focus on supporting and assisting perpetrators, without entrusting their agency. Namely, *former perpetrators are neither assigned a proactive role in rebuilding their lives, nor is their potential contribution to the reconstruction of a peaceful society sufficiently acknowledged*. Even when considering the involvement of perpetrators in proper transitional justice initiatives – primarily trials and truth commissions – they are not encouraged to actively engage but are primarily expected to conform to pathways that ensure justice for victims and the community. While this is crucial for rebuilding peace, the former perpetrator is not treated as an active *participant* in this process but rather as merely an ‘active’ *recipient* – ‘active’ because they are called upon to ‘do’ something decided by others.

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<sup>85</sup> According to the United Nations DDR is “[a] process that contributes to security and stability in a post-conflict recovery context by removing weapons from the hands of combatants, taking the combatants out of military structure and helping them to integrate socially and economically into society by finding civilian livelihoods” (UNDPKO, 2006, level 1, module 1.20, p. 5). DDR processes have undergone significant evolution in recent decades. Initially, they were implemented in post-conflict situations where a peace agreement was in place, primarily involving organized military units and armed forces. Second-generation DDR programs emerged in response to the recognition of diverse scenarios in post-conflict settings. These programs aim to address situations where the conflict is ongoing, a peace agreement has not been negotiated, and there are multiple armed groups, among other complexities such as blurred boundaries between combatants and civilians. While traditional DDR focused on ex-combatants, second-generation DDR programs take a broader approach by including communities, thus adopting a more comprehensive perspective on peacebuilding. Finally, there are “new generation” DDR programs, which are even more flexible. They encompass a wide scope, including national development goals, security sector reform, and transitional justice. Most importantly, these programs are negotiated according to the specificities of the local context (Muggah & O’Donnell, 2015).

<sup>86</sup> Indeed, transitional justice originated and evolved as a set of measures primarily intended for victims and the community at large, with no explicit focus on perpetrators. However, over the past years, there have been moves to have DDR programs pay more heed to transitional justice. This stems from the recognition that both programs stand to gain from enhanced coordination between them. Transitional justice mechanisms can contribute to the reintegration of former perpetrators, while DDR programs not only offer a stable environment for transitional justice operations but also facilitate the attainment of more tangible results (Duthie, 2005; Patel, de Greiff & Waldorf, 2010; UNDPKO, 2023, level 6, module 6.20, pp. 6, 19).

<sup>87</sup> It is only recently that both scholars and practitioners have shown interest in reintegration paths that specifically address the social dimension. In this regard, there is a growing belief that efforts focused on community-level reintegration play a crucial role in promoting sustainable peace. For instance, Kaplan & Nussio, 2018.

Upon closer examination, this contradicts the arguments presented in the literature on the reintegration of ordinary criminals. Bandura (2018) underscored the significance of human agency and autonomous decision-making in desistance from criminal activity. Taxman (2004) advocates for promoting former offenders' reentry programs grounded in the "active participant model, where the offender is part of the decision-making process for examining the risk, needs, and community factors that affect his or her involvement in criminal behavior, and then uses the information to strategically address his/her own criminogenic needs." This is in place of the traditional "active recipient model," wherein the offender receives services determined by others or formulated based on an objective assessment protocol (p. 31). In broader terms, the idea is that self-determination and active participation in reintegration programs can foster intrinsic motivation to desist from criminal activity. This approach enhances former offenders' creativity and sense of control over their lives, and reinforces their sense of responsibility (Link & Williams, 2015; van der Kaap-Deeder, et al., 2017; Walker, Bowen, Brown & Sleath, 2015). Additionally, some scholars caution against underestimating the skills that former prisoners might bring to their own reintegration and their potential contribution to the community (Ward & Gannon, 2006; Ward & Maruna, 2007).

This point may hold to be even more true in post-conflict environments for three main reasons. First, "[c]ombatants gain skills and social capital during war," making them valuable assets in the post-conflict reconstruction process (Torjesen, 2013, p. 3. See also Rolston, 2007, p. 263). Second, contrary to always posing a threat, former perpetrators may be fully integrated into their home communities, enjoying distinct social legitimacy in their environments (Dudouet, Giessmann & Planta, 2012, p. 2; Torjesen, 2013, p. 3). In this sense, a reintegration process understood in the traditional sense may not be as useful, as the focus should be on evaluating the role that former perpetrators could play in social transformation. Third, promoting the reintegration of former perpetrators into society without considering their perspective risks overlooking the structural causes of violence (McEvoy & Shirlow, 2009, p. 33; McEvoy, 2012, p. 107). Particularly when violence is used as a means of emancipation from an oppressive social structure, compelling former perpetrators to uncritically resume their place in the same relational dynamics does not address the underlying problems of the conflict. In other words, it is not conducive to eradicating structural violence. This is not advocating for a naive celebration of all those who once took up arms; rather, it emphasizes that former perpetrators might be a valuable resource in post-conflict contexts.

In light of the above, a natural question arises: are there possibilities for promoting effective processes of social transformation in post-conflict societies, and can the highlighted issues of participation be overcome? Regarding both (i) the ability to participate and (ii) the willingness to participate, *transitional justice must strive to involve as many people as possible, ensuring spaces where victims feel safe and welcomed and perpetrators feel capable of sharing responsibility*. However, as mentioned earlier, it is impractical for the entire population to directly participate in social transformation initiatives. Moreover, any participation must remain voluntary. Therefore, transitional justice may need to focus on ensuring the incorporation of inclusive and indirect participatory channels into the country's democratic reforms. This means that critical issues related to the past should be available for public discussion, allowing those who cannot or do not wish to participate directly to engage indirectly. In this regard, the positive example of South Africa is worth mentioning, where the Truth Commission's work entered the public domain through the media, fostering full debate. As Alex Boraine, Deputy Chairman of South Africa's TRC, wrote "[u]nlike many other truth commissions, this one was center stage, and the media coverage, particularly radio, enabled the poor, the illiterate, and people living in rural areas to participate in its work so that it was truly a national experience rather than restricted to a small handful of selected commissioners" (Cole, 2007, p. 172). After all, participation lies at the core of democracy, and if transitional justice aspires to promote democratic principles, it must ensure some form of participation at all costs.

Simplifying and simultaneously complicating the matter is the issue of (iii) the opportunity to participate in social transformation projects, provided only to a certain extent to perpetrators by transitional justice and DDR programs. The aspect of the opportunity to participate simplifies the matter because there seem to be no obstacles in promoting full participation; while former perpetrators may not be able or willing to participate, there is nothing preventing an offer of this opportunity. At the same time, this complicates the matter because the willingness to provide the chance to participate requires a change in perspective and sensitivity toward former perpetrators. The likely perception of perpetrators as monsters or dangerous strangers<sup>88</sup> and the resistance that the community might show regarding their active involvement in social transformation projects appear particularly challenging in this regard. After all, one might think that those who have destroyed a society can in no way contribute to its reconstruction. However, a few significant experiences prove otherwise. In particular, the

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<sup>88</sup> See Garland (2001), who argues that offenders are presented by crime control policies as "barely human," whose conduct is "'evil' or 'wicked' and beyond all human understanding" (p. 135). See also Mohamed (2015), discussing international criminal tribunals' characterization of perpetrators of mass atrocity crimes as deviants.

Irish case appears particularly noteworthy, where politically motivated former prisoners have contributed to the decrease in levels of violence within and beyond their respective communities and thus to the establishment of peace.

In practical terms, former Irish perpetrators have actively participated in various initiatives, such as community work, community-based restorative justice programs and commemoration or truth recovery projects (for detailed discussion, Shirlow & McEvoy, 2008). However, what is particularly important in this context is that they took ownership of their own projects rather than simply accepting individualistic forms of aid: “they were and remain political actors determined to assert their sovereignty over their own destiny and that of their constituency” (McEvoy, 2012, p. 116). This becomes clear when one considers the role they played in the process of conflict transformation. First, they have provided significant “political leadership” by influencing community attitudes toward violence. Among others, their involvement in community-based restorative justice programs has convincingly communicated the effectiveness of nonviolent approaches in addressing crime, encouraging values of respect, and fostering tolerance for differences. Secondly, they have exhibited effective “military leadership” by persuading paramilitary organizations to cease fire and reconsider the use of violence in their strategies. Thirdly, their involvement in community organizations and advocacy on issues such as past injustices, economic development, or practices against anti-social offenders has demonstrated “moral leadership in the process of community building.” These efforts have contributed to fostering relationships at the local community level (Shirlow & McEvoy, 2008, pp. 125-132. See also McEvoy & Shirlow, 2009; McEvoy, 2012).

Crucial in this process was the credibility that former prisoners enjoyed in the eyes of the local community. However, the main idea is that *by allowing former perpetrators space for expression and participation in social transformation, they possess the resources to contribute positively*. Once again, democracy matters. In the pursuit of promoting democracy during transitions, enabling participation becomes imperative. Democracy, by its nature, is inclusive, always open to social dynamics, and attentive to listening to anyone struggling for recognition (Cornelli, 2021, p. 212). This inclusivity must extend to former perpetrators as they renounce violence and choose to democratically pursue any project, even if it is antagonistic to the majority vision of the community. As observed, “[d]emocracy ... not only can include antagonism; it is the only political form that solicits and presupposes it, that institutionalizes it” (Žižek, 2006, p. 559).

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*Summary and next steps.* The Chapter attempted to design strategies for transforming violent social structures within the context of transitional justice interventions. More specifically, the purpose was to provide an answer to the second question that Galtung's work left unanswered, namely *What is the relationship between structure and human action and how can violent structures be transformed?*

To this aim, it first explored the connection between individuals' actions and the social structure, delving into sociological works that sought to overcome the theoretical constraints of both subjectivist and objectivist approaches. Among these, Margaret Archer's morphogenetic theory emerged as the most promising avenue for understanding this intricate relationship. According to the author, action and structure are distinct entities that are nonetheless intrinsically linked. The structure is conceived as the outcome of past actions that have solidified over time and, simultaneously, it exerts an influence on present actions. However, this does not imply that the structure can determine behavior. Individuals engage in "reflexive evaluation" of all forms of structural influence; in simplified terms, individuals choose how to behave by comparing the behavioral inputs provided by the structure with other values or interests they find relevant. Consequently, social structure can be transformed. Given specific circumstances, the reflexive capacity of individuals can guide them to take present actions that, if consistent over time, will contribute to shaping the structure of the future.

Having clarified this, the second part of the Chapter aimed to develop transformative strategies for transitional justice, essentially distinguishing between two levels of intervention. On the one hand, it is crucial to design interventions capable of impacting the system of domination by disarticulating the social and cultural norms and practices that are institutionalized or semi-institutionalized. Through a combined strategy of recognition and redistribution, the ultimate goal must be to promote a system that recognizes all members of society as *equal participants in social interactions*. On the other hand, there is a need to dismantle oppressive interpersonal relationships that lead to conflict, transforming them into *relationships among equals*. This requires engaging the people affected by the conflict in dialogue, fostering awareness of the systemic structures of oppression driving social dynamics, and stimulating action capable of deconstructing the violent structure. In this process, both the oppressed and the oppressors, whether victims or perpetrators, are considered agents of change.

The concluding section of the Chapter highlighted several challenges that transitional justice may encounter in promoting this type of intervention, with a central focus on the issue of participation. Among these challenges, the most prominent appears to be the prevailing tendency within the field to limit the full participation of former perpetrators in social change

projects. Specifically, perpetrators are often perceived not as agents of change but as recipients of assistance, assumed to have little to offer to the community. In contrast, the argument suggests that achieving not only the effective reintegration of former perpetrators into society but also the transformation of the violent structure necessitates the empowerment of their agency. This, after all, is what would be desirable in the context of a democracy.

Building on these considerations, the following Chapter delves into the terrorist phenomenon that unfolded in Italy during the 1970s, specifically examining the treatment of former perpetrators in the aftermath of the crisis. The Italian case significantly diverges from situations typically addressed by transitional justice. Firstly, Italy did not experience an armed conflict under international law, despite widespread violence. Additionally, Italian terrorists were extensively prosecuted and imprisoned, deviating from common transitional scenarios. Moreover, the Italian former terrorists exhibited notable self-awareness and a capacity for critical reflection, enabling their conscious participation in the peacemaking process – a circumstance often unimaginable for war criminals. Despite these unique aspects, the Italian case proves interesting, as former perpetrators have asserted their right to be recognized as agents of social change and actively engaged in this pursuit. Therefore, the analysis aims to comprehend whether and how the Italian former terrorists contributed to de-escalating terrorism and fostering social pacification, ultimately demonstrating that former perpetrators can serve as a resource in transformative transitional justice processes.

## Chapter IV

### Former perpetrators as agents of change: some insights from the Italian case.

#### 1. Introduction.

In the late 1960s and early 1970s, a wave of terrorism swept across numerous countries worldwide, manifesting as either domestic terrorism or international terrorism. It took the shape of separatist terrorism in some instances or adopted a purely right-wing or left-wing ideological stance in others. Specifically, as outlined by Laqueur (1987), four distinct subspecies of terrorism emerged in the late 1970s. These included (i) separatist-nationalist terrorism witnessed in regions such as Ulster, the Middle East, Canada, or Spain; (ii) Latin American terrorism; (iii) urban terrorism, which grew out of the failure of the new left in Western Europe, America and Japan; (iv) terrorism of the extreme right.

In this context, the Italian case stands out prominently. Positioned within the third category identified by Laqueur, Italian terrorism manifested as a political-ideological phenomenon marked by intricate and highly destructive features. As noted by Drake (2021), “[s]tatistically and psychologically terrorism in Italy far surpassed the political violence in other industrialized countries in the West” (p. 153). Synthesizing findings from Italian and international literature, Ceci (2013) identifies four distinguishing characteristics of Italian terrorism. Firstly, its remarkable duration – from 1969 (the year of the Piazza Fontana massacre) to the early 1980s.<sup>89</sup> This prolonged time span is particularly noteworthy when compared to similar phenomena in other European countries.<sup>90</sup> Secondly, the exceptionally high number of attacks and victims, along with the devastating nature of certain terrorist acts. Between January 1, 1969, and December 31, 1987, Italy witnessed 14,591 politically motivated acts of violence against people or property.<sup>91</sup> Thirdly, the broad spectrum of terrorist groups that have claimed

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<sup>89</sup> There is not a specific moment in time that signifies the conclusion of Italian terrorism. Regarding left-wing terrorism, the most recent murder, specifically claimed by the *Brigate Rosse per la costruzione del Partito Comunista Combattente* (BR-PCC), occurred on March 19, 2002, and involved the killing of Marco Biagi. Emanuele Petri was murdered on March 2, 2003, by two individuals later identified as members of the Red Brigades. The most recent victim of right-wing terrorism was Giovanni Di Leonardo, who was killed on May 1, 1985, by the *Nuclei Armati Rivoluzionari* (NAR). (For information on the many victims of Italian terrorism, refer to the website of the Italian Association of Victims of Terrorism - *Associazione Italiana Vittime del terrorismo* (Aiviter) <https://www.vittimeterrorismo.it/>, accessed on 10/1/2024). However, Italian terrorism has significantly declined since the early 1980s, primarily due to the arrests made within the ranks of leftist terrorists.

<sup>90</sup> In Germany, for example, the phenomenon of terrorism took shape in the early 1970s and began to dissolve in the first part of the second half of the same decade.

<sup>91</sup> This count encompasses a diverse range of acts, spanning from squad aggression to murder, and from Molotov cocktail attacks to explosive incidents. From 1976 to 1980 (the five most intense years of terrorism in Italy), 9,673 acts of violence occurred, averaging over five episodes per day. In 1979, there were 2,513 subversive acts, averaging seven instances of political violence per day. The total casualties included 419 deaths and 1,181 injuries.



responsibility for the attacks. Finally, the phenomenon exhibits inherent unevenness, as it manifested in various forms, with a notable simultaneous occurrence of both right-wing and left-wing terrorisms, each driven by diametrically opposed ideologies (*ex multis*, della Porta & Rossi, 1985; della Porta, 1984).

Italian terrorism has mainly attracted attention due to its origin, dynamics, development, and scope. However, equally attracting is the process of its gradual defeat leading to the realization of social peace. The Italian authorities implemented a set of emergency measures to enhance the effectiveness of counterterrorism efforts, especially through the 1980 Cossiga Law.<sup>92</sup> Concurrently, there was a heightened focus on prison policy, marked notably by the establishment of *carceri speciali* (special prisons). However, the Italian approach was not solely repressive. Incentive-led legislations were introduced concerning the so-called *pentiti* (repented or collaborators with justice) and *dissociati* (dissociated) in 1982 and 1987,<sup>93</sup> respectively. This was accompanied by a progressive easing of the prison regime.<sup>94</sup>

The profound distinction between *pentiti* and *dissociati* goes beyond normative regulation, as their contribution to the decline of terrorism diverges significantly. As will be elaborated later, *pentiti* are individuals who have severed all ties with the terrorist group to which they once belonged, actively choosing to cooperate with the authorities. In contrast, the *dissociati* simply distance themselves from the armed struggle, specifically renouncing the use of violence, without extending any cooperation to the justice system. As highlighted by De Stefano, the head of the Police Counterterrorism Unit during the investigation against the Red Brigades, while the *pentiti* facilitated in executing police operations leading to substantial terrorist arrests, the *dissociati* were instrumental in a “political operation” aimed at overcoming armed confrontation by “holding those responsible accountable for their actions” (Picariello, 2019, p. 100, my translation).

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In 1980 there were 125 deaths and 236 injuries. However, in that year, the bombing at Bologna station alone caused 85 deaths and 177 injuries (Schaerf, et al., 1992, p. 16).

<sup>92</sup> Law No. 15 of February 6, 1980 “Conversion into law, with amendments, of Decree Law No. 625 of December 15, 1979, on urgent measures for the protection of democratic order and public safety” [*Conversione in legge, con modificazioni, del decreto-legge 15 dicembre 1979, n. 625, concernente misure urgenti per la tutela dell'ordine democratico e della sicurezza pubblica*] (Official Gazette February 7, 1980, No. 37).

<sup>93</sup> Law No. 304 of May 29, 1982, “Measures for the defense of the constitutional order” [*Misure per la difesa dell'ordinamento costituzionale*] (Official Gazette June 2, 1982, No. 149) and Law No. 34, of February 18, 1987 “Measures in favor of dissociates from terrorism” [*Misure a favore di chi si dissocia dal terrorismo*] (Official Gazette February 21, 1987, No. 43).

<sup>94</sup> It is crucial to highlight that although this legislation theoretically applied to both right-wing and left-wing terrorists, its primary focus was on left-wing terrorism. In broader terms, the prosecution and police appeared more committed to countering left-wing terrorism than its right-wing counterpart (Spataro, 2023, p. 5).

The *dissociati* themselves recognized the political nature of their decision. While confined in prison, they primarily sought a “political solution to a political problem,” that of their liberation. In particular, they perceived their act to dissociate as a step toward “active reintegration” into a process of social transformation that broke away from violent activism. Without compromising their ideological stance, they distanced themselves from the armed struggle, acknowledging the mistake of resorting to violence. This included initiating “political self-criticism ... for the mistakes that [had] contributed to the crisis of [their] projects of social transformation” and expressing their “will to participate again in a process of transformation” (Doc. No. 2, my translation).

While following distinctive dynamics, these requests were partially addressed by the Italian authorities. Notably, spaces for reflection were established within prisons (so-called *aree omogenee*) providing former terrorists with a platform for critically reviewing their past actions. Additionally, prisoners were given opportunities for active engagement in social work, both within and outside prisons. Thus, it seems that, in Italy, at least a portion of former perpetrators have been *active participants* in the process of social pacification.

Moreover, it can be argued that the *dissociazione* (dissociation phenomenon) played an important role in transforming Italian society from the perspective of structural violence, although it was also mitigated by historical and economic factors. First, the *dissociati* successfully fostered significant changes within the prison environment, which is the place of oppression par excellence. Second, they effectively reintegrated into society, not only refraining from taking up arms but also succeeding in reclaiming a place in public discourse. Finally, former terrorists have undeniably contributed to ending violence.

On this basis, it appears that valuable insights can be drawn from the experience of *dissociazione*, shedding light on how perpetrators might serve as a resource in post-conflict social transformation processes. In this regard, it should be noted that the Italian scenario of the 1970s diverged from an internal armed conflict in terms of international law, as is usually the case for transitional justice to step in.<sup>95</sup> However, the Italian terrorism was notably destructive and socially divisive, as previously discussed. Moreover, the current horizontal expansion of transitional justice implies that its interventions could theoretically be promoted even in situations that cannot be strictly defined as conflicts, such as terrorism (Chapter I, section 1.1.).

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<sup>95</sup> In some cases, the Italian political and social conflict of the 1970s has been defined as a “low-intensity civil war” (Fasanella, Sestieri & Pellegrino, 2000). Even historians acknowledge the connection between the political conflict of the 1970s and the concept of a “civil war” (see, for example, Bermani, 2003). On the contrary, some scholars argue that labeling Italian terrorism as a civil war would be inaccurate (for example, Lazar & Matard-Bonucci, 2013).

In any case, the primary objective of this Chapter is to identify compelling reasons that can foster a more inclusive approach toward former perpetrators to benefit transitional justice processes and to push post-conflict societies toward positive peace.

To this aim, the structural and cultural dynamics that led to terrorism in Italy will be explored, particularly focusing on left-wing terrorism.<sup>96</sup> Specifically, reference will be made to the fundamental interpretations offered by the literature on the phenomenon. Nevertheless, greater emphasis will be placed on those studies that discuss Italian political violence in accordance with the perspective on mass violence presented in this research (see, Chapter II, section 4). Next, the strategies employed by Italian authorities to combat terrorism will be reviewed, focusing on the measures in favor of *dissociati* and *pentiti*. Finally, the aim is to thoroughly explore the phenomenon of *dissociazione*, seeking to comprehend its political significance, evaluate its impact on the oppressive structures of Italian society, and underscore its relevance in Italy's path toward social pacification.

It should be noted that the scholarly literature on this subject is limited. As a result, the research includes an analysis of documents authored by *dissociati* during their detention (referred to as Doc. No.). Additionally, three semi-structured interviews were conducted with former left-wing terrorists to gain insights into how dissociation was personally experienced by those directly involved and its significance to them. Specifically, the qualitative analysis concentrates on the political self-criticism exhibited by *dissociati* and their active commitment to social transformation.

## **2. Setting the stage: the Italian terrorism.**

In the late 1960s, Italy witnessed a surge of politically motivated terrorism, originating from both right-wing and left-wing factions. The far-reaching impact and distinctive character of this phenomenon caught the attention of the scientific community, public opinion, and international governments. According to Ceci (2013), during the period from July 1, 1977, to July 1, 1979, the evening news programs of the three major American networks (ABC, CBS, and NBC) dedicated 141 reports solely to the Red Brigades, constituting 50 percent of the reports related to or broadcast from Italy (p. 42). On the other hand, studies both on a national

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<sup>96</sup> Various interpretations of the origins of right-wing and left-wing terrorism exist. In this discussion, I specifically focus on left-wing terrorism to maintain argumentative consistency. Indeed, although involving prisoners from both right-wing and left-wing terrorism, the *dissociazione* is predominantly a left-wing phenomenon. Furthermore, the interviews conducted to investigate it exclusively involved former leftist terrorists.

and international level regarding Italian terrorism began to surface in the early 1970s and have since proliferated.

Specifically, researchers have delved into the causes behind the genesis of terrorism in a democratic country like Italy. Especially from the Western world's perspective, the occurrence of such violent terrorism in a democracy was indeed genuinely alarming. Taking on a somewhat reassuring stance, some scholars attempted to elucidate Italian terrorism by referencing the nation's revolutionary tradition. According to Drake<sup>97</sup> (1984), "[i]n Italy ... unusually potent revolutionary traditions on the left and on the right ... are in place and available as serious ideological options, each possessing both the potential for terrorist action and a record of terrorist action" (p. 288). From this angle, Italian terrorism was not a new phenomenon, but it represented the latest manifestation of the country's revolutionary tendencies; in Italy the "belief in revolution as the most efficacious way of adjusting society to desirable change has been invincible" (Drake, 2021, p. xxix. See also Furlong, 1981).<sup>98</sup>

Generally, investigation about the origins and causes of Italian terrorism has been conducted on micro, meso, and macro levels of analysis.<sup>99</sup> At the micro-level of analysis, literature has concentrated on outlining distinctive traits of militants, delving into the examination of psychological attitudes, as well as cultural, social, and generational variables believed to have contributed to the birth of the phenomenon. For instance, Ferracuti and Bruno (1981; 1983) identified "authoritarian-extremist" personality traits in right-wing terrorists, which they related to a propensity toward psychic pathology. In contrast, left-wing terrorists were observed to seldom exhibit personality imbalances. However, they frequently manifested a unique relationship with death as reflected in their perception of terrorism as a "fantasy war." In a wartime scenario, the biological instinct for survival undergoes a transformation: individuals no longer strive to avoid death but instead are ready to both kill and be killed, engaging in the most extreme forms of aggression. Thus, a "terrorist is like a soldier outside of time and space, living in reality a war which exists only in his fantasy" (Ferracuti & Bruno, 1983, p. 308). The fantasy war is only "a partial war," meaning that it exists only for one of the

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<sup>97</sup> Drake is the leading scholar who embraces this perspective. His reflection begins with the premise that each society is marked by fundamental shared ideas and categories – a common conceptual and ideological frame of reference, referred to as the national character (Drake, 2021, p. xxviii). In the context of Italy, what characterized the national character was the presence of particularly robust revolutionary traditions.

<sup>98</sup> Referring to the Red Brigades, the most prominent militant left-wing organization in Italy, Drake consistently observes that they were merely the latest product of the country's revolutionary tradition, representing "a fundamentalist variation of the standard revolutionary beliefs in Italian communist culture" (Drake, 2001, p. 367. See also Drake, 1982).

<sup>99</sup> This tripartition is derived from reflections by Donatella della Porta concerning the broader literature on terrorism. Specifically, refer to della Porta, 1998; della Porta, 1990, p. 20.

two contenders. “Fantasy war becomes real only if acknowledged by the ‘enemy’; and becomes terrorism when, being unable to compel the enemy to accept a state of war, it must limit itself to harass and destabilize the enemy through utilization and diffusion of fear” (Ferracuti & Bruno, 1983, p. 309).

The meso-level analysis shifted the focus to terrorist groups, specifically delving into their ideological and organizational dimensions. Coyle (1983) interpreted the various forms of Italian terrorism as manifestations of “minorities in revolt,” stemming from radical (and revolutionary) political cultures that are not fully integrated into the stagnant political system and are excluded from government activities. According to Cowan (1980), left-wing terrorism should be understood as “an expression of frustrated moral and political opposition” (p. 187). This is because the traditional left-wing parties, when confronted with intense class conflict, seemed unable and unwilling to lead radical change. Consequently, terrorist groups represented social interests antagonistic to the established system. The choice of terrorism is seen as a rational decision made by groups motivated by ideological goals or class interests (Cowan, 1980, pp. 182-187).

Nonetheless, most studies have embraced a macro-sociological viewpoint, connecting the rise of terrorism to systemic imbalances. In this perspective, terrorism mirrors underlying structural issues, which can be economic, social, political, and/or cultural in nature. Taking a comprehensive approach, Weinberg (1986) notably identified two categories of factors that played a crucial role in explaining Italian terrorism. These factors were categorized based on whether they served as “preconditions” or “precipitants.” Among preconditions – namely, “relatively constant features of Italian political life” (p. 146) – the author emphasizes the Italian style of political leadership, which combines ideological expression with pragmatic bargaining in the daily conduct of politics. According to Weinberg, this combination could (or should) be a source of considerable discontent among citizens. Moreover, the vivid memory of the Resistance against fascism and the simultaneous significant presence of neo-fascist movements in Italy are considered relevant. In this context, Italy is portrayed as torn between those persistently committed to preventing the return of fascism and those engaged in an ongoing conflict against Communism. Lastly, Weinberg identifies massive popular dissatisfaction with state policies and absolute distrust in the national government as crucial preconditions (Weinberg, 1986, pp. 146-150). Moving to precipitants – that are, “factors undergoing change immediately before or during the early phases of terrorist activity” (p. 146) – Weinberg points to the social and cultural transformation of the country in the second half of the 20th century.

He particularly highlighted the decline of traditional forms of authority, specifically religious and familial authority (Weinberg, 1986, pp. 150-156).

The preconditions and precipitant factors emphasized by Weinberg are echoed in the writings of other authors. For instance, Acquaviva (1979) attributed Italian terrorism to the erosion of religious values. From his viewpoint, the diminishing significance of religious values as ultimate existential meanings prompted many people to seek self-realization through political avenues. More specifically, this author found a “psychological connection” between “the religious absolute and the political absolute,” prompting many to engage in revolutionary organizations that could offer this sense of totality (Acquaviva, 1979, p. 10, my translation).

However, many interpretations of the phenomenon delve into economic, social, and political factors. Ferrarotti (1979) posited that terrorism is rooted in socioeconomic marginalization and the emergence of new marginal classes within the context of an incomplete process of industrialization. Faced with an inability to articulate their grievances through regulated forms of protest, these marginal classes perceive terrorism as their sole means of expression. In essence, terrorism emerges as “a cry of alarm, a desperate need for recognition and existence. Violence *makes visible*” (Ferrarotti, 1979, p. 9, my translation). In contrast, Bonanate (1979) interpreted terrorism as a response to an ineffective political system. Specifically, it is the symptom of a systemic political block, that is, the system enters a phase of immobility. More precisely, according to this author, terrorism is a “symptom” of the fact that

a given structured setting (whether it is a state society, the international system or its subsystems) is approaching or has already entered a phase of block. This implies the incapacity to perform tasks except repetitively, the inability to renew itself by adapting to new needs or stimuli, and the failure to develop and self-regulate. The block would be, in other words, that of a system that has so thoroughly consolidated its foundations and structural organization that it does not permit any innovation, regardless of its nature (Bonanate, 1979, p. 177, my translation).

In the Italian context, the author argued that the political block manifested in a “very solid ruling class,” which is described as “solid” not only because it does not change but also because it fails to adapt and respond to reformist demands. The block was also apparent in the possible governing coalition between the Italian Communist Party and the Christian Democrats, known as the *compromesso storico* (historic compromise). Indeed, far from being a test of the system’s dynamism, this process represented the neutralization of the largest anti-system force in Italy at that time, namely, the Italian Communist Party (Bonanate, 1979, p. 177, note 120,

my translation). In this context, the terrorist is someone who can envision only the struggle as a means to “blow up that block that bars his way” (Bonanate, 1979, p. 178, my translation).

In a broader sense, the notion that terrorism was linked to the failure of Italian politics to accommodate the citizens’ and collective movements’ demands for change appears to have found substantial support. Among the various interpretations in this line of thought, Melucci’s (1982) perspective stands out as particularly noteworthy. Melucci moves beyond attributing terrorism solely to macrostructural factors; instead, he underscores the interplay between collective actors operating outside the system and the system itself. Essentially, he focuses on the relationship between social movements and the block of the political system.

More specifically, Melucci starts by examining the protest movements that emerged in 1968, considering the responses of the Italian state and government to the collective demands. He notes that the political system promoted a narrow range of reforms, often adopting a repressive attitude that included the instrumental use of right-wing violence. While this did not directly lead to terrorism, it had an indirect impact. Indeed, the opposition faced by collective movements in politics directly led to their disarticulation. Amid the economic crisis, from the second half of the 1970s, collective movements struggled to find a political representative and began to disband. Those who persisted reorganized collective action in nontraditional and fundamentalist forms, turning to violence as a means of struggle (Melucci, 1982, pp. 108-127).

In line with this perspective is the analysis by della Porta, who is recognized as the leading Italian scholar on leftist terrorism (Ceci, 2013, p. 163). According to her, leftist terrorist organizations originated from divisions within political formations involved in the mobilizations of the late 1960s (della Porta, 1990, p. 55). However, as argued by much of the literature (see Ceci, 2013, pp. 180-204 for an overview), there is no direct connection between the protests in 1968, the state’s response to the emerging collective demands, and the development of armed groups. Tarrow (1990) asserts that terrorism was not “a child of Sixty-Eight” nor could it be considered its culmination. Instead, political violence signals the end of the mass protest cycle and the failure of movement strategy during a period of reduced mobilization (Tarrow, 1990, p. 249). Della Porta (1990) specifies that leftist terrorism is a form of adaptation by social movements to the various stages of protest cycles, taking into account structural opportunities and resources in the environment<sup>100</sup> (p. 56).

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<sup>100</sup> According to della Porta, a purely macrostructural analysis falls short in explaining the dynamics of terrorism genesis, the mechanisms leading certain political actors to perpetrate violence, and the evolution of underground organizations. If we view terrorism merely as an indication of systemic challenges, collective actors appear to be guided by external forces in their behavior. In other words, they seem to be unconscious participants in complex social mechanisms. On the contrary, they possess the ability to consciously act in their environment, albeit

Expanding on della Porta's perspective, she begins by examining the protest cycles that emerged in Italy in the mid-1960s. Initially, student protests took a central role, pushing for enhancements in the material conditions of study, the overhaul of teaching programs, and, more broadly, the modernization of the school system. The protest soon broadened, initially involving workers and later, starting in the 1970s, encompassing feminists, ecologists, and other groups (for an overview of social movements in these years, see Lumley, 1998). According to della Porta, the interaction between Italian students and the demands of other movements is crucial for understanding the genesis of leftist terrorism. This interaction prolonged the mobilization cycle, creating conditions that facilitated the gradual "radicalization" of the militants' actions, ideologies and organizational models (della Porta, 1996, pp. 52-53).

From the first point of view, it should be acknowledged that the early stages of the protests were generally nonviolent. However, starting from the early 1970s, there was a notable escalation in the intensity of the protests. This escalation was primarily a result of the growing number of social actors involved in the protests, leading to a process of "competitive tactical differentiation." This means that violence emerged as a tactical strategy within an increasingly crowded social movement sector (della Porta & Tarrow, 1986, p. 611). To put it differently, the competition for popular support in the midst of an expanding mobilization prompted movements to adopt particularly confrontational or violent forms of action. Importantly, these actions elicited hostile reactions from both right-wing antagonist groups and law enforcement agencies, subsequently leading to an intensification of violence during mass protest actions (della Porta, 1996, pp. 73-76; della Porta & Tarrow, 1986, pp. 611-613).

The process of tactical differentiation also entailed the radicalization of the organizational models of collective movements. To enhance the efficiency of their militant activities, some movements adopted more centralized and exclusive organizational structures. Additionally, particularly in response to escalating conflicts with right-wing groups and law enforcement, certain factions established specialized units for self-defense and militant actions, providing them with better organization for political violence (della Porta, 1996, pp. 53-58). Within this context, some militants believed that the prevalent notion of "mass violence" in major organizations was too moderate. Consequently, they began to embrace (and subsequently practice) a "vanguard violence," seen as a "stage in the revolutionary process" (della Porta,

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contingent on the resources available to them (della Porta, 1998). Ceci (2013) notes that della Porta proposes an interpretation of Italian leftist terrorism that spans the micro, meso, and macro levels of analysis. Specifically, in the macro perspective, della Porta examines the preconditions for the emergence of political violence within the environment; in the meso perspective, she investigates the dynamics of the organizations that perpetrated violence; and in the micro perspective, she delves into individual perceptions and motivations (p. 165).



1993, p. 29, my translation). This led to the emergence of groups such as the Red Brigades in 1970, the first of Italy's clandestine terrorist groups.<sup>101</sup>

In this context, it is crucial to emphasize that the escalation of violence in the protests prompted more moderate groups within the movements to withdraw, leading to a decline in mass mobilization. Della Porta observes that it was precisely during this period that the radicalization of actions reached its pick, evolving into acts of terrorism. Indeed, as the mobilization dwindled in numbers, the intensity of participation increased among those who remained active. From this perspective, violence appears to have become “a mode of expression for small competing groups in a climate of general demobilization where mass protests were no longer possible or profitable” (della Porta & Tarrow, 1986, p. 627).

The process of radicalization of actions and organizational models was influenced by, and in turn, influenced ideological radicalization. From this perspective, it is essential to highlight that the protest movement of 1968 was grounded in an ideological critique of the traditional left, accusing it of abandoning the prospect of a violent uprising against capitalism. This critique aligned with the global development of national liberation movements (such as in Vietnam and Algeria) and political revolutions (in China and Cuba). During this period, the notion of “proletarian violence” was widely present within social movements. The language of the left was infused with war metaphors, and various political groups on the extra-parliamentary left shared the objective of constructing a “proletarian countervailing power in the factories” (Lumley, 1998, p. 256, my translation). However, this did not immediately translate into the use of violence as a tool of struggle or as a practice; it became more established when protest movements encountered a “hostile environment” (della Porta, 1993, p. 44, my translation).

In this regard, clashes against neo-fascists, the repressive stance of the state toward mobilization, and the belief among militants that the state was involved in the black terrorism massacres, employing the ‘strategy of tension’<sup>102</sup> to suppress democratic protest have been especially relevant (della Porta, 1990, p. 62; 1996, pp. 66-68). The daily experience of

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<sup>101</sup> In this context, it is important to acknowledge that the early actions undertaken by the Red Brigades aligned with the interests of the broader movements. The Red Brigades announced their birth through a leaflet where they identified themselves as “autonomous workers’ organizations ... to fight the bosses and their servants ‘as equals’ on their ground” (Lumley, 1998, pp. 255-256, my translation). Notably, until 1974, they did not exhibit militaristic or terrorist tendencies (Caselli & della Porta, 1984, pp. 155-177). The escalation of violence occurred as the mobilization radicalized.

<sup>102</sup> The “strategy of tension” was a subversive strategy primarily characterized by terrorist acts aimed at instigating a state of tension and widespread fear among the population in Italy. The objective was to justify or even encourage authoritarian measures. The term was coined by the British weekly *The Observer* in December 1969, following the Piazza Fontana massacre. The massacre served as the response from neo-fascist groups – and possibly certain sectors within the state security apparatus – to the intense wave of social struggles during 1968-69 and the growing influence of the Italian Communist Party.

confrontations fostered an image of the other as an “enemy” and gradually normalized violence as a political tool (della Porta, 1990, p. 69; 1996, pp. 68-69; Manconi, 1990).

Moreover, attention should be given to the response of institutional actors to the evolution of the protest. While trade unions and the Italian Communist Party attempted to mediate between the movement and politics in 1968, by the mid-1970s they adopted a passive stance, unresponsive to calls for change (della Porta, 1990, pp. 86-88; 1996, pp. 80-84). In other words, the political system did not acknowledge the movement, denying it access to the political decision-making process. This resulted in a deep distrust of democracy and a belief that it was imperative to declare war on political opponents and the state. More specifically, the social struggle became “a ‘struggle to the death’: a battle ‘for life’,” for the recognition of the existence of the movement (Manconi, 1983, p. 87, my translation). As argued by some *dissociati*, they wanted to “combat the cynicism of power and strive for a societal transformation in line with expressed needs.” They “did not perceive the state and power as a complex of relations that could be altered through confrontation and dialectics guided by the democratic method” (Doc. No. 18, my translation). In this sense, della Porta (1996) identifies in the Italian case the conception of violence as a “self-liberating practice” (p. 66, my translation).

Based on della Porta’s analysis, it seems that the high levels of leftist political violence (direct violence), particularly in the 1970s, are intricately connected to cultural, structural, and organizational factors. This resonates with the interpretation of violence presented in the preceding chapters (Chapter II, section 4). On one hand, the evolution of the protest, coupled with the repressive responses from state authorities and neo-fascist groups, led to the acceptance of violence as a normal tool of political struggle over time – that is, violence progressively legitimized at the cultural level (cultural violence). On the other hand, terrorist violence escalated precisely when movements were excluded from the political decision-making sphere, signifying a reduced receptivity of the system to the demands of the movements. In essence, terrorism intensified when terrorists perceived a narrowing space for negotiation in power relations (structural violence), prompting them to turn to violence as a means of redressing the situation. As della Porta’s analysis elucidates, systemic block (structural violence) and the conception of violence as a legitimate practice (cultural violence) cannot be isolated as the causes of leftist terrorism in Italy. These two elements are interrelated and must be interpreted in a dialectical relationship not only with the progressive escalation of physical violence (direct violence) but also in connection with various contingent, historical, and environmental factors. Thus, the complexity of violence once again becomes apparent, firmly anchored at the vertices of the violence triangle outlined by Galtung.

### 3. The incentive-led legislation: from *pentitismo* to *dissociazione*.

In response to terrorism, the Italian state mobilized with some delay. Until 1974, the reaction to terrorism was almost nonexistent, and the repressive measures in place were primarily focused on countering mass protest movements, treating terrorists as ordinary criminals (della Porta, 1990, p. 263; 1992). In this regard, it should be noted that Italy lacked anti-terrorism legislation during this period. Beyond a few provisions of the Criminal Code, the Italian repressive and investigative system was wholly unprepared to deal with a phenomenon of such magnitude. Additionally, the Italian Constitution enshrines the equality of citizens before the law, “without distinction of sex, race, language, religion, *political opinion*, personal and social conditions” (Art. 3, emphasis added), creating challenges in developing a specific law to address political violence (Cento Bull & Cooke, 2013, p. 30).

Nevertheless, on May 22, 1975, the first steps in this direction were taken with the enactment of Law No. 152<sup>103</sup> (Reale Law, from the name of the minister of justice). While primarily addressing matters of public order, this Law also included provisions that proved beneficial in countering terrorism. Notably, the Law extended the possibility of the use of weapons for the police forces and increased the duration an individual could be held without charge. It also prohibited the public wearing of helmets and other face coverings without justification. During the kidnapping of Aldo Moro,<sup>104</sup> Decree Law No. 59 of March 21, 1978 (Law No. 191 of May 18, 1978, known as the Moro Law)<sup>105</sup> was passed, containing the first measures explicitly oriented against terrorism. The decree added Article 289*bis* to the Criminal Code, addressing kidnapping for the purpose of terrorism or subversion. Moreover, it established innovations on the procedural level, including the possibility of exchange of documentation between judges. However, the most extensive anti-terrorism law was Law No. 15 enacted on February 6, 1980<sup>106</sup> (commonly known as the Cossiga law, named after the president of the Chamber of Deputies who strongly advocated for it). This Law introduced new

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<sup>103</sup> Law No. 152 of May 22, 1975, titled “Provisions for the protection of public order” [*Disposizioni a tutela dell’ordine pubblico*].

<sup>104</sup> Aldo Moro was an Italian statesman and a leading member of the Christian Democrats (DC). On March 16, 1978, he was kidnapped by the far-left armed group the Red Brigades; he was killed after 55 days of captivity.

<sup>105</sup> Law No. 191 of May 18, 1978 “Conversion into law, with amendments, of Decree Law No. 59 of March 21, 1978, concerning criminal and procedural regulations aimed at preventing and suppressing serious crimes” [*Conversione in legge, con modificazioni, del decreto-legge 21 marzo 1978, n. 59, concernente norme penali e processuali per la prevenzione e la repressione di gravi reati*].

<sup>106</sup> Law No. 15 of February 6, 1980 “Conversion into law, with amendments, of Decree Law No. 625 of December 15, 1979, pertains to urgent measures for the protection of democratic order and public safety” [*Conversione in legge, con modificazioni, del decreto-legge 15 dicembre 1979, n. 625, concernente misure urgenti per la tutela dell’ordine democratico e della sicurezza pubblica*] (Official Gazette February 7, 1980, No. 37).

criminal offenses into the Criminal Code, such as association for the purposes of terrorism (Art. 270bis) and attack for the purposes of terrorism or subversion (Art. 280). Additionally, it increased police powers and extended preventive detention.<sup>107</sup>

Within this framework, Interministerial Decree No. 450, adopted on May 12, 1977,<sup>108</sup> marked a substantial tightening of the prison regime for inmates considered most dangerous. This intervention did not originate as a measure directly aimed at countering terrorism. Its focus was on addressing situations, including riots, escapes, and assaults in Italian prisons, which were motivated by the inhumane prison conditions prevalent since the late 1960s (De Vito, 2009, pp. 58-91). However, political prisoners turned out to be the primary target group. The decree provided for the establishment of *carceri speciali* (special prisons), where security became the primary objective. Testimonies from inmates themselves reveal that the penitentiary regime in special prisons was characterized by various limitations imposed on inmates, including exclusion from communal activities, exclusion from work, isolation from the mass of inmates, and very limited opportunities to spend time outdoors. Family visits took place through a partition panel to prevent physical contact (Prette, 2006).<sup>109</sup> Along these lines, some special prisons began to be referred to as concentration camps (ibid.)

While these interventions have faced criticism,<sup>110</sup> there is a widely shared belief that the measures adopted by the Italian state to address fascist massacres and leftist armed struggle have proven effective (Ceci, 2013, pp. 290-292). However, the positive evaluation is not primarily focused on the described repressive measures but rather on the incentive aspects of Italian legislation.<sup>111</sup> Indeed, beginning with the Moro Law, Italy's counterterrorism policy has employed a 'carrot-and-stick approach,' blending repression and incentives.

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<sup>107</sup> The mentioned measures are only the most significant ones. For a comprehensive review, refer to, among others, Grevi, 1984.

<sup>108</sup> For the text of the Decree and subsequent Circulars on special prisons, see Prette, 2006, pp. 69-71.

<sup>109</sup> It is important to note that even before the introduction of special prisons, political prisoners experienced particularly harsh treatment in prison. This was possible through the application of Article 90 of Law No. 354 of July 26, 1975, which granted the ministry the authority to suspend the rules of prison treatment "for serious and exceptional reasons of order and security." Article 90 was repealed in 1986 (Law No. 663).

<sup>110</sup> Concerning substantive and procedural legislation, critics underline the lack of consistency in the measures devised to counter terrorism. Moreover, many noticed that strengthening the repressive regime and tightening certain procedures marked a shift away from the liberal trends prevalent in criminal law until the early 1970s. The Cossiga Law, in particular, raised concerns as it was perceived as lacking sufficient guarantees for individual rights. In summary, there was a perceived real risk of the rule of law undergoing barbarization (on the topic, *ex multis*, Baldassarre & Salvi, 1980; Salvini, 1981; Giambruno, 1980; Riccio, 1982; Baratta & Silbernagl, 1982). It is worth noting that both the Reale Law and the Cossiga Law were subjected to repeal referendums for these reasons (in 1978 and 1981, respectively). However, both referendums were unsuccessful. On the other hand, special prisons faced criticism for conflicting with the most basic rights of individuals and for being implemented without any normative foundation (La Greca, 1983; Padovani, 1981).

<sup>111</sup> In the context of defeating leftist terrorism, it is crucial to note that success was not solely dependent on state interventions. On the contrary, the state's approach toward terrorism in the 1970s may have supported the survival of armed groups rather than their dismantling. In the 1980s, in addition to legislative incentives, the newfound

More specifically, the Moro Law, aside from penalizing kidnapping for terrorism purposes, outlined that those collaborating in securing the release of the kidnapped could benefit from a significant reduction in their sentence. Thus, the Law acknowledged substantive collaboration – that is, cooperation in preventing, interrupting, or mitigating the harm caused by the crime. Conversely, there were no provisions concerning evidentiary collaboration, i.e., collaboration in crime investigation. On the contrary, the Cossiga Law introduced reductions in sentences for those who cooperate in preventing any crime of terrorism or subversion from having further consequences, or who assisted the judicial authorities in the collection of evidence (Art. 4). Moreover, the Law granted exemption from punishment in the cases where an individual prevents an attempted terrorist crime from taking place and then offers decisive collaboration in crime investigation (Art. 5)<sup>112</sup> (Corda, 2015, pp. 339-340; Satta, 2018, pp. 7-9).

However, the real turning point regarding incentive led legislation occurred in 1982. A pivotal moment in this shift was the arrest of Patrizio Peci, the leader of the Red Brigades in Turin, on February 19, 1980. Once in prison, Peci realized that law enforcement possessed detailed knowledge of his clandestine past, and he became aware of the state's effective strategy to counter the armed struggle. This realization led him to cooperate with justice. According to Peci,

in prison ... you see only the State, you see that the State can afford a huge expenditure of force and money just to keep you in a cage and that the organization can do nothing to get you out ... The pentiti who say they had political, ethical, moral, religious, and psychological problems are telling lies ... What upsets you immediately is comparing the strength of the State to your weakness (Peci, 2008, p. 200, my translation).

In essence, Peci, and many others like him, seemed to recognize the political defeat of the organization.

After Peci's collaboration, judicial collaborations expanded rapidly, raising the political issue of regulating the matter. This concern was heightened by fears expressed by the

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governmental stability – contrasting with the strong party instability characterizing the 1970s – along with the gradual demobilization of mass protests and the emergence of a new political culture staunchly opposing violence, played pivotal roles in eradicating terrorism. This led to the isolation of terrorist groups, which were simultaneously undergoing profound organizational transformations, perceived in various ways by their members (della Porta, 1990, pp. 262-279).

<sup>112</sup> The Moro and Cossiga laws refer to 'people who dissociate' concerning those who offered evidentiary or substantial cooperation. However, the phenomenon of dissociation (*dissociazione*), recognized by the law only in 1987, does not encompass any form of collaboration with justice. The language employed in the late '70s and early '80s reflects the initial confusion between dissociated (*dissociati*) and collaborators (*pentiti*). This confusion was not confined to legislators but was also evident in the press and even among the terrorists themselves (Cento Bull & Cooke, 2013, p. 34; Satta, 2018, note 4).

collaborators themselves regarding their safety and that of their families.<sup>113</sup> Consequently, on May 29, 1982, the so-called *legge sui pentiti* (legislation on repentance)<sup>114</sup> was enacted. It took effect on June 2 of the same year with a limited duration of 120 days, a period that was subsequently extended<sup>115</sup> (for details on the law's approval process, refer to Galfré, 2014, pp. 86-93).

The fundamental concept behind the Law was to distinguish defendants based on their intention to distance themselves from subversive organizations. This differentiation considered both the nature of behaviors expressing this intention and the severity of the crimes committed. In short, the Law exempted from punishment those who, having committed only associative crimes<sup>116</sup> for the purpose of terrorism, left the armed group and provided investigators with any useful information. For those who committed additional and more serious crimes, the Law provided sentence reductions. The extent of these reductions varied based on whether the accused terrorist simply left the terrorist organization, confessed to their crimes, and worked to mitigate their consequences (referred to as the *dissociazione* (dissociation) hypothesis), or if, in addition, they cooperated with justice (referred to as the *collaborazione* (collaboration) hypothesis) (for further discussion see Caselli & Perduca, 1982; Corda, 2015, pp. 340-343; Grevi, 1984, pp. 57-62; Laudi, 1983).

The 1982 Law significantly aided Italian authorities in the fight against terrorism. Statements from collaborators of justice led to numerous arrests, dealing a severe blow to terrorist organizations. Nevertheless, it is crucial to highlight that, in this scenario, a significant number of individuals chose not to provide information to the authorities. As the deadlines stipulated by the Law expired, the beneficiaries encompassed not only 78 collaborators and 134 *pentiti* but also 177 *dissociati*, comprising just under half of the total.<sup>117</sup> This was noteworthy, considering that *dissociati* received less favorable trial treatment than collaborators. However,

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<sup>113</sup> These concerns were not without merit. Roberto Peci, the brother of Patrizio Peci, was assassinated in Rome on August 3, 1981, by the Red Brigades, precisely due to his kinship with the *pentito*. Regarding the concerns expressed by the many *pentiti* to the state, refer to the meeting between Patrizio Peci (Brigate Rosse), Enrico Paghera (Azione Rivoluzionaria), Roberto Sandalo (Prima Linea), Aldo Tisei (Ordine Nuovo) and the Senators Ugo Pecchioli and Leo Valiani (Pecchioli, 1995, pp. 146-147).

<sup>114</sup> Law No. 304 of May 29, 1982, "Measures for the defense of the constitutional order" [*Misure per la difesa dell'ordinamento costituzionale*] (Official Gazette June 2, 1982, No. 149).

<sup>115</sup> The deadline was prolonged by 120 days through Decree Law No. 695 of 1982, which was later converted into Law No. 882 of 1982.

<sup>116</sup> It is important to note that, unlike in the Cossiga law, the associative offenses referred to in the 1982 law were consummated, not attempted.

<sup>117</sup> Data from the Ministry of Justice, quoted by the newspaper *La Repubblica* on January 30, 1983 (De Lutiis, 1990, p. 176). However, Satta (2018) warns about possible inaccuracies (p. 17, note 27).

the choice to dissociate allowed individuals to maintain their solidarity with their respective organizations while renouncing the armed struggle.<sup>118</sup>

On this basis, a full-fledged dissociation movement emerged, starting in 1982. Dissociated were advocating for a dedicated law that would address the plight of the numerous ‘political prisoners’ congesting Italian prisons, often confined in special prisons. On their part, they were open to a critical review of their past, particularly condemning the use of violence as a tool of political struggle. However, they did not want to cooperate with judicial institutions providing information about their organizations. Politicians were initially cautious about this prospect. They believed that accommodating these requests would not be convenient, as *dissociati* were unwilling to offer anything in exchange for state clemency. Moreover, they feared that most Italians, especially victims of terrorism, would not support the loosening of the sanctioning regime (Satta, 2018, pp. 20-21).

Nevertheless, on March 9, 1983, the first proposal for a law on the subject (No. 3983) was presented to Parliament by Boato and 47 other deputies, primarily from the radical leftist area.<sup>119</sup> The motivation behind the proposal, as outlined in the accompanying Report,<sup>120</sup> was based on “two factual considerations and a political assessment.” Firstly, the deputies acknowledged the political and military defeat of the organizations, which had substantially diminished their offensive capacity. Secondly, they observed the number of *dissociati* among the detainees and recognized that the choice of dissociation was prevalent, surpassing repentance and collaboration. Given this scenario, they believed that, from a political perspective,

a rational strategy for combating terrorism and simultaneously facilitating the civilized reintegration of those who have renounced or intend to renounce terrorism involves – and, to a

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<sup>118</sup> As will be explored in more detail later, profound political and moral reasons underpinned the choice for dissociation. However, it is highly likely that, for many terrorists, “the path of dissociation turned out to be easier and sometimes the only viable one” (Satta, 2018, p. 19, my translation). Even though the dissociati had to sever ties with the terrorist organization, they were not perceived as traitors. Collaboration, for the dissociated, signified disillusionment, betrayal, erasure of one’s past, and the obliteration of any trace of humanity in the individual (Caselli, 1989, p. 31). As recounted by Peci (2008) in his autobiographical book, his collaboration with justice exposed him to derogatory labels such as “walking corpse,” “zombie,” “carrion,” “unclean worm,” or “infamous louse” from his former comrades (p. 19). This indicates that pentiti encountered significant safety threats as a result of their collaboration, especially in 1981-1982, when brutal murders occurred in Italian prisons targeting those suspected of betraying their affiliated organizations (Galfré, 2014, p. 57).

<sup>119</sup> Law proposal by Deputies Boato, Rodotà, Crucianelli, Covatta, Garocchio, Bozzi and others, on “New measures for the defense of the constitutional order through disassociation from terrorism” [*Nuove misure per la difesa dell’ordinamento costituzionale attraverso la dissociazione dal terrorismo*] submitted to the presidency of the Chamber of Deputies on March 9, 1983 (No. 3983 of the 8th Legislature).

<sup>120</sup> For all parliamentary acts related to the legislative process of the dissociation law, including the Report on the Law proposal No. 3983, refer to the collection edited by G. Conso in Caselli, Laudi, Mileto, & Perduca (Eds.), 1989.

large extent, is synonymous with – a legislative policy aimed at expanding and reinforcing the scope of dissociation. Indeed, in a phase such as the present, it is evident how dissociation constitutes both a sign and a factor of the political crisis of terrorism. Due to its extensive scale, it signifies and favors the collapse of political motivations not attributable solely to the well-known sectarian mechanisms of mafia blackmail and intimidation. Moreover, dissociation, more than active repentance, which is inherently an individual choice tied to the specific personal history of the ‘repented,’ *can take on the character of a collective political choice and stance. In this capacity, it possesses a greater ability to influence, persuade, and, most importantly, internally delegitimize terrorism* (my translation, emphasis added).

In essence, the idea was that the acknowledgment of the needs and requests of the *dissociati* could act as an incentive for a widespread process of renouncing the armed struggle.

The 1983 bill faced significant hurdles, particularly due to the limited support it got in the Parliament. Nevertheless, subsequent proposals followed, benefitting from the backing of the dissociation movement, notably from prison authorities, the Church, and certain intellectuals (on the topic, Galfré, 2014, pp. 183-196). While the details of the dissociation movement will be explored in the next section, the discussion initiated by the *dissociati* with civil society about their past played a crucial role in this process. This occurred in designated areas within the prison known as *aree omogenee* (homogeneous areas).<sup>121</sup> The success of this experience played a pivotal role in the enactment of Law No. 34 on February 18, 1987, in favor of *dissociati* (*Legge sulla dissociazione*, Law on disassociation).<sup>122</sup> Entered into force on February 21, 1987, the Law defined “*dissociazione dal terrorismo*” (dissociation from terrorism) as

the conduct of anyone who, having been accused or convicted of crimes related to terrorism or subversion of the constitutional order, has permanently abandoned the terrorist or subversive organization or movement to which they belonged. This involves admitting to the activities actually undertaken, engaging in behavior objectively and unequivocally incompatible with the continuation of the association bond, and repudiating violence as a method of political struggle (Art. 1, my translation).

The *dissociati*, upon renouncing the armed struggle, could benefit from sentence reductions without cooperating in any way with justice (for further discussion, Corda, 2015, pp.

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<sup>121</sup> Circular of the Direzione Generale per gli Istituti di Prevenzione e Pena (General Directorate for Prevention and Punishment Institutions) August 3, 1983 “Homogeneous areas and maximum-security institutions and sections” [*Aree omogenee e istituti e sezioni di massima sicurezza*]. The full text of the circular can be found in Prette, 2006, pp. 465-470.

<sup>122</sup> Law No. 34, of February 18, 1987 “Measures in favor of dissociates from terrorism” [*Misure a favore di chi si dissocia dal terrorismo*] (Official Gazette February 21, 1987, No. 43).



343-344). Similar to the legislation on repentance, this legislation also had a limited duration, namely 30 days from its enactment. However, unlike the legislation on repentance, the terms were never extended, likely due to opposition expressed in the Parliament. Indeed, some deputies argued that the Law on dissociation amounted to nothing more than a “disguised pardon,” which disregarded the suffering and the need for truth of terrorism’s victims and society (Cento Bull & Cooke, 2013, pp. 46-47; Satta, 2018, p. 24).

Setting aside criticism, the incentive-led legislation, particularly the Law on dissociation, had the impact of normalizing new social identities. It legally and symbolically established the idea that former terrorists were no longer a threat to the state but a resource that could contribute to society emerging from the violent past (Licciardi, 2020, p. 106). It is essential to note that this was not an act of blind trust by the Italian state in former terrorists. Rather, these individuals had demonstrated convincingly that they had renounced armed struggle and were committed to pursuing social change through peaceful means, which will be demonstrated in the following section.

#### **4. The movement of *dissociazione*.**

We, as prisoners, face a deadly dilemma. We are forced to either sell out as Judas, thereby destroying our personality, experiences, and real life or endure inhumane living conditions, where the ‘lords’ who rule systematically steal drops of our life each day. This process ‘scientifically’ destroys not only our social ties but also any possibility of rebuilding them. Ultimately, their ambition is to extinguish even our ‘hope’ (Doc. No. 17, p. 359, my translation).

This is how a group of terrorists held in a special wing of the Nuoro prison described their life in a letter addressed to the prison chaplain, Salvatore Bussu, on December 9, 1983. They faced a stark choice between cooperating with justice and enduring life in a maximum-security prison, typically reserved for political prisoners during that period. Collaboration, they asserted, was not an option, as it would entail the annihilation of their personalities. However, the alternative was equally unappealing. Confinement in a special prison meant enduring inhumane living conditions. Moreover, the detainees lacked control over their lives. Indeed, while the prison was intended to remove them from society, it also extinguished any hope of future reintegration into it. Unwilling to accept this fate, the terrorists announced a hunger strike. Specifically, the hunger strike served as a

life choice. Consuming and eating *our own bodies allows us to dictate the timing and modes of our existence*. This is a life choice, and perhaps the only one available under the conditions we find ourselves in (Doc. 16, p. 359, my translation).

While not all the signatories of the letter were staunch supporters of the dissociation movement, their words perfectly encapsulate the essence of this experience. Condemned to harsh imprisonment with no prospects of reintegration, the *dissociati* sought to gain control over their lives. They aimed to reshape their destinies and find a new way to contribute to community life, committing to non-violence. On this basis, the movement of *dissociazione* expanded, evolved, and developed, particularly within the ranks of leftist terrorists. The culmination involved a thorough *political self-reflection on their experience with armed struggle, marked by the disavowal of violence as a means of political struggle and the subsequent embrace of democratic principles. The overarching goal was to forge new relations with civil society and institutions.*

As noted by some *dissociati*, the dissociation phenomenon was exceptional, as Italy stood out as “the only country<sup>[123]</sup> ... where ‘former supporters of a revolutionary attempt’ advocated for ‘a counterterrorism policy’” (Galfré, 2014, p. 100, my translation). However, the phenomenon appears to have received limited attention in the literature. Few scholars have explored the significance of this experience, which unequivocally marked the end of Italian terrorism. Besides the importance of precisely reconstructing dissociation for historical accuracy, analyzing this phenomenon holds value in comprehending the role former perpetrators can play in post-conflict reconstruction. Specifically, it becomes crucial to understand whether and how the *dissociati* contributed to de-escalating terrorism and fostering social pacification. This research sets out to initiate an exploration of these aspects. The objective is not an exhaustive reconstruction of the phases and characteristics of the dissociation movement but an initial portrayal of its meaning for Italian society.

#### **4.1. Research methodology and limitations.**

To achieve the mentioned objectives, this research employed a mixed methodology, combining document analysis and semi-structured interviews. The document analysis focused on writings authored by *dissociati* during their detention. Specifically, texts from the Primo Moroni Archive<sup>124</sup> (referred to as ‘Doc. No.’ with the complete list provided in the bibliography) were utilized. It is important to note that while the written production of political

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<sup>123</sup> *Rectius*, one of the few. Today, we know that former terrorists in Ireland also actively participated in the politics of social pacification, particularly by encouraging the collective rejection of violence as an instrument of political struggle (Chapter III, section 2.2.2.).

<sup>124</sup> The choice to rely on the collection of documents provided by the Primo Moroni Archive is primarily practical: the Moroni Archive provides online access to documents, significantly facilitating this research. Hence, for the examination of most of the cited materials and additional resources on the subject of dissociation and repentance, refer to the Archive’s website <https://www.inventati.org/cope/wp/> (accessed on 10/1/2024).

prisoners (both dissociated and not) during the 1980s is substantial, locating such materials is challenging due to the absence of comprehensive collections. As revealed during this research, private archives play a crucial role in gathering and cataloging these materials.

In terms of interviews, the research included three semi-structured interviews with former leftist terrorists, referred to anonymously as 'I1,' 'I2,' and 'I3.' Semi-structured interviews involve asking participants a series of open-ended questions, followed by probing questions to explore their responses and the topic in greater depth. This method keeps the focus on the topic of interest while allowing for the exploration of relevant ideas that may emerge during the interview (Bandini, et al., 2004, p. 36). The interviews carried out in this research centered around three main areas, outlined as follows:

- a. Understanding dissociation:
  - Exploring the personal motivations that led to dissociation.
  - Examining the value of dissociation for the interviewee, particularly as a political act.
  - Defining the dissociation movement and its political goals.
  - Analyzing the relationship between dissociation and the struggles for the humanization of prison.
- b. *Areæ omogenee* (homogenous areas):
  - Investigating why the dissociation movement advocated for *areæ omogenee*.
  - Examining the activities and dynamics within *areæ omogenee*.
  - Understanding the significance of *areæ omogenee*, especially from a political perspective.
- c. Dissociation's achievements:
  - Assessing whether the dissociation movement successfully positioned itself as an active agent of social transformation.
  - Evaluating whether the dissociated individuals managed to bring their story to the forefront of public debate.

Additionally, notes provided by one of the interviewees, referred to as 'Notes,' were considered alongside the interviews.

With regard to the sample of interviewees and the documents considered some clarification is needed. The interviewees were former left-wing terrorists associated with various organizations. They played influential roles in attempting to establish new relationships with institutions and civil society, akin to their leadership roles in the armed struggle. However,

their perspectives on dissociation appear diverse. Interviewee 1 benefited from the Law on dissociation but was never officially part of the dissociation movement. Conversely, Interviewee 2 actively participated in the dissociation movement and took advantage of the law. Lastly, Interviewee 3 neither benefited from the Law nor officially joined the dissociation movement. Similar variations are also present among the signatories of the documents referred to. Furthermore, particularly in older documents, some explicitly distance themselves from the dissociation movement, seemingly to avoid any labeling associated with the ideas they express.

However, also because of the passage of time, the perspectives of the three interviewees and those reflected in the considered documents appear to be encompassed by the contemporary understanding of dissociation – a process involving disengagement from the ideology and practices of armed struggle, serving as a pathway toward reintegration and reconciliation with civil society. This process is firmly grounded in a peaceful advocacy for the humanization of prisons. In line with this perspective, the literature has noted that the dissociation movement has manifested itself in highly diverse positions among its participants<sup>125</sup> (Caselli, 1989, p. 9). In broader terms, dissociation is described as “a phenomenon with a troubled genesis and amphibious nature, political and legal, which resulted in an uneven reality [...] where everyone claimed their own as the only and authentic dissociation” (Galfré, 2014, p. 100, my translation). Additionally, it is essential to consider that leftist terrorists belonged to various ideological groups that could have evolved into distinct stances regarding the disengagement from armed struggle – whether labeled as dissociation or not. As one interviewee (smilingly) noted,

[a]mong us, with the quirks of the left, there was the usual business of needing to distinguish things differently. ... Because you had to set yourself apart, and then there were all these written documents [expressing various positions]. But still, we all sought solutions (I1, my translation).

The common thread among the stories of the three interviewees and the individuals who endorsed the documents that will be referenced is exactly the pursuit of solutions and a firm rejection of positions centered on repentance or irreducibility. This aligns their commitment with the objectives of the dissociation movement. Thus, the shared goal is to find solutions for a potential future disengaged from the dynamics of violence, embracing dialogue and solidarity both inside and outside prison.

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<sup>125</sup> In this context, it is noteworthy to mention that in its initial stages, the dissociation movement officially distinguished between *dissociati* who claimed innocence and declared no involvement in the armed struggle (so-called *dissociazione degli innocenti*, dissociation of the innocent) and those who acknowledged their participation in it (so-called *dissociazione dei colpevoli*, dissociation of the guilty).

Clearly, grouping everyone who ‘sought solutions’ under the umbrella of dissociation represents a simplification, and this approach may not please those directly affected. This methodological decision stands as the primary limitation of this research. Nevertheless, it can also be seen as an asset, providing the opportunity to assess the experience of dissociation from various perspectives. More broadly, considering the lack of scholarly reflection on the phenomenon, it is believed that, despite its limitations, this research could serve as a valuable initial step toward understanding the role played by former terrorists in the process of social pacification in Italy. Often, for heuristic purposes, simplifications are deemed necessary.

The data collected from the interviews and the writings authored by the *dissociati* have been organized to correspond to two different phases that seem to have characterized the dissociation movement. In the initial phase, the *dissociati* engaged in profound self-criticism, both individually and collectively, leading them to reject violence as a means of struggle and pursue social change through peaceful methods (section 4.2.). In a subsequent phase, they transitioned from words to actions, actively committing to societal transformation. Specifically, their efforts were focused on instigating radical changes within the prison system (section 4.3.). The distinction between these two phases is not entirely straightforward, as there are instances of overlap. It is noteworthy, however, that engaging in critical dialogue initially and later transitioning to transformative action aligns with the recommendations outlined in Chapter III for effectively transforming oppressive relationships (Chapter III, section 2.2.1.). In this sense, the analysis not only aids in identifying compelling reasons for a more inclusive approach toward former perpetrators within transitional justice processes but also serves to test the transformative strategies proposed in this research.

#### **4.2. The words of *dissociati*: in pursuit of space for existence.**

In September 1982, the newspaper *Il Manifesto* published a document titled *Una generazione politica è detenuta* (A political generation is detained, Doc. No. 2), now considered the founding act of the dissociation movement (Galfrè, 2014, p. 103; Licciardi, 2020, pp. 112-113). The initiative involved an ideologically diverse group of fifty-one leftist political detainees, hence referred to as the Document of the fifty-one. For clarity, it is important to note that the signatories of the Document of the fifty-one rejected the ‘*dissociati*’ label as they were determined not to conform to the renunciation logic associated with the laws of that time. Nevertheless, historical records indicate that some referred to them as *dissociati* from the beginning (Galfré, 2014, pp. 103-104). Moreover, as observed throughout this research, the

Document has persisted in the memory of those involved in that historical moment as the manifesto of dissociation.

Despite the ideological differences of the fifty-one, they agreed on the need to search for a “*political solution* to the issue of the thousands of comrades who [were] in prison, on the run, exiled or in provisional liberty.” According to them, this search could have originated from

*the political position of a clear refusal of ‘combatant’ or terrorist stances and forms of behaviour.* This is the first step in requesting and stimulating dialectical, active, and productive relationships with those social and political forces who intend to go beyond the politics of the special laws and of terror, in order to initiate a new phase of transformation (Doc. No. 2, my translation).

The fifty-one inmates did not intend to distance themselves from their ideological heritage but were available to engage in a process of “political self-criticism” for the mistakes they had made. Their ultimate goal was to “participate once more in a process of [social] transformation.” For this to happen, they called for the state to shift away from the “military approach” adopted to counter terrorism and to implement more lenient measures in both the legal and prison systems. This included initiatives like reducing pre-trial detention and reassessing the criteria for defining associative crimes (Doc. No. 2, my translation).

The document stirred controversy, prompting a negative response from numerous militants, both those in custody and those at liberty. Some critics pointed out a perceived “biased assessment favoring institutions as uniformly positive” in the proposal (Doc. No. 3, my translation). Others dismissed the demands of the fifty-one as “raving pleas” from a “surrender faction” content “with minimal concessions, such as negotiation on incarceration conditions that involve the right to emotional well-being.” In these perspectives, there appeared to be little distinction between *pentiti* and *dissociati*: all were regarded as “infamous,” “spies,” and “traitors” (Doc. No. 5, my translation). Others emphasized that the Document was part of a larger effort to

erase and replace the revolutionary and communist memory. ... It not only involved wiping out the antagonistic memory of 15 years of class struggle but also marked a complete detachment from the very collective categories and principles of egalitarianism that shaped the authors’ perspectives (Doc. No. 6, my translation).

In essence, there was a prevailing belief that the fifty-one individuals were attempting to shift the blame for political violence onto other militants (Galfré, 2014, p. 104). One interviewee consistently pointed out:

During that period, words created a significant division. The term *dissociazione* was unpopular, even with me. It seemed to suggest a rupture in solidarity, something we did not want. We aimed to initiate a political battle within the prison, advocating for a shift away from armed struggle and a pathway out of prison. Introducing an ideological label only served to create division (I3, my translation).

However, the debate on dissociation slowly gained momentum, fueled in part by the encounters of militants in courtrooms during their trials (Galfré, 2014, p. 108). The failure of the armed struggle became a stark reality for all, while simultaneously, everyone had to grapple with the prospect of spending a significant portion of their lives behind bars. This set off a process of profound reflection on the past, while simultaneously looking toward the future. There was a need to make sense of what had happened and seek a new connection to continue living. In the words of those directly involved:

The question that each of us and the Revolutionary Movement as a whole is asking in the face of repeated tactical defeats is: where and how did I go wrong to reach this point? (Doc. No. 8, my translation).

The armed struggle fell short of understanding the intricacies of diverse forms of antagonistic expression due to its monolithic and inherently selective nature. It failed to devise social organizational planning capable of elevating the quality of transformations in living conditions and relationships (Doc. No. 7, my translation).

As noted by many, the primary factor leading to a ‘deviation’ in our commitment to the struggle was the one-dimensional interpretation of the state. This interpretation allowed no room for collective will for transformation, commitment, or dialogue. It was an abstract and oversimplified reading: either totally and passively accept the state or ‘fight’ against it (Doc. No. 19, my translation).

Perhaps there is little we can do from prison, apart from fostering critical consciousness through discussion and reflection – a consciousness that propels us beyond our generational experience. It is an overcoming of the armed struggle that opens us to transformation and cultural revolution (Doc. No. 7, my translation).

What we want to assert is a pressing need to seek a mode of expression ... and collective action that is enriched with tools, spaces, and time – an interaction between planning and knowledge within a mass practice leading to profound and genuine transformations in the complexity of social relations, all under a shared horizon of liberating content (Doc. No. 16, my translation).

As revealed in the interviews, this “path of liberation” (Doc. No. 16, my translation) was both individual and collective. It began as an inner journey marked by suffering, self-analysis, and self-criticism – a reflection on personal responsibilities and a envisioning of the desired future. This process also involved reevaluating the ideological stances that drove the armed struggle, leading to a genuine shift in thinking and conceptual frameworks for perceiving reality.

The search for ‘why’ is a process within a process; it is our collective journey. It is a challenging and winding path. It is essential yet filled with small steps forward and long steps back. It resembles a slow and steady climb, a constant ebb and flow. ... Often the feeling is that the handbrake is on, with opposing forces pushing back. The image that persists in my mind is that of Sisyphus’ fatigue. It is akin to laboriously dragging oneself, burdened, to the mountaintop only to roll back down the valley and start the climb anew.

It is not only about overturning old categories ... it is not as simple as overthrowing the sock! Instead, it involves careful analysis, meticulous decomposition, profound observation, new interpretation, and challenging recomposition. This applies to every political category and every cell of one’s being. The ideological certainties that once illuminated the way were gone ... and what remained were the enduring values of family, solidarity, otherness, recognition, and relationships (Notes, my translation).

This inner journey involved a process of reevaluating one’s past while refusing to disown it, a crucial aspect that deserves emphasis. According to the interviewees, the *dissociati* never recanted their past: “I have to preserve the motivations that moved me because they accompanied me throughout my life” (I2, my translation). Thus, there was no abandonment of their ideals for societal change, but a recognition of the inadequacy of the armed struggle in pursuing those ideals: “[w]e had ideals ... We tried to realize them in wrong ways” (I3, my translation). The focus was primarily on the methods they used to achieve their goals, namely violence: “because ... then you in time resemble the means and no longer the end you set yourself” (I2, my translation). Along these lines, the dissociation “shattered the dangerous dichotomy between either engaging in armed struggle or expressing repentance. This was the key to its success” (I1, my translation). Therefore, it did not manifest as a rupture in the life trajectory of former terrorists; rather, it appears to have been a strategy to maintain a unified sense of self, of their life path. While this may be seen as a limitation in the self-critical process of the *dissociati*, it also indirectly attests to the authenticity of their detachment from the armed struggle (Caselli, 1989, p. 17).



In this process of change, former militants did not travel their journey alone. While personal reflection started from within each individual, it also had a collective dimension. The press played a role in facilitating this by disseminating documents authored by incarcerated militants. However, the dialogue that unfolded within prisons among former members of the armed struggle appears to have been even more significant. It is noteworthy that, from the inception of the movement, there was a demand from former terrorists to go beyond special legislation and the segregating nature of prisons. Specifically, the *dissociati* were resisting

segregation, automation, robotization, and the attempted destruction of their individuality as thinking, acting, reflecting, and loving subjects. They stood against the segregation that hindered emotions, stimuli, their own narrative, the continuous flow of communication, and the need to touch and feel. They opposed segregation that led to sensory deprivation of affection, forcing the sublimation of desires and sensations (Doc. No. 16, my translation).

In practical terms, the *dissociati* advocated for an enhancement of their living conditions, which was to be included in an “organic discourse on social reintegration and pacification” (Doc. No. 9, my translation). Specifically, they requested the opportunity to nurture emotional, friendship, and political relationships, including through placement in facilities with both female and male sections. They aimed to be assigned to prisons in locations fostering a “positive relationship with administrative, cultural, and social institutions” to facilitate their reintegration into society (Doc. No. 18, my translation). This proposal was rooted in past experiences, notably the establishment of the so-called *aree omogenee* (homogenous areas) in some Italian prisons, including those in Rebibbia (Rome), San Vittore (Milan), and Bergamo.

The *aree omogenee* were sections within prisons that brought together diverse groups of inmates united by common political ideologies. These areas served as spaces for meetings and dialogue between prisoners and civil society. They have produced a significant body of documents reflecting on prison life, the meaning of punishment, the state of rights, affectivity, and a critical review of the terrorist experience. The *aree omogenee* became the focal point of the *dissociati*'s requests to institutions, as they were seen as spaces for reclaiming affectivity, sociality, and subjectivity.

Today, a ‘homogeneous area’ for political prisoners holds the potential to serve as a *place of experimentation*. This includes cultural experimentation such as computer literacy courses, seminars on scientific and cultural subjects, and the establishment of theatrical workshops; productive experimentation, which involves the formation of ‘cooperatives’ tailored to the diverse skills of individuals; experimentation in fostering diverse and enriching relationships with civil

society; experimentation of new forms and spaces to promote the continuity and consolidation of affective ties; experimentation of alternative measures to detention (as provided for by the law, although this is rarely implemented for political prisoners) (Doc. No. 13, pp. 81-82, my translation).

A policy of prison openness, which repositions the prisoner within political, social, family, and love relationships, can be implemented by overcoming internal coercive relationships and achieving basic levels of democracy and material well-being. *We believe that the area omogenea constitutes a first step in a political path of openness.* In other words, it represents a fundamental decision by the prisoner in order to take advantage of a primary space of democracy to engage in ... activities with a chosen community rather than one imposed upon them. This choice does not imply a rejection of differences or an invitation to separation. Primarily, it is a choice, and this alone appears to be a significant step in a total institution where even the timing of meals is not a matter of choice (Doc. No. 16, my translation, emphasis added).

The last text suggests that the discussion would be incomplete if we merely narrowed it down to matters related to prisoners' living conditions and resocialization. The *aree amogenee* represented an opportunity to reclaim an active role in political critique by "transcending" (Doc. No. 19, my translation) or "critically crossing" past experiences (Doc. No. 11, my translation). Former terrorists asserted a rich and extensive political and social history that could serve as "a valuable element of socialization for the reestablishment of a project of radical social transformation" (Doc. No. 11, my translation).

The closure of the political phase occurs on the grounds of a critical and re-propositional overcoming carried out by the same actors who had initiated it, and not as the signing of a notarial deed. Breaking the silence and speaking out are essential for the creation of a dynamic space for this generation of militants. By rejecting the glorification of defeat or the uncritical erasure of the past ... this generation can actively reevaluate its own experience critically. This involves redefining, from the outset, a transformative praxis toward a movement for the social liberation of political prisoners and the abolition of prisons (Doc. No. 14, pp. 91-92, my translation).

The objective was "to put back this intricate, multilayered memory into play, allowing it to be revitalized, renewed, and projected into the future" (Doc. No. 1, my translation). Simultaneously, this memory needed to be problematized and questioned, including through contributions from civil society and institutions. The ultimate aim was to establish a distinct break between the (violent) struggle experiences of the past and the (peaceful) struggle experiences of the present and future, especially contrasting with those who, outside prison, continued to engage in terrorism.

It is worth noting that, as highlighted in the interviews, the chance for collective discussion and interaction with other former terrorists was closely connected with the individual paths of reflection and transformation.

The process is continuous; I mean, without [individual reflection], you cannot engage in the collective. So, during the armed struggle, the collective was something that overshadowed everyone. In prison, that collective provided each person with an opportunity to experience freedom. ... The interplay between inner and outer movements was constant. Being part of the collective allowed you to acquire new insights to continue working on yourself. ... The chance to be together also provided the space to think, change, and develop new perspectives (I2, my translation).

In this context, it is essential to emphasize that the state could also benefit from this exchange of ideas. Some *dissociati* pointed out that most political leaders from the armed struggle were in prison at the time and were open to engaging in peaceful conflict dynamics. Thus, if given the opportunity, they could “bring a political and moral contribution of great weight in isolating [terrorism] and preventing its repetition” (Doc. No. 10, my translation). Specifically, they emphasized that

the removal of the political nature of the phenomenon and its ... reduction into criminal parameters had blocked any possibility of a political battle within the realm of social subversion, which was[, at that time,] the reservoir from which the minority initiative of terrorism drew its source.<sup>126</sup>

Contrarily, the *aree omogenee* would have facilitated the initiation of an antagonistic political debate, especially if established “in prisons as close as possible to the cities where prisoners have developed their political experience, and where it is therefore recognized.” Additionally, their involvement in meetings with civil society could allow for collective reflection.<sup>127</sup> It is noteworthy that, from this perspective, the counterterrorism effort was being delegated directly to the disassociated by the state.

In the end, institutions acceded to these requests. On August 3, 1983, the Prison Administration officially instituted the *aree omogenee* in Italian prisons, along with easing certain restrictions on correspondence and interviews in special prisons.<sup>128</sup> Specifically, it was

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<sup>126</sup> Parliamentary Commission of Inquiry into the kidnapping and murder of Aldo Moro, “Report,” December 6, 2017, p. 115 (my translation).

<sup>127</sup> Parliamentary Commission of Inquiry into the kidnapping and murder of Aldo Moro, “Report,” December 6, 2017, pp. 115-116 (my translation).

<sup>128</sup> Circular of the Direzione Generale per gli Istituti di Prevenzione e Pena (General Directorate for Prevention and Punishment Institutions) of August 3, 1983, “Homogeneous areas and maximum-security institutions and

thought that *aree omogenee* could effectively foster the dissolution of the armed struggle and contribute to the initiation of a phase of

social pacification, through the reintegration of individuals who actively show a readiness to rejoin the system and adhere to its laws. This process entails integrating within the framework of democratic principles ... those tensions, calls for change, renewal, and social transformation that originated outside and in opposition to the system, surpassing the limit that makes opposition and dissent no longer legitimate and admissible.<sup>129</sup>

Nicolo Amato, the Director General of the Prison Service, played a pivotal role in achieving these changes. As emphasized by interviewees, he demonstrated a willingness to listen to former terrorists and engage in dialogue with them:

Nicolò Amato ... played a significant role in addressing the matter of the *aree omogenee* and in attentively listening to those advocating for them. He recognized the potential for a substantial change, a genuine departure from the years of lead, through a process of crossing [of one's past] (*processo di riattraversamento*). ... It involved revisiting one's past actions and acknowledging the mistakes made (I2, my translation).

In a broader context, it is crucial to highlight the substantial role played by the readiness to engage in dialogue by certain representatives of institutions, contributing to the gradual abandonment of the armed struggle. Initially, former terrorists viewed the institutions as enemies with the sole intention of annihilating them. This fostered an oppositional stance that resisted any self-reflection or questioning of their own positions and past actions. However, the receptiveness to dialogue became a destabilizing element, ushering in a change in perspective. As expressed by one of the interviewees, it “disarmed us ... because it changed the rules of the game ... Openness to dialogue has indeed been a fundamental impetus [in facilitating a shift away from armed struggle]” (I1, my translation).

A similar role was played by the Catholic Church. Many religious figures – among whom Cardinal Martini, Father Bechelet, Father Balducci or the chaplain of the Nuoro prison Bussu can be mentioned by way of example – established a dense dialogue with political prisoners, where Christian values and constitutional values converged. In contrast to the state, the Church immediately placed its attention on the issue of reconciliation, recognizing the *sui generis* nature of political crimes and identifying the movement of dissociation as rich in promise (Galfré, 2014, pp. 196-208).

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sections” [*Aree omogenee e istituti e sezioni di massima sicurezza*]. The full text of the Circular can be found in Prette, 2006, pp. 465-470.

<sup>129</sup> Ibid.

It was this receptive attitude that made the Church a point of reference for former terrorists and a privileged interlocutor in the process of abandoning the armed struggle. It is no coincidence that, on June 13, 1984, the *Comitati Comunisti Rivoluzionari* (Revolutionary Communist Committees), a leftist terrorist group, chose to hand over their arsenal precisely to Cardinal Martini to signify a concrete abandonment of the armed struggle. As told by one of the group's leaders during a radio interview,

We had already formed a negative opinion about the armed struggle. However, we faced considerable resistance when attempting to initiate dialogue and secure acceptance for [our] critical stance and ideological 'departure' from the armed struggle. Engaging in conversations – and notably, [Martini] even visited San Vittore during Christmas in 1983 – provided reassurance (Doc. No. 21, my translation).

#### **4.3. Moving from words to actions: the crucial issue of prison.**

The handing over of weapons to Cardinal Martini needs to be understood in the context of a certain dissatisfaction expressed by some former terrorists with the strategy employed by a significant portion of the dissociation movement, primarily relying on words. While acknowledging the value of the reflections put forth by the *dissociati* since the 1980s, some believed that the abandonment of armed struggle needed to be demonstrated through actions. This perspective gained weight because, practically, the dissociation movement had achieved limited success in legal proceedings. Moreover, as pointed out by one interviewee, in the mid-1980s, many magistrates remained convinced that terrorism still posed a genuine threat to Italy. Hence, they deemed it appropriate to be skeptical about declarations renouncing armed struggle that originated from within prisons (De Vito, 2009, p. 109). The same interviewee added:

that is why I argued that concrete actions were needed. Words alone could not silence these people. ... the problem had to be tackled in practical and active terms. If I had relied solely on words, I would have had to disown even my father just to demonstrate that I had moved beyond the armed struggle. However, such an approach would mean throwing the baby out with the bathwater (I3, my translation).

These considerations materialized in actions such as returning weapons to the Cardinal and actively cooperating with institutions. These actions undoubtedly strengthened the perception of a genuine abandonment of armed struggle by former terrorists. However, it would be unfair not to acknowledge the tangible and practical commitment of the dissociation movement. In fact, the *dissociati* aimed specifically to do something and make a difference.

One of our requests was that the time spent in prison would serve a purpose, providing us with the opportunity to engage in social work or be assigned to social impact initiatives (I3, my translation).

I thought: “I have energy; why am I here? Let me contribute, help someone.” Instead of just languishing in jail, it does not make any sense. This was the ultimate essence of our request (I1, my translation).

Thanks in part to the formalization of the *aree omogenee*, a collective body of political prisoners emerged within prisons, focusing their political efforts on improving prison conditions. Specifically, the *dissociati* merged their quest for a political solution with concerns related to the prison system. According to their perspective, political self-criticism manifested as “the rejection of the condition of civil death imposed by imprisonment” (Galfré, 2014, p. 118, my translation). As articulated in the *Manifesto della Riconciliazione* (Manifesto of Reconciliation), endorsed by all the *aree omogenee*, “[t]he prison and the criminal issues are one of the new frontiers of the redefinition of the relationship between individuals and institutions, between individual aspirations and collective interest” (ibid.). Thus the *dissociati* aimed to bring terrorism and prison issues back into the realm of collective interest while revitalizing civic engagement from a reformist standpoint.

These considerations are aptly reflected in a document authored by prisoners from Rebibbia (Rome) and Latina prisons. Here, the *dissociati* wrote:

The practice of imprisonment is deemed more harmful than the issues it aims to address. It is characterized as irrational, arbitrary, and violent, with the added complication of attempting to encapsulate the concept of justice within itself.

To address the current situation, we must focus on both the desired objective – progressive reduction and eventual elimination of prisons – and the existing conditions, such as alternative forms of punishment already outlined [in legislation]. ...

The de-institutionalization process ... should not solely depend on efforts from within the system. ... It requires a more extensive social, political, and cultural effort. ... Inmates and social forces must actively drive the transformation-extinction process. The key to unlocking doors and gates lies in social cooperation, grounded in the acceptance of ‘social responsibility’ as opposed to the ‘social dangerousness’ on which prisons are built.

‘Responsibility’ means society taking responsibility for the prison, including its separation, operation, and purpose. It requires a commitment to address the challenge of so-called social deviance by actively engaging with and understanding it. ... On our part, social responsibility involves connecting with societal dynamics, participating in the wider realm of social cooperation, and transforming our commitment into a pathway toward reducing incarceration.

We have embraced this responsibility by breaking away from unproductive past practices and avoiding theoretical-ideological pitfalls that lead to abstract and exaggerated claims. Our dedication to transformation remains strong as we work to reclaim our identity as progressive and anti-authoritarian social actors. We reject any dismissal of the past or handing over the future to ‘political society.’

For us, prison serves as a focal point to gauge the effectiveness of tools in the transformation movement. It is a focal point because it acts as a hindrance to the dynamics of liberation and independence in the social realm. Moreover, its presence is so detrimental that a comprehensive critique of its function has matured in various forms. Finally, freedom for the entire generation of the ‘subversion’ years is a crucial moment for the definitive transition to a purposeful and constructive phase of social cooperation.

A path to liberation today, founded on the exchange between the inside and outside, viewing the prison not as a separate place isolated from ‘political’ action but as a transformative part of the social territory. ...

In our view, abolishing coerced social spheres, enclosed by walls and guarded by armed individuals, is the only way to truly rebuild the unity of transformative forces for a decisive qualitative improvement in social relations. This is the struggle for decarceration, a moment within the broader clash between two distinct life philosophies. It aims to affirm the reasons for new human relations and promote the quality of social interactions, opposing those driven by profit, statism, and annihilation (Doc. No. 12, pp. 61-63, my translation).

As evident from the quoted text, the *dissociati* were moving in perfect alignment with the social and political commitment that had defined the armed struggle experience. As described by one interviewee,

[f]or instance, we suggested transforming the maximum-security section into a *sezione penale* (criminal section) for all prisoners.<sup>130</sup> This was particularly significant for me. ... because the role we believed we were playing in society during our involvement in the armed struggle at that time was expressed within the prison (I1, my translation).

Moreover, some former terrorists linked the efforts to humanize (or abolish) prisons directly to the goals of the armed struggle. Indeed, the armed struggle was

an expression of ... and simultaneously, a project aimed at addressing the most significant contradiction within modern society: [social] marginalization. ... [In this context,] prisons were

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<sup>130</sup> Throughout the interviews, it became clear that the criminal sections closely resembled the *aree omogenee*. Therefore, advocating for the transformation of the maximum-security section into a criminal section entailed promoting a detention regime that was less restrictive to inmates’ social interactions.

placed as a solution to the marginalization induced by the Welfare crisis, which affects increasingly large segments of society (Doc. No. 4, my translation).

In practical terms, the *dissociati* put forth various strategies to address the prison's issues, encompassing political, social, and cultural aspects. The central goal, however, was to establish a connection between the prison and the outside world. Along these lines, several notable initiatives were launched across Italy. Apart from the engagement of civil society representatives, intellectuals, and prominent politicians in discussions and reflections on the armed struggle, some cooperatives extended activities into prisons. Further, others organized educational or vocational courses for all prisoners, aiming not only to occupy their time during detention but also to provide tangible prospects for employment upon release. Further still, projects were devised to enable some inmates to work outside the prison walls. Remarkably, these initiatives often operated with considerable flexibility, occasionally bending the rules of the prison regulations in force at that time. This reflects the acknowledgment by the prison administration of the significance of such activities (I1; I2).

In more general terms, it is interesting that the institutions and the Church seemed to grasp the potential that former terrorists held for the transformation and humanization of the prison. In this context, they endeavored to contribute to these efforts, as testified by one of the interviewees.

Cardinal Martini, after the delivery of weapons, came to visit us in prison and clearly stated “Guys, we – as the society – see your presence in prison as an opportunity. It is not due to security concerns, but because you bring a cultural background and the ability to cooperate ... With your presence, we can work together to democratize and bring positive change to the prison system, benefiting the entire society.” ... Therefore, he strongly encouraged volunteering and offered support to establish work cooperatives utilizing prison labor (I1, my translation).

The efforts of political prisoners to improve prison conditions proved to be crucial for Italian society. Beyond enhancing the living conditions of those who experienced prison during those years, it encouraged the reform of the Italian prison system. On October 10, 1986, the Gozzini Law, named after its main proponent, was passed,<sup>131</sup> which made prisons more humane and focused on resocialization. It expanded the possibilities for inmates to access alternative measures to detention, resulting in a substantial opening of the prison to the outside world.

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<sup>131</sup> Law No. 663 of October 10, 1986, “Amendments to the law on the prison system and on the execution of measures of deprivation and limitation of liberty” [*Modifiche alla legge sull'ordinamento penitenziario e sulla esecuzione delle misure privative e limitative della libertà*] (Official Gazette of October 16, 1986, No. 241).



While the merits of passing this Law cannot be solely attributed to the *dissociati*,<sup>132</sup> they played a fundamental role in its genesis (De Vito, 2009, p. 111). As Senator Gozzini testified, the prospect of the 1986 reform materialized precisely because of the actions of the *dissociati*, who were able to make themselves heard on behalf of all prisoners.<sup>133</sup> From the viewpoint of one interviewee

the path taken in the *aree omogenee*, which ultimately resulted in the dissociation law, also played a significant role in the promotion of the Gozzini law. Gozzini repeatedly visited the *aree omogenee*, engaging in conversations and consulting with those present about the legislative bills he was developing. This process allowed for adjustments, modifications, and a genuine understanding of the needs of those experiencing prison (I2, my translation).

It is no coincidence that Senator Gozzini was among the main supporters of the dissociation law. In his parliamentary speeches during the law's approval process, he specifically highlighted the efforts of political prisoners in the *aree omogenee*. According to the senator, documents from the *aree omogenee* reflect the former terrorists' awareness of the demise of the terrorist movement and a resolute condemnation of violence as a means of struggle. Moreover, their active involvement in prison issues signifies a commitment to a nonviolent revolution.<sup>134</sup> It was these considerations that led to the enactment of Law No. 304 in favor of *dissociati* on February 18, 1987.

It is crucial to highlight that the enactment of the Law on dissociation and the Gozzini Law brought about significant changes in the lives of political prisoners. Through the reduced sentences offered by the former, they were able to benefit from the prison privileges promoted by the latter. Thus, many former militants engaged in social work projects outside prison. Remarkably, many of them continue to be involved in social projects or volunteer work even today. This not only attests to the authenticity of the dissociation movement but also testifies to the profound transformation of these individuals into nonviolent revolutionary subjects, which, however, does not entail a loss of identity. While leftist terrorism in the 1970s aimed to reshape society through violence led by ideals of justice and equality, those same ideals persist today, employing new approaches emerging from a path of progressive humanization, not only of the

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<sup>132</sup> De Vito (2009) highlights that alongside the dissociation movement advocating for the humanization and de-institutionalization of prisons, there was a significant mobilization at the social and cultural levels in Italy with the same objectives. These combined efforts shaped the cultural atmosphere that facilitated the passage of the Gozzini Law (p. 112).

<sup>133</sup> Beginning of general debate on Bills Nos. 221, 432 and 1050 by the Senate at the 456th session on May 21, 1986. See Caselli, Laudi, Mileto & Perduca, 1989, p. 235.

<sup>134</sup> Beginning of general debate on Bills Nos. 221, 432 and 1050 by the Senate at the 456th session on May 21, 1986. See Caselli, Laudi, Mileto, & Perduca, 1989, pp. 235-237.

adversaries but also of the self. With regard to his current commitment to volunteering, one of the interviewees said that

[t]he motivations that pushed me [during the 1970s] are the same motivations driving me today. The force that moves me, the fuel, remains consistent. ... The motivational drive [during the 1970s] was fueled by a desire for freedom, change, and justice. However, having adopted the same tools of power, ... the entire drive was consumed. In choosing armed struggle, we likely put our humanity on hold. It is because it is the ideology that leads you ... And you end up doing the worst things in the world, because you have set aside the true essence of yourself. The path of dissociation ... has been a journey to rediscover the humanity that was put on hold (I2, my translation).

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**Summary and final considerations.** The Chapter analyzed Italian terrorism in the 1970s to identify compelling reasons and models of transitional justice that can guide post-conflict societies toward positive peace. Namely, the inclusive approach toward former perpetrators adopted in the Italian terrorism case is used to explore a new path for the future of transitional justice, which takes into consideration structural violence.

To achieve this goal, the Chapter began by attempting to discern the underlying causes of Italian terrorism. During the 1970s, Italy was swept by a significant wave of terrorism, distinguishing itself in the European context in terms of the number of casualties and attacks. As outlined in the initial section of this Chapter, Italian terrorism, particularly leftist political violence (direct violence), is intricately intertwined with cultural, structural, and organizational factors. On one hand, the acceptance of violence as a normal tool for political struggle gradually took hold (cultural violence). On the other hand, it escalated when protest movements were marginalized from the political decision-making sphere, thereby losing the freedom to negotiate their position in power relations (structural violence). While cultural and structural factors cannot be singularly pinpointed as the exclusive causes of leftist terrorism in Italy, the interpretation of the phenomenon presented here aligns with the analysis of mass violence put forth in preceding chapters (Chapter II, section 4).

Next, the Chapter delved into the strategies employed by Italian authorities to combat terrorism, focusing on the implementation of incentive-led legislation. Notably, the measures in favor of *pentiti* (repentant individuals) and *dissociati* (those who dissociated) were explored. In broad terms, the analysis underscored the Italian legislator's attention to the diverse attitudes exhibited by terrorists regarding the abandonment of armed struggle. While opting to reward the collaboration of *pentiti* with the justice system, Italian authorities also acknowledged the

readiness of *dissociati* to renounce violence as a tool of struggle. This recognition was grounded in the genuine and tangible commitment of the dissociation movement toward establishing itself as a force for peaceful social transformation.

The last section of the Chapter investigated the dissociation movement, aiming to shed light on the active participation of former left-wing terrorists in reducing terrorism in Italy and promoting peace and social change. As shown in Chapter III, the active engagement of both victims and perpetrators is essential for promoting social transformation in post-conflict contexts. However, traditional transitional justice practices often hesitate to involve perpetrators. Hence the interest in the Italian case and the active role taken by the dissociation movement in contributing to transformation.

The analysis included examining documents written by the *dissociati* during their time in detention and conducting semi-structured interviews with former terrorists. It revealed that, initially, former terrorists underwent a profound self-reflection about their past, distancing themselves from resorting to violence for political struggle. Engaging in dialogues with representatives from institutions, the Church, and civil society, they critically assessed their revolutionary experiences, revealing ambiguities and shortcomings in their actions. This initiated a transformative process, leading to a commitment to contribute actively to the radical change of Italian prisons. In the subsequent stage, the *dissociati* transitioned from words to action. With the growing cooperation of institutions, they successfully established connections between the prison environment and the broader society, facilitating authentic processes of rehabilitation for Italian prisoners. Additionally, they played a pivotal role in the enactment of the 1986 prison reform (Gozzini Law).

Taken as a whole, the dissociation movement “was the first mass movement for pacification. ... was the catalyst that enabled the abandonment of armed struggle to reach a mass scale” (Il, my translation). Indeed, it has effectively prompted a widespread disavowal of violence as a means of political struggle and the construction of more just social relations – ones devoid of oppression and structural violence. This success can be understood in two significant aspects.

From one perspective, although the oppressive dynamics that fostered violence in Italy were not directly linked to the prison environment, prisons remain quintessential sites of oppression. Foucault would argue that prison is where the body becomes explicitly subject to relations of power and domination. Along these lines, it can be asserted that, in alignment with the objectives of the armed struggle, the accomplishments of the dissociation movement in

prison policies have effectively contributed to fostering more equitable power relations within Italian society, thereby reducing oppressive elements.

Furthermore, the dissociation movement has succeeded in repositioning former terrorists as credible individuals in the eyes of institutions, bringing their concerns back into the public discourse. Both the discussion within the *aree omogenee* and the advocacy for prison reform are relevant in this regard. This holds significance because, as previously mentioned, one of the contributing factors to the escalation of terrorist violence in Italy was the system's perceived inadequacy in addressing the demands of protest movements. These movements felt ignored by the political establishment, sensing a lack of space to negotiate their demands within the framework of power relations (structural violence). Therefore, the gradual engagement of *dissociati* in public debate represents a move toward rebalancing power relations.<sup>135</sup>

Despite the limitations of this research, the Italian case appears to offer valuable insights into transitional justice. In this regard, it is worth emphasizing that it possesses distinct characteristics compared to the contexts typically addressed by transitional justice. First, Italian terrorism did not involve an armed conflict under international law, even though it deeply affected Italian society. Second, the former terrorists were imprisoned, which is not often the case for war criminals. Third, they voluntarily engaged in the process of social pacification without external pressure. Moreover, former Italian terrorists differ from typical war criminals due to their capacity for introspection and awareness of the ideological purposes of their struggle. Nevertheless, this experience holds significance for transitional justice interventions, underscoring the importance of providing spaces for former perpetrators in peacemaking processes.

Indeed, the success of this experience in terms of social transformation and the deconstruction of structural violence can be attributed to the willingness of certain individuals within institutions and civil society to listen to the voices of the *dissociati* and provide them with opportunities for action. More precisely, the establishment of the *aree omogenee*, the facilitation of regular interactions between prisons and the outside society, and the implementation of the Law on dissociation entailed the active involvement of former terrorists in the process of social pacification. Therefore, this experience demonstrates that encouraging

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<sup>135</sup> It is essential to acknowledge a degree of discontent among some *dissociati* in this regard. As revealed during an interview (I2), while there was initially significant attention and engagement from institutions toward former terrorists, this support markedly diminished with the introduction of the dissociation law. In line with this perspective, it has been argued that former terrorist “have not managed... to establish [their] story within the history of this country” (Doc. No. 20, my translation). Thus, according to some *dissociati*, while the dissociation process has brought about societal changes, there could have been much more profound transformations.

the participation of former perpetrators in post-conflict reconstruction processes is crucial, as these individuals can be valuable resources for their communities. The methods to promote participation cannot be universally defined and may differ from those employed in the Italian case. Instead, it will be necessary to assess, on a case-by-case basis, the specific dynamics of the conflict, the receptiveness of civil society, and the willingness of former perpetrators to engage in peacemaking. Nonetheless, a fundamental shift in mindset is essential, encouraging the perspective that former perpetrators can serve as potential agents of positive change.

## Conclusion

In the aftermath of wars, mass crimes, and gross human rights violations, transitional justice is tasked with assisting communities to come to terms with their past. Strategies for transitional justice vary depending on the context but generally aim to secure justice, uncover the truth, provide reparations, and guarantee the non-repetition of past violations. The overarching objective of transitional justice is to foster social pacification, through effective strategies for social change and large-scale crime prevention.

Nonetheless, the field seems to face challenges in achieving these broader objectives. The issues of preventing atrocities and promoting social change appear to have been somewhat overlooked. Certainly, one could debate the appropriateness of entrusting transitional justice with such a challenging task. After all, transition is, by its nature, temporary – a moment of moving from one situation to another. Prevention and social change, on the other hand, are long-term processes: preventing mass crimes and promoting social transformation require the constant engagement of both citizens and institutions.

However, it is crucial to acknowledge that transitional justice explicitly declares its commitment to prevention. As mentioned, the guarantee of non-recurrence stands as one of the four key components of transitional processes. Moreover, prevention is a top priority among actors such as the United Nations today, as testified by the 2030 Sustainable Development Goals and the UN's Common Agenda.<sup>136</sup> In these frameworks, the preventive value of transitional justice is acknowledged. It should not only assist societies in avoiding the recurrence of widespread human rights violations but also tackle common drivers of violence and conflict such as social exclusion, fragility, and structural inequality (ICTJ, 2022, pp. 4-5). From this perspective, it becomes apparent that transitional justice should prioritize prevention and social change – that is, it should promote strategies that effectively transform the relationships and social structures that have contributed to or enabled conflict, repression, and human rights violations.

Literature also underscores the challenges faced by transitional justice in promoting social change. As extensively discussed in Chapter I of the dissertation, theoretical perspectives advocating for a more transformative approach to transitional justice have emerged in recent years (referred to as transformative justice). Among other things, they emphasize that the transitional justice traditional approach treats social change from a monocausal perspective,

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<sup>136</sup> The 2030 Agenda for Sustainable Development can be found at <https://www.un.org/en/content/common-agenda-report/> (accessed on 20/1/2024); the UN's 2021 Common Agenda can be found at <https://www.un.org/en/content/common-agenda-report/#download> (accessed on 20/1/2024).

which constrains the detection of causes for mass violence to single-cause and single-effect relationships (Gready & Robins, 2020; Hoddy, 2022; Sandoval, 2017). Furthermore, this approach does not fully consider the complexity of violence, which goes beyond the concrete and visible atrocities. There exists an invisible dimension of violence, characterized by unequal societal arrangements that contribute to it. In essence, violence is not solely direct but also structural.

Nevertheless, transformative justice falls short of delving into the true nature of structural violence. There is a tendency to interpret structural violence as asymmetric power relations, primarily manifesting in the violation of economic, social, and cultural rights. However, the specifics of these power relations are not identified, and it remains unclear when unequal power relations may lead to mass violence (Chapter I). Meanwhile, other disciplines such as sociology, criminology, and anthropology have relatively explored mass violence. Studies conducted during the latter half of the 20th century tended to focus on micro-level analyses of mass violence, overlooking the social dynamics, institutions, and social structures that influence large-scale violent interactions.

Building on these considerations, this research had two primary objectives. Firstly, it aimed to clarify what should be understood by structural violence. Secondly, it sought to outline the characteristics that transformative transitional justice interventions should possess – capable of promoting social change and deconstructing structural violence.

To achieve the first objective, Chapter II suggested an interpretive approach that started by reviewing the existing literature on structural violence. Notably, emphasis was placed on the works of Johan Galtung (1969) and Paul Farmer (2004), where structural violence emerged as inequality in the distribution of power resulting in systemic harm. However, crucial for the evolution of the research were the criticisms directed at these studies, underscoring the ambiguity in the concepts presented by these authors. Specifically, structural violence is critiqued for overlapping with various forms of domination – like imperialism, exploitation, or patriarchy – resulting in harm. This leads to an inaccurate equivalence between (structural) violence and (unequal) power relations, as well as between (unequal) power relations and harm. Additionally, while structural violence is situated within unequal power relations, the features and dynamics of these relations are not thoroughly outlined.

To address these shortcomings, the dissertation explored the concept of social structure, specifically drawing on Marxist, structural-functionalism, and structuralism – the main sociological perspectives dealing with social structure. Indeed, grasping the meaning of social structure is crucial to understanding how a violent structure can be transformed; furthermore, it

is within the social structure that the asymmetrical power arrangements, as outlined by Galtung and Farmer, solidify. The analysis helped recognize the inherently relational nature of social structure, essentially portraying a system of interconnected components. Additionally, while the considered perspectives highlight the constraining impact of social structure on human behavior, they also suggest that social structure is actively involved in an ongoing process of structuring, deconstructing, and restructuring, all of which depend on human actions (Chapter II, section 2).

Following this, an in-depth exploration of the notion of power was presented (Chapter II, section 3). This is based on the fact that, as mentioned earlier, the violent structure is commonly associated with unequal power relations. Given that social structure comprises interconnected components, the analysis leaned on relational perspectives of power. In this context, the work of Michel Foucault (1984) proved crucial, particularly his distinction between power relations and states of domination. According to Foucault, the defining trait of power is freedom. Indeed, power relations can only exist to the extent that individuals are free, and more specifically, when individuals can resist arbitrary and oppressive exercises of power against them. In situations where resistance is impossible, states of domination emerge – namely, highly asymmetrical power relations characterized by a dominant/dominated relationship where the former is subjected to oppression without the opportunity for reaction. However, Foucault does not see states of domination as superstructures guiding behavior, but as taking form and manifesting both in oppressive interpersonal relationships and in extensive networks/systems of domination that mutually reinforce each other (Chapter II, section 3.2).

States of domination are considered to fully express what structural violence is. This perspective proves particularly compelling as it addresses the earlier criticisms. Indeed, from this standpoint, there is no longer an equation between (structural) violence and (unequal) power relations, and between (unequal) power relations and harm. Power relations, even if unequal, do not necessarily result in suffering and harm. They only lead to suffering when they evolve into states of domination. Simultaneously, structural violence does not simply correspond to unequal power relations but specifically to power relations that are so unequal that the dominated individuals are deprived of any freedom to negotiate their position within the power relations (states of domination).

Along these lines, the features of power relations constituting structural violence have been clarified, as well as the dynamics linking structural violence to the commission of mass atrocities. Two distinct dynamics have been highlighted in this regard. On one hand, the dominated may resort to violence against the dominant to carve out spaces of freedom within



power relations. On the other hand, dominants may turn to violence against the dominated to preserve the status quo and uphold their position (Chapter II, section 4).

Regarding the features of power relations, the impossibility of reducing structural violence to a superstructure influencing behavior deserves special attention. States of domination consist of oppressive inter-individual relations as well as broader networks/systems of domination that influence and are influenced by inter-individual relations. Importantly, this implies that structural violence develops through an ongoing interplay between individual actions and structural dimensions, as also suggested by the literature on social structure.

This clarification proved crucial in achieving the second objective of the research, namely outlining the characteristics of transformative transitional justice interventions, which are suitable for promoting social change and deconstructing structural violence.

Since structural violence develops within a permanent dialogue between individual action and structural dimensions, the search for transformative solutions in transitional justice started with an in-depth exploration of the relationship between action and structure (Chapter III, section 1). The analysis identified Margaret Archer's (2007) research as particularly promising. According to the author, action and structure are distinct entities that are nonetheless intrinsically linked, mutually influencing each other. Indeed, the structure is conceived as the outcome of past actions that have solidified over time and, simultaneously, it exerts an influence on present actions. This suggests that if an action can free itself from the grip of the structure, it holds the potential to instigate a transformative process. Specifically, this transformation is made possible by the "reflexive ability" inherent in all individuals. When appropriately inspired, this ability can prompt individuals to deviate from the behaviors suggested by the structure. If these alternative behaviors persist over time, they have the potential to bring about a significant shift in the social structure. However, according to Archer, social change does not solely depend on the innovative actions of individuals. Innovative action is crucial for changing the social structure, but social change simultaneously requires interventions that more directly involve both the structural and cultural dimensions. After all, as mentioned, despite the profound connection between action and structure, they remain two distinct entities.

This further guided research to assess what is required for transitional justice initiatives to be transformative (Chapter III, section 2). Starting from characterizations of structural violence, two levels of inquiry have been discerned. More specifically, since structural violence (states of domination) manifests in both systems of domination and oppressive inter-individual relationships, both these aspects have been addressed.

First, *transforming systems of domination*, in practical terms, involves challenging oppressive social or cultural norms and practices that may be institutionalized or semi-institutionalized. These norms and practices are oppressive as they fail to acknowledge all members of society as equal participants in social interactions, thereby perpetuating inherent inequalities in the system. Following the model proposed by Nancy Fraser (1997; 2000; 2003), the acknowledgment of all members of society as equal participants in social interactions requires implementing strategies of recognition and redistribution within transformative paradigms. This essentially entails promoting a radical transformation of socioeconomic systems and deconstructing traditional cultural patterns (Chapter III, section 2.1).

Second, *transforming oppressive inter-individual relationships* requires turning them into relationships among equals. This involves examining how individuals in post-conflict contexts interact, aiming to challenge psychosocial and cultural hierarchies that establish superordinate and subordinate levels between different groups involved in the conflict. Specifically, it entails engaging in dialogue with these individuals, regardless of whether they are victims or perpetrators. The goal is to enhance their “reflexive ability” (Archer, 2007) and promote “conscientization” (Freire, 1968; Galtung, 2004), deepening awareness of the systemic structures of oppression that drive social dynamics and underlie violence. Simultaneously, it entails involving both dominants and the dominated – whether victims or perpetrators – in a course of action capable of deconstructing the violent structure and constructing a new, peaceful one (Chapter III, section 2.2.).

In this process, both victims and former perpetrators are recognized as agents of change. This is crucial because the prevailing tendency within post-conflict interventions is not to actively involve former perpetrators. On the contrary, they are often perceived as passive recipients of assistance, assumed to have little to offer to the community. However, insights from the literature on the rehabilitation of former perpetrators, along with limited transitional justice experiences, indicate that achieving the transformation of the violent structure requires their active participation.

This claim has been tested on the example of the case of the Italian *movimento della dissociazione* (dissociation movement), which involved former terrorists (mainly leftists) in the 1980s (Chapter IV). Specifically, the dissociation movement positioned itself as an active force for social and political change in the post-terrorism landscape, actively contributing to the ongoing process of social pacification during those years. To delve into the phenomenon and understand its value and impact, research was conducted, including the analysis of documents authored by the *dissociati* (individuals who dissociated from the armed struggle) during their

time in detention and three semi-structured interviews with former leftist terrorists. Notably, interviews provide a valuable means to understand how former terrorists experienced the process of dissociation and the significance it held for them.

The findings indicate that *dissociati* freely engaged in a path of critical self-reflection on their past, evolving within the context of a comprehensive public discourse that involved not only the former terrorists themselves but also institutions and civil society. This process culminated in the disavowal of violence as a means of political struggle and the subsequent embrace of democratic principles. Furthermore, the *dissociati* actively contributed to the radical transformation of Italian prisons, playing a crucial role in the enactment of the 1986 prison reform (Gozzini Law). It is noteworthy that the receptiveness to dialogue exhibited by institutions, the Church, and civil society was pivotal in facilitating this transformative process.

Taken as a whole, the dissociation movement emerges as a mass movement for pacification. It has effectively led to a decline in terrorism in Italy and the dismantling of structural violence. Although the oppressive dynamics that fueled violence in Italy were not directly tied to the prison environment, the achievements of *dissociati* in shaping prison policies have played a role in fostering more equitable power relations within Italian society, consequently reducing oppressive elements. Moreover, the dissociation movement has successfully repositioned former terrorists as credible individuals in the eyes of institutions, bringing their concerns back into public discourse. This is significant because one of the factors contributing to the escalation of terrorist violence in Italy was the perceived unwillingness of the political establishment to address social and political demands (structural violence). Therefore, the willingness of institutions to engage with *dissociati* in public discussions signifies a step toward rebalancing power relations.

The Italian case differs from those typically addressed by transitional justice. Indeed, Italy did not experience an armed conflict under international law and Italian terrorists were extensively prosecuted and imprisoned, deviating from common transitional scenarios. Additionally, expecting former perpetrators in other contexts to consistently behave like Italian former terrorists would be unrealistic. Italian former terrorists voluntarily engaged in the process of social pacification and were highly aware of the ideological purposes of their struggle, leading to profound reflections on their actions – a level of introspection that might be unimaginable for many war criminals. However, the Italian case offers valuable insights for transformative transitional justice programs. Indeed, the Italian former terrorists' accomplishments underscore the importance of developing strategies that actively involve former perpetrators in addressing structural violence. The features of these strategies cannot be

outlined in abstract terms but must be defined based on the specific characteristics of the conflict and the dynamics that led to the perpetration of violence.

The provided definition of structural violence and the outlined key features of transformative transitional justice interventions aim to assist in post-conflict peacebuilding. However, these insights also contribute to a more profound understanding of mass violence from a criminological perspective.

In this regard, the examination of structural violence presented in this dissertation holds significance on its own. However, the investigation into how structural violence – either as an attempt to carve freedom or preserve the status quo – can lead to mass violence or severe human rights violations is even more crucial. This research departs from a common micro level analysis of violence, which focuses on why mass crimes occur or how violence happens in the immediate situations where humans threaten each other. Instead, it engages in macro level analysis, seeking to understand the dynamics involving broad segments of society in the commission of atrocity crimes. In this respect, this research does not claim to have developed a general theory on mass crimes. Any such theory must include nested levels of macro and micro conditions, which should be coordinated. Also, the presented findings offer only a limited number of insights. However, the idea is that these insights provide a solid foundation for future research. Among other things, it would be interesting to inquire more deeply into the relationships between structural violence and direct violence, considering not only cultural violence but also other potential factors that may play a role in the dynamics leading to large-scale conflicts.

When reading this work, one can question the appropriateness of using the term ‘structural violence’ to describe strongly asymmetric relationships between dominators and the dominated (states of domination). If there is already a term for this (states of domination), why introduce another one? Additionally, using the term ‘violence’ not just for physical aggression (direct violence) but also for oppressive relationships (structural violence) may create confusion between the two, limiting our ability to address either effectively (as suggested by Tilly, 2003, for instance).

These questions are crucial for a thorough exploration of mass violence. In this regard, I argue that like direct violence serving as a comprehensive category covering various acts with similar effects, structural violence can be seen as a comprehensive category encompassing power relations characterized by similar features. Furthermore, just as discussing direct violence does not undermine the specifics of, for example, murder or injuries, discussing structural violence should not diminish the specifics of oppression, domination, and power; as

a result, there should be no confusion between the two phenomena. However, rather than providing a definitive answer, my aim is to emphasize that the concept of structural violence appears to enhance the understanding of violence. This is particularly true regarding mass violence, where structural violence plays a significant role in the criminogenic process, as this dissertation tried to demonstrate. Moreover, this holds true when violence is understood not merely as an isolated act detached from the social and personal history of individuals, but rather as a social experience intertwined with dynamics of domination that transcend legal and institutional definitions (as argued by Athens, 2013; 2015; 2017; Ceretti & Natali, 2009; Cornelli, 2020).

I still have many questions at the end of this work. Specifically, the analysis of the Italian case has raised thought-provoking questions, relevant not only to transitional justice but also to justice more broadly. Firstly, consideration should be given to how former perpetrators can be involved in peacemaking processes. As previously mentioned, this involvement should be contingent upon the specific dynamics of the conflicts and the root causes of violence. In particular, the nature of the perpetrated violence should be taken into consideration. As previously discussed, the Italian former terrorist voluntarily engaged in the peace process, displaying critical thinking and a genuine willingness to contribute to social transformation. Similar actions have also been witnessed in Ireland, where former terrorists spontaneously launched various reconciliation and peacemaking initiatives (Chapter III, section 2.2.2.). This suggests that when political motives drive the conflict, former perpetrators are more open to questioning violence and participating in activities aimed at social reconstruction. While this may be linked to the ‘radical’ social commitment intrinsic to political violence, it warrants further investigation. For instance, exploring and contrasting the behaviors and perspectives of former perpetrators in various post-conflict scenarios would be interesting. Likewise, examining the viewpoints of those engaged in different forms of violence, like ethnic conflicts, could provide insights into their perceptions of social pacification and their willingness to contribute.

Secondly, the dissociation movement and the approval of the Law on dissociation offer interesting perspectives on the legal treatment of former perpetrators of mass crimes. The Law on dissociation differs from pardons or amnesties often seen in post-conflict contexts. While such measures may be beneficial in certain situations, the idea of reducing sentences or providing access to alternative measures to detention in exchange for a sincere reassessment of one’s past and participation in social project could be an appealing solution to bypass the well-

known ‘peace versus justice’ debate.<sup>137</sup> After all, what is just about sentencing someone to life imprisonment when they acknowledge their actions and demonstrate the potential to positively contribute to their community?

In conclusion, this research provides insights into the field of transitional justice and the study of mass crimes, potentially opening avenues for further research. These are domains dealing with highly intricate and deeply distressing phenomena, far removed from the feelings of those who have not experienced them firsthand. Nevertheless, these phenomena are relevant to all of us as human beings, demanding a collective commitment across various levels to be effectively addressed. Hence, the hope is that this research can, to some extent, contribute to such efforts.

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<sup>137</sup> The ‘peace versus justice’ debate revolves around how societies emerging from mass violence should confront past human rights violations. Some argue there is a moral and legal obligation to prosecute perpetrators of the gravest international crimes as defined by international law. They believe this is crucial to deter the recurrence of those crimes and advance post-conflict peace. Conversely, others caution against the destabilizing effects of prioritizing prosecution. They advocate for compromise solutions and non-retributive approaches to justice, believing they are more effective in fostering reconciliation.

## Bibliography

- Acquaviva, S. (1979). Terrorismo e guerriglia in Italia. In S. Acquaviva, *Terrorismo e guerriglia in Italia. La cultura della violenza* (pp. 7-25). Rome: Città Nuova.
- Aguirre, D., & Pietropaoli, I. (2008). Gender Equality, Development and Transitional Justice: The Case of Nepal. *International Journal of Transitional Justice*, 2, 356-377. doi:10.1093/ijtj/ijn027
- Ahmed, N. M. (2007). Structural Violence as a Form of Genocide: The Impact of the International Economic Order. *Entelequia. Revista Interdisciplinar*, 5, 3-41.
- Aiken, N. T. (2013). *Identity, Reconciliation and Transitional Justice: Overcoming Intractability in Divided Societies*. New York: Routledge.
- Alexander, J. C. (1995). *Fin de Siècle Social Theory. Relativism, Reduction, and the Problem of Reason*. London: Verso.
- Alexander, J. C. (2001). Toward a Sociology of Evil. Getting beyond Modernist Common Sense about the Alternative to “the Good”. In M. P. Lara (Ed.), *Rethinking Evil: Contemporary Perspectives* (pp. 153-172). Berkeley; Los Angeles: University of California Press.
- Alexander, J. C. (2002). Ripensare lo sviluppo intellettuale di Durkheim: le complesse origini della sociologia della cultura. In M. Rosati, & A. Santambrogio (Eds.), *Emile Durkheim: contributi ad una rilettura critica* (pp. 19-59). Rome: Meltemi.
- Alexander, R. (2019). Gender, Structural Violence and Peace. In C. E. Gentry, L. J. Shepherd, & L. Sjoberg (Eds.), *Routledge Handbook of Gender and Security* (pp. 27-36). London; New York: Routledge.
- Allen, J. (1999). Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission. *The University of Toronto Law Journal*, 49(3), 315-353. doi:10.2307/826002
- Althusser, L. (1965). *Pour Marx*. (eng. transl. *For Marx*, New York: Pantheon Books, 1969). Retrieved from <https://www.marxists.org/reference/archive/althusser/1965/index.htm> (accessed on 3/9/2023).
- Altieri, R. (2014). Presentazione. Johan Galtung e le Scienze per la Pace. In J. Galtung, *Affrontare il conflitto. Trascendere e trasformare* (pp. 7-16). Pisa: Pisa University Press.
- Amartya, K. S. (2007). *Identity and violence*. London: Penguin Books.
- Americas Watch (1991). *Truth and Partial Justice in Argentina: An Update*. Retrieved from <https://www.hrw.org/reports/argen914full.pdf> (accessed on 3/7/2023).
- Amselle, J. L. (2008). L’etnicizzazione del sociale. *Voci*, 5(1-2), 34-47.
- An-Na’im, A. A. (2013). Editorial Note: From the Neocolonial ‘Transitional’ to Indigenous Formations of Justice. *Article Navigation*, 7(2), 197-204. doi:10.1093/ijtj/ijt012
- Anter, A. (2020). Power and Rulership in Max Weber. Context and Effect of a Conceptual Pair. *Scienza & Politica*, XXXII(63), 9-20. doi:10.6092/issn.1825-9618/12063
- Appiah-Boateng, S., & Bukari, K. N. (2022). Coping Strategies for Victims of Farmer–Herder Conflicts in Ghana. *Peace and Conflict: Journal of Peace Psychology*, 1-11. doi:10.1037/pac0000655
- Arbour, L. (2007). Economic and Social Justice for Societies in Transition. *International Law and Politics*, 40(1), 1-27.
- Archer, M. S. (1982). Morphogenesis versus Structuration: On Combining Structure and Action. *The British Journal of Sociology*, 33(4), 455-483. doi:10.2307/589357
- Archer, M. S. (1988). *Culture and Agency*. Cambridge: Cambridge University Press.

- Archer, M. S. (1995). *Realist Social Theory: The Morphogenetic Approach*. Cambridge: Cambridge University Press. (ita. transl. *La Morfogenesi della Società*, Milan: Francoangeli, 1997).
- Archer, M. S. (2000). *Being Human: The Problem of Agency*. Cambridge: Cambridge University Press.
- Archer, M. S. (2003). *Structure, Agency and the Internal Conversation*. Cambridge: Cambridge University Press.
- Archer, M. S. (2007). *Making our way through the world human reflexivity and social mobility*. Cambridge: Cambridge University Press (ita. transl. *Riflessività umana e percorsi di vita. Come la soggettività umana influenza la mobilità sociale*, Trento: Erickson, 2009).
- Arendt, H. (1970). *On Violence*. New York: Harcourt, Brace & World. (ita. transl. *Sulla Violenza*, Milan: Ugo Guanda, 2021).
- Arendt, H. (2011). Per una filosofia del limite. In D. Felice, *Lo spirito della politica. Letture di Montesquieu* (pp. 181-218). Milan; Udine: Mimesis.
- Aron, R. (1965). *Main Currents in Sociological Thought*. London: Basic books (ita. transl. *Le tappe del pensiero sociologico*, Milan: Mondadori, 1972).
- Arthur, P. (2009). How 'Transitions' reshaped human rights: A conceptual history of transitional justice. *Human Rights Quarterly*, 31(2), 321-367.
- Assiter, A. (1984). Althusser and Structuralism. *The British Journal of Sociology*, 35(2), 272-296. doi: 10.2307/590235
- Athens, L. (2013). 'Radical' and 'Symbolic' Interactionism: Demarcating Their Borders. *Studies in Symbolic Interaction*, 41, 1-24. doi: 10.1108/S0163-2396(2013)0000041005
- Athens, L. (2015). *Domination and Subjugation in Everyday Life*. New Jersey: Transaction Publishers.
- Athens, L. (2017). *The Creation of Dangerous Violent Criminals*. New Jersey: Transaction Publishers.
- Azar, E. (1990). *The Management of Protracted Social Conflict: Theory and Cases*. Mahpshire: Dartmouth.
- Balasco, L. M. (2018). Locating Transformative Justice: Prism or Schism in Transitional Justice? *International Journal of Transitional Justice*, 12(2), 368-378. doi:10.1093/ijtj/ijy004
- Baldassarre, A., & Salvi, C. (1980). Tendenze autoritarie e governo Cossiga. *Democrazia e diritto*, 1, 5-17.
- Balint, J., Evans, J., & McMillan, N. (2014). Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach, *The international Journal of Transitional Justice*, 8, 194-216. doi: org/10.1093/ijtj/iju004
- Bandini, T., Gatti, U., Gualco, B., Malfatti, D., Marugo, M. I., & Verde, A. (2004). Criminologia. Il contributo della ricerca alla conoscenza del crimine e della reazione sociale. Milan: Giuffrè.
- Bandura, A. (2016). *Moral Disengagement: How People Do Harm and Live with Themselves*. New York: Worth.
- Bandura, A. (2018). Toward a psychology of human agency: Pathways and reflections. *Perspectives on Psychological Science*, 13(2), 130-136. doi:10.1177/1745691617699280
- Bandura, A., Underwood, B., & Fromson, M. E. (1975). Disinhibition of aggression through diffusion of responsibility and dehumanization of victims. *Journal of Research in Personality*, 9(4), 253-269. doi:10.1016/0092-6566(75)90001-X



- Bandura, A., Underwood, B., & Fromson, M.E. (1975). Disinhibition of aggression through diffusion of responsibility and dehumanization of victims, *Journal of Research in Personality*, 9(4), 253-269. doi:10.1016/0092-6566(75)90001-X
- Banerjee, S. B. (2008). Necrocapitalism. *Organization Studies*, 29(12), 1541-1563. doi:10.1177/0170840607096386
- Bar-Tal, D. (2000). From Intractable Conflict Through Conflict Resolution To Reconciliation: Psychological Analysis. *Political Psychology*, 21(2), 351-365. doi: 10.1111/0162-895X.00192
- Baratta, A., & Silbernagl, M. (1982). La legislazione dell'emergenza e la cultura giuridica garantista nel processo penale. *Dei delitti e delle pene*, 3, 543-577.
- Barbano, F. (1966a). Significato e analisi delle strutture nell'antropologia e nella sociologia. *Studi di Sociologia*, 4(2), 103-143.
- Barbano, F. (1966b). Strutture e funzioni sociali. L'emancipazione strutturale in sociologia. *Quaderni di Scienze Sociali*, V(1), 1-38.
- Barbosa de Almeida, M. W. (2015). Structuralism. In J. D. Wright (Ed.), *International Encyclopedia of the Social & Behavioral Sciences* (Vol. 23, pp. 626-631). Oxford: Elsevier. doi:10.1016/B978-0-08-097086-8.12225-1
- Bar-Tal, D. (1989). Delegitimization: The Extreme Case of Stereotyping and Prejudice. In D. Bar-Tal, C. Graumann, A. W. Kruglanski, & W. Stroebe, *Stereotyping and Prejudice: Changing Conceptions* (pp. 169-188). New York: Springer.
- Bar-Tal, D. (1990). Causes and Consequences of Delegitimization: Models of Conflict and Ethnocentrism. *Journal of Social Issues*, 46(1), 65-81. doi:10.1111/j.1540-4560.1990.tb00272.x
- Bartoli, R. (2011). La «Giustizia di Transizione»: Amnistia, Giurisdizione, Riconciliazione. In F. Palazzo, & R. Bartoli (Eds.), *La mediazione penale nel diritto italiano e internazionale* (pp. 57-96). Florence: Firenze University Press.
- Basaglia, F., & Basaglia Ongaro, F. (1975). Crimini di pace. In F. Basaglia, & F. Basaglia Ongaro (Eds.), *Crimini di pace. Ricerche sugli intellettuali e sui tecnici come addetti all'oppressione* (pp. 3-111). Turin: Einaudi.
- Bass, G. J. (2012). Reparations as a Noble Lie. In M. Williams, Nagy, R., & J. Elster (Eds.), *Transitional Justice: NOMOS LI* (pp. 166-179). New York: New York University Press.
- Bastide, R. (1966). *Usi e significati del termine struttura, nelle scienze umane e sociali*. Milan: Bompiani.
- Batliwala, S. (1994). The Meaning of Women's Empowerment: New Concepts from Action. In G. Sen, A. Germain, & L. C. Chen (Eds.), *Population Policies Reconsidered: Health, Empowerment and Rights* (pp. 127-138). Boston: Harvard University Press.
- Battersby, J. (2020). Apartheid/Postapartheid. *International Encyclopedia of Human Geography*, 169-175. doi:10.1016/b978-0-08-102295-5.10159-3
- Bell, C. (2009). Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'. *The International Journal of Transitional Justice*, 3, 5-27. doi: 10.1093/ijtj/ijn044
- Bell, C., Campbell, C., & Ni Aolain, F. (2004). Justice Discourses in Transition. *Social Legal Studies*, 13(3), 305-328. doi:10.1177/0964663904044997
- Bell, R. H. (2002). *Understanding African Philosophy: A Cross-cultural Approach to Classical and Contemporary Issues*. New York: Routledge.
- Bermani, C. (2003). *Il nemico interno, Guerra civile e lotte di classe in Italia (1943 – 1976)*. Rome: Odradek.

- Bhaskar, R. (1989). *Reclaiming Reality*. London: Verso.
- Binik, O. (2017). L'arte del crimine tra liminale e liminoide: il caso di Making a Murderer. *Comunicazioni sociali*, 2, 291-304.
- Blau, P. M. (1982). Structural Sociology and Network Analysis: An Overview. In P. V. Marsden, & N. Lin (Eds.), *Social Structure and Network Analysis* (pp. 273-279). Beverly Hills: Sage.
- Bobbio, N. (1985). *Stato, governo, società. Frammenti di un dizionario politico* (1995 ed.). Turin: Einaudi.
- Bonanate, L. (1979). Dimensioni del terrorismo politico. In L. Bonanate (Ed.), *Dimensioni del terrorismo politico* (pp. 99-179). Milan: Franco Angeli.
- Boraine, A. (2006). Transitional Justice: A Holistic Interpretation. *Journal of International Affairs*, 60(1), 17-27.
- Borofsky, R. (2000a). Public Anthropology. *Transforming Anthropology*, 9(2), 30-33.
- Borofsky, R. (2000b). To Laugh Or Cry? *Anthropology News*, 41(2), 9-10. doi: 10.1111/an.2000.41.2.9
- Borofsky, R. (2000c). Public Anthropology. Where To? What Next? *Anthropology News*, 41(5), 9-10. doi: 10.1111/an.2000.41.5.9
- Borofsky, R. (2004). *Conceptualizing Public Anthropology*. Retrieved from <https://web.archive.org/web/20070414153742/http://www.publicanthropology.org/Defining/definingpa.html> (accessed on 5/8/2023).
- Bortolini, M., & Donati, P. (1999). Approccio morfogenetico vs teoria della strutturazione: la critica di M. S. Archer ad A. Giddens. *Studi di Sociologia*, 37(3), 295-315.
- Boulding, K. E. (1977). Twelve Friendly Quarrels with Johan Galtung. *Journal of Peace Research*, 14(1), 75-86. doi:10.1177/002234337701400105
- Bourdieu, P. (1980). *Le sens pratique*. Paris: Minuit. (eng. transl. *The Logic of Practice Pierre Bourdieu*, Cambridge: Polity, 1990).
- Bourdieu, P. (1988). Vive la Crise! For Heterodoxy in Social Science. *Theory and Society*, 17(5), 773-787.
- Bourdieu, P. (1998). *La domination masculine*. Paris: Seuil.
- Bourdieu, P. (2000). *Propos sur le champ politique*. Lyon: Presses Universitaires de Lyon.
- Bourdieu, P. (2000). *Les structures sociales de l'économie*. Paris: Seuil (eng. transl. *The social structures of the economy*. Cambridge: Polity Press, 2005).
- Bourdieu, P., & Wacquant, L. J. (1992). *Réponses. Pour une anthropologie réflexive*. Paris: Le Seuil. (ita. transl., *Risposte. Per un'antropologia riflessiva*. Turin: Bollati Boringhieri, 1992).
- Bourgois, P., & Scheper-Hughes, N. (2004). Comments on Anthropology of Structural Violence. *Current Anthropology*, 45(3), 317-318.
- Bowring, F. (2015). The individual and society in Durkheim: Unpicking the contradictions. *European Journal of Social Theory*, 1-18. doi:10.1177/1368431015585042
- Brett, R. (2022). Victim-Centred Peacemaking: The Colombian Experience. *Journal of Intervention and Statebuilding*, 16(4), 475-497. doi:10.1080/17502977.2022.2104437
- Brigaglia, M. (2014). Foucault e il potere. *Diritto e questioni pubbliche*, 519-596.
- Brigaglia, M. (2019). *Potere. Una rilettura di Michel Foucault*. Naples: Editoriale Scientifica.
- Brinkerhoff, D. W. (2005). Rebuilding governance in failed states and post-conflict societies: core concepts and cross-cutting themes. *Public Administration and Development*, 25(1), 3-14. doi:10.1002/pad.352

- Brophy, A. L. (2006). *Reparation Pro & Con*. Oxford; New York: Oxford University Press.
- Brounéus, K. (2010). The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health. *The Journal of Conflict Resolution*, 54(3), 408-437. doi:10.1177/0022002709360322
- Brown, C. (1981). Galtung and the Marxists on imperialism: answers vs. questions. *Millennium: Journal of International Studies*, 10(3), 220-228. doi:10.1177/03058298810100030401
- Brysk, A. (1994). *The Politics of Human Rights in Argentina: Protest, Change, and Democratization*. Stanford: Stanford University Press.
- Buckley-Zistel, S., Beck, T. K., Braun, C., & Mieth, F. (2014). Transitional Justice Theories: An Introduction. In S. Buckley-Zistel, T. Beck, C. Braun, & F. Mieth (Eds.), *Transitional Justice Theories* (pp. 19-39). Abingdon; New York: Routledge.
- Buyse, A. (2008). Lost and Regained? Restitution as a Remedy for Human Rights Violations in the Context of International Law. *ZaöRV*, 68, 129-153.
- Calamandrei, P. (1939). Il giudice e lo storico. *Rivista di Diritto Processuale Civile*, 17, 105-128.
- Postone, M., LiPuma, E., & Calhoun, C. (1993). Introduction. In C. Calhoun, E. LiPuma, & M. Postone (Eds.), *Bourdieu: Critical Perspectives* (pp. 1-13). London: Polity.
- Camara, H. (1971). *Spiral of Violence*. London: Sheed and Ward.
- Campbell, C., & Turner, C. (2008). Utopia and the Doubters: Truth, Transition and the Law. *Legal Studies*, 28(3), 374-395. doi:10.1111/j.1748-121X.2008.00093.x
- Carlson, J., Casey, E. A., Edleson, J., Tolman, R., & Kimball, E. (2015). Strategies to engage men and boys in violence prevention: A global organizational perspective. *Violence Against Women*, 21(11), 1406-1425. doi:10.1177/1077801215594888
- Carrillo, A. J. (2006). Justice in Context: The Relevance of Inter-American Human Rights Law and Practice to Repairing the Past. In P. de Greiff (Ed.), *The Handbook of Reparations* (pp. 504-538). New York: Oxford University Press.
- Caselli, G. C. (1989). Considerazione introduttive su dissociazione ed emergenza. In G. C. Caselli, M. Laudi, P. Mileto, & A. Perduca (Eds.), *La dissociazione dal terrorismo* (pp. 7-66). Milan: Giuffré.
- Caselli, G. C., & della Porta, D. (1984). La storia delle Brigate Rosse: strutture organizzative e strategie d'azione. In D. della Porta (Ed.), *Terrorismi in Italia* (pp. 153-221). Bologna: Il Mulino.
- Caselli, G. C., Laudi, M., Mileto, P., & Perduca, A. (Eds.). (1989). *La dissociazione dal terrorismo*. Milan: Giuffré.
- Caselli, G., & Perduca, A. (1982). Commento. Legge 29/5/1982 n. 304. Misure per la difesa dell'ordinamento costituzionale. *La legislazione penale*, 561-569.
- Ceci, G. M. (2013). *Il terrorismo italiano. Storia di un dibattito*. Rome: Carocci.
- Cento Bull, A., & Cooke, P. (2013). *Ending Terrorism in Italy*. London; New York: Routledge.
- Ceretti, A. (2015). Per una convergenza di sguardi. I nostri tragitti e quelli della Commissione per la verità e la riconciliazione sudafricana. In G. Bertagna, A. Ceretti, & C. Mazzucato (Eds.), *Il libro dell'incontro* (pp. 219-250). Milan: Il Saggiatore.
- Ceretti, A. (2017). La South African Truth and Reconciliation Commission. Un esempio paradigmatico di rito di passaggio per ricreare un senso di comunità. In G. L. Potestà, C.

- Mazzucato, & A. Cattaneo (Eds.), *Storie di giustizia riparativa. Il Sudafrica dall'apartheid alla riconciliazione* (pp. 61-80). Bologna: Il Mulino.
- Ceretti, A., & Natali, L. (2009). *Cosmologie violente. Percorsi di vite criminali*. Milan: Raffaello Cortina.
- Ceretti, A., & Natali, L. (2019). Criminologia del genocidio, interazionismo radicale e processi di violentizzazione. Il genocidio ruandese. *Rassegna Italiana di Criminologia*, 3, 174-185. doi: 10.7347/RIC-032019-p174
- Chapman, A. R., & Ball, P. (2001). The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala. *Human Rights Quarterly*, 23(1), 1-43. doi:10.1353/hrq.2001.0005
- Chazel, F. (1983). Pouvoir, structure et domination. *Revue française de sociologie*, 368-393.
- Clark, P. (2012). Addressing Atrocity at the Local Level: Community-Based Approaches to Transitional Justice in Central Africa. In L. May, & A. Forcehimes (Eds.), *Morality, Jus Post Bellum, and International Law* (pp. 49-77). Cambridge: Cambridge University Press.
- Cohen, S. (1995). State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past. *Law & Social Inquiry*, 20(1), 7-50. doi: 10.1111/j.1747-4469.1995.tb00681.x
- Cole, C. M. (2007). Performance, Transitional Justice, and the Law: South Africa's Truth and Reconciliation Commission. *Theatre Journal*, 59(2), 167-187. doi: 10.1353/tj.2007.0087
- Collins, R. (1988). *Theoretical Sociology*. Orlando: Harcourt Brace Jovanovich (ita. transl. *Teorie sociologiche*, Bologna: Il Mulino, 1992).
- Corda, A. (2015). Le forme di diritto penale premiale nella legislazione di contrasto al terrorismo politico. In G. Bertagna, A. Ceretti, & C. Mazzucato (Eds.), *Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto* (pp. 335-349). Milan: Il Saggiatore.
- Cornelli, R. (2020). *La forza di polizia. Uno studio criminologico sulla violenza*. Turin: Giappichelli.
- Cornelli, R. (2021). Le società cambiano, il castigo rimane? La giustizia tra eccedenza del diritto e ordinamento sociale. *Quaderno di storia del penale e della giustizia*, 3, 201-216.
- Corradi, C. (2009). *Sociologia della violenza. Modernità, identità, potere*. Rome: Meltemi.
- Coser, L. A. (1977). *Masters of Sociological Thought*, New York: Harcourt Brace Jovanovich. (ita. transl. *I maestri del pensiero sociologico*, Bologna: Il Mulino, 1997).
- Cowan, S. (1980). Terrorism and the Italian Left. In C. Boggs, & D. Plotke (Eds.), *The Politics of Eurocommunism: socialism in transition* (pp. 171-196). Montreal: Black Rose Books.
- Coyle, D. J. (1983). *Minorities in revolt: political violence in Ireland, Italy, and Cyprus*. Rutherford: Fairleigh Dickinson University Press.
- Crenshaw K. (1991). Mapping the Margins: Intersectionality, Politics and Violence Against Women Color. *Stanford Law Review*, 43, 1241-1299.
- Crespi, F. (1985). *Le vie della sociologia*. Bologna: Il Mulino.
- Crespi, F. (1998). Azione e cultura: i limiti della teoria di Talcott Parsons. In R. Pradini, *Talcott Parsons* (pp. 125-151). Milan: Mondadori.
- Crespi, F. (1999a). *Teoria dell'agire sociale*. Bologna: Il Mulino.
- Crespi, F. (1999b). «Ontologia» e teoria dell'agire sociale in Margaret S. Archer. *Studi di Sociologia*, 37(3), 283-293.
- Crespi, F., & Cerulo, M. (2022). *Il pensiero sociologico*. Bologna: Il Mulino.

- Crespi, I. (2008). Il problema dell'ordine sociale in Talcott Parsons e Harold Garfinkel. *Studi di sociologia*, 3, 329-251.
- Crozier, M. & Friedberg, E. (1977). *L'acteur et le système. Les contraintes de l'action collective*. Paris: Seuil (ita. transl. *Attore sociale e sistema*, Milan : Etas, 1978).
- Dahl, R. A. (1957). The concept of power. *Behavioral Science*, 2(3), 201-215. doi:10.1002/bs.3830020303
- Daly, E. (2002). Transformative Justice: Charting a Path to Reconciliation. *International Legal Perspectives*, 12(1/2), 73-183.
- Daly, E. (2008). Truth Skepticism: An Inquiry into the Value of Truth in Times of Transition. *Article Navigation*, 2(1), 23-41. doi:10.1093/ijtj/ijn004
- Davidovic, M. (2021). The Law of 'Never Again': Transitional Justice and the Transformation of the Norm of Non-Recurrence. *International Journal of Transitional Justice*, 15, 386-406. doi:10.1093/ijtj/ijab011
- de Greiff, P. (2006a). Introduction. Repairing the Past: Compensation for Victims of Human Rights Violations. In P. de Greiff (Ed.), *The Handbook of Reparations* (pp. 1-18). Oxford; New York: Oxford University Press.
- de Greiff, P. (2006b). Justice and Reparation. In P. de Greiff (Ed.), *The Handbook of Reparations* (pp. 452-477). New York: Oxford University Press. doi:10.1093/0199291926.003.0013
- de Greiff, P. (2012). Theorizing Transitional Justice. In M. Williams, Nagy, R., & J. Elster (Eds.), *Transitional Justice: NOMOS LI* (pp. 31-77). New York: New York University Press.
- de Greiff, P. (2014). Transitional Justice and Development. In B. Currie-Alder, R. Kanbur, D. Malone, & R. Medhora (Eds.), *International Development. Ideas, Experience, and Prospects* (pp. 412-427). Oxford: Oxford University Press. doi:10.1093/acprof:oso/9780199671656.003.0025
- de la Roche, R. S. (1996). Collective Violence as Social Control. *Sociological Forum*, 11(1), 97-128.
- de la Roche, R. S. (2001). Why Is Collective Violence Collective? *Sociological Theory*, 19(2), 126-144.
- De Lutiis, G. (1990). Moventi e motivi della dissociazione. In R. Catanzaro (Ed.), *La politica della violenza* (pp. 173-201). Bologna: Il Mulino.
- de Saussure, F. (1916). *Cours de linguistique générale*. (eng. transl. *Course in general linguistics*, New York: The Philosophical Library, 1959).
- De Vito, C. G. (2009). *Camosci e girachiavi. Storia del carcere in Italia 1943-2007*. Rome; Bari: Editori Laterza.
- Dei, F. (2005). Introduzione. In F. Dei (Ed.), *Antropologia della violenza* (pp. 7-75). Rome: Meltemi.
- della Porta, D. (1990). *Il terrorismo di sinistra*. Bologna: Il Mulino.
- della Porta, D. (1992). Institutional Responses to Terrorism: The Italian Case. *Terrorism and Political Violence*, 4(4), 151-170. doi:10.1080/09546559208427179
- della Porta, D. (1993). Protesta e violenza politica. Processi di radicalizzazione nelle organizzazioni dei movimenti collettivi in Italia e Germania, 1960-1990. *Storia e problemi contemporanei*, 11, 21-52.

- della Porta, D. (1996). *Movimenti collettivi e sistema politico in Italia. 1960-1995*. Rome: Laterza.
- della Porta, D. (1998). *Il terrorismo nel mondo contemporaneo*. In Enciclopedia delle scienze sociali, VIII, Istituto della Enciclopedia Italiana, Rome. Retrieved from [https://www.treccani.it/enciclopedia/terrorismo\\_%28Enciclopedia-delle-scienze-sociali%29/](https://www.treccani.it/enciclopedia/terrorismo_%28Enciclopedia-delle-scienze-sociali%29/) (accessed on 5/12/2023).
- della Porta, D. (Ed.), (1984). *Terrorismi in Italia*. Bologna: Il Mulino.
- della Porta, D., & Rossi, M. (1985). I terrorismi in Italia tra il 1969 e il 1982. In G. Pasquino (Ed.), *Il sistema politico italiano* (pp. 418-456). Bari: Laterza.
- della Porta, D., & Tarrow, S. (1986). Unwanted children: Political violence and the cycle of protest in Italy, 1966-1973. *European Journal of Political Research*, 14(5-6), 607-632. doi:10.1111/j.1475-6765.1986.tb00852.x
- Demmers, J. (2017). *Theories of Violent Conflict. An Introduction*. London; New York: Routledge.
- Dickinson, L. A. (2003). The Promise of Hybrid Courts. *The American Journal of International Law*, 97(2), 295-310. doi: 10.2307/3100105.
- Drake, R. (1982). The Red Brigades and the Italian Political Tradition. In Y. Alexander, & K. Myers (Eds.), *Terrorism in Europe* (pp. 102-140). London: Routledge.
- Drake, R. (1984). The Red and the Black: Terrorism in Contemporary Italy. *International Political Science Review*, 5(3), 279-298. doi:10.1177/019251218400500305
- Drake, R. (2001). Why the Moro Trials Have Not Settled the Moro Murder Case. *The Journal of Modern History*, 73(2), 359-378.
- Drake, R. (2021). *The Revolutionary Mystique and Terrorism in Contemporary Italy* (Second edition ed.). Bloomington, Indiana: Indiana University Press.
- Drumbl, M. (2012). *Reimagining Child Soldiers in International Law and Policy*. Oxford: Oxford University Press. doi:10.1093/acprof:oso/9780199592654.001.0001
- du Toit, P., & Kotzé, H. (2010). *Liberal Democracy and Peace in South Africa. The Pursuit of Freedom as Dignity*. New York: Palgrave Macmillan.
- Dudouet, V., Giessmann, H., & Planta, K. (2012). General introduction. In V. Dudouet, H. Giessmann, & K. Planta (Eds.), *Post-War Security Transitions. Participatory Peacebuilding after Asymmetric Conflicts* (pp. 1-13). London; New York: Routledge.
- Durkheim (1893). *La division du travail social*. (eng. transl. *The Division of Labor in Society*, New York: Free Press, 1964).
- Durkheim (1895). *Les Règles de la méthode sociologique*. (eng. transl. *The Rules of Sociological Method*. New York: Macmillan, 1982, retrieved from [https://monoskop.org/images/1/1e/Durkheim\\_Emile\\_The\\_Rules\\_of\\_Sociological\\_Method\\_1982.pdf](https://monoskop.org/images/1/1e/Durkheim_Emile_The_Rules_of_Sociological_Method_1982.pdf)) (accessed on 5/9/2023).
- Duthie, R. (2005). Transitional Justice and Social Reintegration. *Paper Prepared for the Stockholm Initiative on Disarmament, Demobilisation and Reintegration Working Group*, 1-33.
- Eckhardt, W., & Young, C. (1974). Civil conflict, imperialism and inequality. *Journal of Contemporary Revolutions*, 6(2), 76-95.
- Eisner, M. (2001). Modernization, Self-Control and Lethal Violence. The Long-term Dynamics of European Homicide Rates in Theoretical Perspective. *British Journal of Criminology*, 41(4), 618-638 doi: 10.1093/bjc/41.4.618

- Eisner, M. (2003). Long-Term Historical Trends in Violent Crime. *Crime and Justice*, 30, 83-142. <http://www.jstor.org/stable/1147697>
- Ellis, D. G. (2006). *Transforming Conflict: Communication and Ethnopolitical Conflict*. New York: Rowman & Littlefield.
- Elster, J. (1979). *Ulysses and the sirens: studies in rationality and irrationality*. Cambridge: Cambridge University press.
- Elster, J. (1983). *Sour grapes: studies in the subversion of rationality*. Cambridge: Cambridge University Press.
- Elster, J. (2004). *Closing the books: Transitional justice in historical perspectives*. Cambridge: Cambridge University Press.
- Elster, J. (2012). Justice, Truth, Peace. In R. Nagy, M. S. Williams, & J. Elster (Eds.), *Transitional Justice* (pp. 78-97). New York: New York University Press.
- Evans, M. (2016). Structural Violence, Socioeconomic Rights, and Transformative Justice. *Journal of Human Rights*, 15(1), 1-20. doi:10.1080/14754835.2015.1032223
- Evens, T., & Handelman, D. (2011). *The Manchester School: Practice and Ethnographic Praxis in Anthropology*. New York: Berghahn Books.
- Fanon, F. (1961). *Les Damnés de la Terre*. Paris: Maspero. (ita. transl. *I Dannati della Terra*, Turin: Einaudi, 2007).
- Fanon, F. (1963). *The Wretched of the Earth*. New York: Grove Press.
- Farmer, P. (1996). On Suffering and Structural Violence: A View from Below. *Daedalus*, 125(1), 261-283. doi:10.1353/rac.0.0025
- Farmer, P. (2003). *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press.
- Farmer, P. (2004). An Anthropology of Structural Violence. *Current Anthropology*, 45(3), 305-325. doi:10.1086/382250
- Farro, A. L. (2012). Il percorso sociologico di Alain Touraine. In A. L. Farro (Ed.), *Sociologia in movimento. Teoria e ricerca sociale di Alain Touraine* (pp. 15-33). Milan: Edizioni Guerini Scientifica.
- Fasanella, G., Sestieri, C., & Pellegrino, G. (2000). *Segreto di Stato. La verità da Gladio al caso Moro*. Turin: Einaudi.
- Feinberg, H. M. (1993). The 1913 Natives Land Act in South Africa: Politics, Race, and Segregation in the Early 20th Century. *The International Journal of African Historical Studies*, 26(1), 65-109. doi:10.2307/219187
- Ferracuti, F., & Bruno, F. (1981). Psychiatric Aspects of Terrorism in Italy. In I. L. Barak Glantz, & C. R. Huff (Eds.), *The Mad, the Bad, and the Different* (pp. 199-213). Lexington: Lexington Book.
- Ferracuti, F., & Bruno, F. (1983). Italy: A Systems Perspective. In A. P. Goldstein, & M. H. Segall (Eds.), *Aggression in Global Perspective* (pp. 287-312). New York: Pergamon.
- Ferrarotti, F. (1979). *Alle radici della violenza*. Milan: Rizzoli.
- Ferrarotti, F. (2015). Lo studio del potere nelle scienze sociali (con particolare riferimento a Max Weber). *La Critica Sociologica*, XLIX(196), 57-68.
- Firchow, P., & Selim, Y. (2022). Meaningful Engagement from the Bottom-Up? Taking Stock of Participation in Transitional Justice Processes. *International Journal of Transitional Justice*, 16(2), 187-203. doi:10.1093/ijtj/ijab031
- Fitzi, G. (2020). *The Routledge International Handbook of Simmel Studies*. London: Routledge.

- Fornasari, G. (2013). *Giustizia di transizione e diritto penale*. Turin: Giappichelli.
- Foucault, M. (1975). *Surveiller et Punir: Nascita della prigione*. Paris: Editions Gallimard. (eng. transl. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1995).
- Foucault, M. (1976). *La Volonté de savoir*. Paris: Editions Gallimard. (eng. transl. *The History of Sexuality. Volume I: An Introduction*. New York: Pantheon Books, 1978).
- Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. New York : Pantheon Books.
- Foucault, M. (1983). The Subject and Power. In H. L. Dreyfus, & P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (pp. 208-226). Chicago: The University of Chicago Press.
- Foucault, M. (1984). L'éthique du souci de soi comme pratique de la liberté (interview with H. Becker, R. Fornet-Betancourt, A. Gomez-Müller, January 20, 1984), *Concordia. Revista internacional de filosofia*, 6, 99-116. (eng. transl. The ethic of the care for the self as a practice of freedom. In Rabinow, P. (Ed.), *Ethics: Subjectivity and Truth* (pp. 281-301). New York: The New Press, 1997).
- Foucault, M. (2004). *La Nascita della biopolitica. Corsi al Collège de France (1978-1979)*. Paris: Seuil.
- Franchi, V. (2003). The racialization of affirmative action in organizational discourses: A case study of symbolic racism in post-apartheid South Africa. *International Journal of Intercultural Relations*, 27(2), 157-187. doi:10.1016/S0147-1767
- Fraser, N. (1997). *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*. New York: Routledge.
- Fraser, N. (2000). Rethinking recognition. *New Left Review*, 3, 107-120.
- Fraser, N. (2003). Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation. In N. Fraser, & A. Honneth (Eds.), *Redistribution or Recognition: A Political-Philosophical Exchange* (pp. 7-109). London: Verso.
- Fraser, N. (2014). *Justice Interruptus: Critical Reflections on the Postsocialist Condition*. London: Routledge.
- Freeman, L. C. (2007). *Lo sviluppo dell'analisi delle reti sociali. Uno studio di sociologia della scienza*. Milan: FrancoAngeli.
- Freeman, M. (2006). *Truth Commissions and Procedural Fairness*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511584473
- Freire, P. (1968). *Pedagogia do oprimido* (eng. transl. *Pedagogy of the oppressed*, Harmondsworth: Penguin, 1970).
- Freire, P. (1992). *Pedagogy of Hope: Reliving Pedagogy of the Oppressed*. London: Continuum International Publishing Group.
- Friedberg, E. (1993). *Le pouvoir et la règle. Dynamiques de l'action organisée*, Paris: Seuil. (ita. transl. *Il potere e la regola. Dinamiche dell'azione organizzata*. Milan: Etas, 1994).
- Furlong, P. (1981). Political Terrorism in Italy: Responses, Reactions and Immobilism. In J. Lodge (Ed.), *Terrorism: A Challenge to the State* (pp. 57-90). Oxford: Martin Robertson.
- Fusaschi, M. (2000). *Hutu-Tutsi: alle radici del genocidio rwandese*. Turin: Bollati Boringhieri.
- Gaertner, S. L., Rust, M., Dovidio, J. F., Bachman, B. A., & Anastasio, P. (1994). The Contact Hypothesis: The Role of a Common Ingroup Identity on Reducing Intergroup Bias. *Small Group Research*, 25(2), 224-249.



- Gahima, G. (2013). *Transitional Justice in Rwanda. Accountability for Atrocity*. London: Routledge.
- Galante, D. (2015). Los debates parlamentarios de “Punto Final” y “Obediencia Debida”: el Juicio a las Juntas en el discurso político de la transición tardía. *Clepsidra. Revista Interdisciplinaria de Estudios sobre Memoria*, 4, 12–33.
- Galfré, M. (2014a). *La guerra è finita. L'Italia è uscita dal terrorismo 1980-1987*. Rome; Bari: Laterza.
- Gallino, L. (2006). *Dizionario di sociologia*. Turin: Utet Libreria.
- Galtung, J. (1964). An Editorial. *Journal of Peace Research*, 1(1), 1-4. doi:10.1177/002234336400100101.
- Galtung, J. (1967). Social Position, Party Identification and Foreign Policy Orientation: A Norwegian Case Study. In J. N. Rosenau, *Domestic Sources of Foreign Policy* (pp. 161-193). New York: The Free Press.
- Galtung, J. (1968). Peace. In D. L. Sills, *International Encyclopedia of the Social Sciences*, vol. 11 (pp. 487-496). New York: The Macmillan Company and The Free Press.
- Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3), 167-191.
- Galtung, J. (1971). A Structural Theory of Imperialism. *Journal of Peace Research*, 8(2), 81-117. doi:10.1177/002234337100800201.
- Galtung, J. (1978). *The Basic Needs Approach*. Paper presented for the Workshop on Needs, organized by the Internationales Institut für Umwelt und Gesellschaft (IIUG). Retrieved from <https://www.transcend.org/galtung/papers/The%20Basic%20Needs%20Approach.pdf> (accessed on 7/8/2023).
- Galtung, J. (1985). Twenty-Five Years of Peace Research: Ten Challenges and Some Responses. *Journal of Peace Research*, 22(2), 141-158. doi:10.1177/002234338502200205.
- Galtung, J. (1990). Cultural Violence. *Journal of Peace Research*, 27(3), 291-305. doi:10.1177/0022343390027003005
- Galtung, J. (1994). *Human Rights in Another Key*. Cambridge: Polity Press.
- Galtung, J. (1996). *Peace by peaceful means: peace and conflict, development and civilization*. London: Sage Publications. (ita. transl. *Pace con mezzi pacifici*. Milan: Esperia, 2000).
- Galtung, J. (2000). *Conflict Transformation by Peaceful Means (the Transcend Method)*. United Nations. Retrieved from [https://www.transcend.org/pctrcluj2004/TRANSCEND\\_manual.pdf](https://www.transcend.org/pctrcluj2004/TRANSCEND_manual.pdf) (accessed on 15/8/2023).
- Galtung, J. (2004). *Transcend and transform: an introduction to conflict work*. London: Pluto press. (ita. transl. *Affrontare il conflitto. Trascendere e trasformare*. Pisa: Pisa University Press, 2014).
- Galtung, J. (2009). *Theories of Conflict. Definitions, Dimentions, Negations, Formations*. Norway: Transcend University Press. Retrieved from [https://www.transcend.org/files/Galtung\\_Book\\_Theories\\_Of\\_Conflict\\_single.pdf](https://www.transcend.org/files/Galtung_Book_Theories_Of_Conflict_single.pdf) (accessed on 5/8/2023).
- Galtung, J., & Høivik, T. (1971). Structural and Direct Violence. A Note on Operationalization. *Journal of Peace Research*, 8(1), 73-76.

- Garkawe, S. (2003). The South African Truth and Reconciliation Commission: a Suitable Model to Enhance the Role and Rights of the Victims of Gross Violations of Human Rights? *Melbourne University Law Review*, 27, 334-380.
- Garland, D. (2001). *The Culture of Control. Crime and Social Order in Contemporary Society*. Oxford; New York: Oxford University Press.
- Gawerc, M. (2006). Peace-building: Theoretical and concrete perspectives. *Peace & Change*, 31(4), 435-478. doi:10.1111/j.1468-0130.2006.00387.x
- Geras, N. (1972). Althusser's Marxism: An Account and Assessment. *New Left Review*, 57-86.
- Giambruno, S. (1980). Considerazioni sulle ultime «Misure urgenti per la tutela dell'ordine democratico e della sicurezza pubblica». *La Giustizia penale*.
- Gibson, J. L. (2006). Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *The Annals of the American Academy of Political and Social Science*, 603, 82-110. doi:10.1177/0002716205282895
- Giddens, A. (1979). *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*. London: Macmillan.
- Giddens, A. (1984). *The Constitution of Society. Outline of the Theory of Structuration*. Cambridge: Polity Press.
- Giddens, A. (2013). *New Rules of Sociological Method* (Second Edition ed.). London: Hutchinson.
- Gill, S., & Niens, U. (2014). Education as humanisation: A theoretical review on the role of dialogic pedagogy in peacebuilding education. *Compare*, 44(1), 10-31. doi:10.1080/03057925.2013.859879
- Gissel, L. E. (2016). Contemporary Transitional Justice: Normalising a Politics of Exception. *Global Society*, 1-17. doi:10.1080/13600826.2016.1255933
- Gissel, L. E. (2022). The standardisation of transitional justice. *European Journal of International Relations*, 28(4), 859-884. doi:10.1177/13540661221120980
- Gordon, R. E. (1996). Humanitarian Intervention by the United Nations: Iraq, Somalia, and Haiti. *Texas International Law Journal*, 31(1), 43-56.
- Gready, P. (2019). Introduction. In P. Gready, & S. Robins (Eds.), *From Transitional to Transformative Justice* (pp. 1-28). Cambridge: Cambridge University Press. doi:10.1017/9781316676028
- Gready, P. (2005). Analysis: Reconceptualising transitional justice: embedded and distanced justice. *Conflict, Security & Development*, 5(1), 3-21. doi:10.1080/14678800500103218
- Gready, P., & Robins, S. (2014). From Transitional to Transformative Justice: A New Agenda for Practice. *International Journal of Transitional Justice*, 8(3), 339-361. doi:doi.org/10.1093/ijtj/iju013
- Gready, P., & Robins, S. (2017). Rethinking civil society and transitional justice: lessons from social movements and 'new' civil society. *The International Journal of Human Rights*, 21(7), 956-975. doi:10.1080/13642987.2017.1313237
- Gready, P., & Robins, S. (2020). Transitional Justice and Theories of Change: Towards evaluation as understanding. *International Journal of Transitional Justice*, 14, 280-299. doi:10.1093/ijtj/ijaa008
- Green, L. (2004). Comments on An Anthropology of Structural Violence. *Current Anthropology*, 45(3), 319-320. doi:10.1086/382250

- Grevi, V. (1984). Sistema penale e leggi dell'emergenza. In G. Pasquino (Ed.), *La prova delle armi* (pp. 17-74). Bologna: Il Mulino.
- Groome, D. (2018). Principle 2. The Inalienable Right to the Truth. In F. Haldemann, & T. Unger (Eds.), *The United Nations Principles to Combat Impunity: A Commentary*. Oxford: Oxford University Press. doi:10.1093/law/9780198743606.001.0001
- Guembe, M. J. (2006). Economic Reparations for Grave Human Rights Violations: The Argentinean Experience. In P. de Greiff (Ed.), *The Handbook of Reparations* (pp. 21-54). New York: Oxford University Press. doi:10.1093/0199291926.003.0002
- Guilhot, N. (2002). 'The Transition To The Human World Of Democracy'. Notes for a History of the Concept of Transition, from Early Marxism to 1989. *European Journal of Social Theory*, 5(2), 219-243. doi:10.1177/13684310222225423
- Gupta, G. R. (2000). Gender, sexuality, and HIV/AIDS: The what, the why, and the how. *Policy Law Rev*, 5(4), 86-93.
- Gurr, T.R. (1981). Historical Trends in Violent Crime: A Critical Review of the Evidence. *Crime and Justice*, 3, 295-393 <https://www.jstor.org/stable/1147382>
- Haas, K. (2012). *Truth, Trials, Transition: The Meaning of Justice in Post-Dirty War Argentina*, Senior Essay, History Department, Yale University. Retrieved from <https://history.yale.edu/sites/default/files/files/Haas%20%20Katherine%20senior%20essay%202012.pdf> (accessed on 5/7/2023).
- Haldemann, F. (2018). Principle 31. Rights and Duties Arising Out of the Obligation to Make Reparation. In F. Haldemann, & T. Unger (Eds.), *The United Nations Principles to Combat Impunity. A Commentary* (pp. 335-348). Oxford: Oxford University Press. doi:10.1093/law/9780198743606.001.0001
- Haldemann, F. (2023). *Transitional justice for foxes: conflict, pluralism and the politics of compromise*. Cambridge, New York: Cambridge University Press. doi:10.1017/9781108933964
- Haldemann, F., & Unger, T. (2018). Introduction. In F. Haldemann, & T. Unger, *The United Nations Principles to Combat Impunity. A Commentary* (pp. 4-25). Oxford: Oxford University Press.
- Hamber, B. (2016). There Is a Crack in Everything: Problematising Masculinities, Peacebuilding and Transitional Justice. *Human Rights Review*, 17, 9-34. doi:10.1007/s12142-015-0377-z
- Hammond, S. C., Anderson, R., & Cissna, K. N. (2003). The Problematics of Dialogue and Power. *Annals of the International Communication Association*, 27(1), 125-157. doi:10.1080/23808985.2003.11679024
- Hankel, G. (2010). The United Nations, the Cold War, and Its Legacy. In D. Bloxham, & A. Moses (Eds.), *The Oxford Handbook of Genocide Studies* (pp. 579-596). Oxford: Oxford University Press.
- Hansen, T. O. (2014). The Vertical and Horizontal Expansion of Transitional Justice: Explanations and Implications for a Contested Field. In S. Buckley-Zistel, T. K. Beck, C. Braun, & F. Mieth (Eds.), *Transitional Justice Theories* (pp. 105-124). Abingdon; New York: Routledge.
- Hansen, T. O. (2017). The Time and Space of Transitional Justice. In C. Lawther, L. Moffett, & D. Jacobs (Eds.), *Research Handbook on Transitional Justice* (pp. 34-51). Cheltenham; Northampton: Edward Elgar. doi:10.4337/9781781955314

- Hayner, P. B. (2011). *Unspeakable Truths. Transitional Justice and the Challenge of Truth Commissions*. New York; London: Routledge.
- Hendricks, F. (2003). *Fault-Lines in South African Democracy: Continuing Crisis of Inequality and Injustice*, Discussion Paper No 22, Uppsala: Nordiska Afrikainstitutet.
- Henkin, L. (1999). Kosovo and the Law of “Humanitarian Intervention”. *The American Journal of International Law*, 93(4), 824-828.
- Hewstone, M., Cairns, E., Voci, A., Paolini, S., McLernon, F., Crisp, R. J., & Niens, U. (2005). Intergroup Contact in a Divided Society: Challenging Segregation in Northern Ireland. In D. Abrams, M. A. Hogg, & J. M. Marques (Eds.), *The Social Psychology of Inclusion and Exclusion* (pp. 265-292). Philadelphia: Psychology Press.
- Héritier, F. (1996). Réflexions pour nourrir la réflexion. In F. Héritier (Ed.), *De la violence* (pp. 11-54). Paris: Odile Jacob. (ita. transl. Riflessioni per nutrire la riflessione. In F. Héritier (Ed.), *Sulla violenza* (pp. 10-46), Rome: Meltemi).
- Hoddy, E. (2022). What Role for Social Science Research in Transformative Justice? In M. Evans, *Beyond Transitional Justice. Transformative Justice and the State of the Field (or non-field)* (pp. 75-85). Abingdon; New York: Routledge. doi:10.4324/9781003169451
- Hoddy, E. T., & Gready, P. (2020). From agency to root causes: addressing structural Barriers to transformative justice in transitional and post-conflict settings. *Contemporary Social Science*, 15(5), 561-576. doi:10.1080/21582041.2020.1812706
- Høivik, T. (1977). The demography of structural violence. *Journal of Peace Research*, 14(1), 59–73. doi:10.1177/002234337701400104
- Honneth, A. (1995). *The Struggle for Recognition: The Grammar of Social Conflicts*. Cambridge: Polity.
- Honneth, A. (2004). Recognition and Justice: Outline of a Plural Theory of Justice. *Acta Sociologica*, 47(4), 351-364.
- Honneth, A. (2007). *Disrespect: The Normative Foundations of Critical Theory*. Cambridge: Polity.
- Honneth, A. (2012). *The I in We: Studies in the Theory of Recognition*. Cambridge; Malden: Polity press.
- Horne, C. M. (2017). Transitional justice: Vetting and lustration. In C. Lawther, L. Moffett, & D. Jacobs (Eds.), *Research Handbook on Transitional Justice* (pp. 424-441). Cheltenham; Northampton: Edward Elgar Publishing. doi:10.4337/9781781955314
- Huntington, S.P. (1991). *The Third Wave. Democratization in the Late Twentieth Century*. Norman, Oklahoma: University of Oklahoma Press.
- Huyse, L. (1995). Justice after Transitiona: On the Choices Successor Elites Make in Dealing With the Past. In N. J. Kritz (Ed.), *Transitional justice: How emerging democracies reckon with former regimes. Volume I: General considerations* (pp. 337-349). Washington: United States Institute of Peace Press.
- Iacono, A. (2022). *Educare al diventare ciò che si è: la pedagogia degli oppressi di Paulo Freire*. Caltanissetta; Rome: Salvatore Sciascia.
- Iadicola, P., & Shupe, A. D. (2013). *Violence, Inequality, and Human Freedom*. Lanham: Rowman & Littlefield Publishers.
- Ignatieff, M. (1966). Articles of Faith. *Index on Censorship*, 25(5), 110-122.
- Impunity Watch. (2016). Policy Brief. Burundi’s TRC officially launched: but will victims participate? 1-10. Retrieved from <https://medialibrary.uantwerpen.be/oldcontent/container2673/files/Burundi%20DPP/jus>

...tice%20transitionnelle/CVR%20et%20TS/analyses/IW0316E.pdf (accessed on 5/11/2023).

- International Center for Transitional Justice (ICTJ), (2012). *Strengthening Indigenous Rights through Truth Commissions: A Practitioner's Resource*. Retrieved from <https://www.ictj.org/resource-library/strengthening-indigenous-rights-through-truth-commissions-practitioners-resource> (accessed on 15/1/2024).
- International Center for Transitional Justice (ICTJ), (2021). *Transitional Justice and Prevention. Summary findings from five country case studies*. Retrieved from [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_Overview\\_TJ\\_Prevention.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_Overview_TJ_Prevention.pdf) (accessed on 15/1/2024).
- International Center for Transitional Justice (ICTJ), (2022). *Strategic Plan: 2022 - 2027*. Retrieved from [https://www.ictj.org/sites/default/files/2023-01/ictj\\_2022-2027-strategic-plan\\_2\\_0.pdf](https://www.ictj.org/sites/default/files/2023-01/ictj_2022-2027-strategic-plan_2_0.pdf) (accessed on 15/1/2024).
- Inwood, M. (1992). *A Hegel Dictionary*. Oxford: Blackwell.
- Izzo A. (1994). *Storia del pensiero sociologico*. Bologna: il Mulino.
- Jacoby, T. (2008). *Understanding Conflict and Violence. Theoretical and Interdisciplinary Approaches*. London; New York: Routledge.
- Jamnejad, M. & Wood, M. (2009). The Principle of Non-intervention. *Leiden Journal of International Law*, 22(2), 345-381. doi:10.1017/S0922156509005858
- Jedlowski, P. (2019). *Il mondo in questione. Introduzione alla storia del pensiero sociologico*. Rome: Carocci.
- Jewkes, R., Flood, M., & Lang, J. (2015). From work with men and boys to changes of social norms and reductions of inequities in gender relations: A conceptual shift in prevention of violence against women and girls. *Lancet*, 385(9977), 1580-1589. doi:10.1016/S0140-6736(14)61683-4.
- Kabeer, N. (2005). Gender Equality and Women's Empowerment: A Critical Analysis of the Third Millennium Development Goal. *Gender and Development*, 13(1), 13-24.
- Kant, I. (1991). *Political Writings*. (H. Reiss, Ed.) Cambridge: Cambridge University Press.
- Kaplan, O., & Nussio, E. (2018). Community counts: The social reintegration of ex-combatants in Colombia. *Conflict Management and Peace Science*, 35(2), 132-153.
- Karstedt, S. (2016). The Emotion Dynamics of Transitional Justice: An Emotion Sharing Perspective. *Emotion Review*, 8(1), 50-55. doi:10.1177/1754073915601214
- Kelly, M. (1977). Louis Althusser and Marxist Theory. *Journal of European Studies*, 7(27), 189-203. doi:10.1177/004724417700702703.
- Kelman, H. C. (1999). Transforming the Relationship between Former Enemies: A Social-Psychological Analysis. In R. L. Rothstein (Ed.), *After the Peace: Resistance and Reconciliation* (pp. 193-205). Boulder: Lynne-Rienner.
- Kennedy, D. (2002). The International Human Rights Movement: Part of the Problem? *Harvard Human Rights Journal*, 15, 101-125.
- Kenworthy, J. B., Turner, R. N., Hewstone, M., & Voci, A. (2005). Intergroup Contact: When Does It Work and Why? In J. F. Dovidio, P. Glick, & L. A. Rudman (Eds.), *On The Nature of Prejudice: Fifty Years after Allport* (pp. 278-292). Oxford: Blackwell.
- Kim, H., & Sikkink, K. (2007). *Do Human Rights Trials Make a Difference?* San Francisco: Annual Meeting of International Studies Association (unpublished).
- Kinder, E. (2021). Non-recurrence, reconciliation, and transitional justice: situating accountability in Northern Ireland's oral history archive. *The International Journal of Human Rights*, 25(3), 509-528. doi:10.1080/13642987.2020.1746649

- King, A. (2000). Thinking with Bourdieu against Bourdieu: A “Practical” Critique of the Habitus. *Sociological Theory*, 18(3), 417–433. <http://www.jstor.org/stable/223327>
- King, C. (2007). Power, Social Violence and Civil Wars. In C. A. Crocker, F. O. Hampson, & P. Aall, *Leashing the Dogs of War: Conflict Management in a Divided World* (pp. 115-130). Washington DC: United States Institute of Peace Press.
- Kleinman, A., Das, V., & Lock, M. (1997). *Social Suffering*. Berkeley: University of California Press.
- Köhler, G., & Alcock, N. (1976). An Empirical Table of Structural Violence. *Journal of Peace Research* , 13(4), 343-356. doi:<https://www.jstor.org/stable/422498>
- Kritz, N. J. (1996). Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights. *Law and Contemporary Problems*, 59(4), 127-152. doi:10.2307/1192195
- Kritz, N. J. (Ed.), (1995). *Transitional justice: How emerging democracies reckon with former regimes. Volume I: General considerations*. Washington: United States Institute of Peace Press.
- Kroeber, A. L. (1948). *Anthropology*. New York: Harcourt, Brace and Company.
- La Greca, G. (1983). Documenti per una riflessione sugli istituti di “massima sicurezza” (“Nota” a Trib. Milano 24 gennaio 1983 e Trib. Avellino 11 dicembre 1982). *Il foro italiano*, 106, II-.
- Lamaison, P., & Bourdieu, P. (1986). From Rules to Strategies: An Interview with Pierre Bourdieu. *Cultural Anthropology*, 1(1), 110–120. <http://www.jstor.org/stable/656327>
- Lambourne, W. (2009). Transitional Justice and Peacebuilding after Mass Violence. *International Journal of Transitional Justice*, 3, 28–48. doi:10.1093/ijtj/ijn037
- Lambourne, W. (2009). Transitional Justice and Peacebuilding after Mass Violence. *International Journal of Transitional Justice*, 3(1), 284-308. doi:10.1093/ijtj/ijn037
- Landsman, S. (1996). Alternative Responses to Serious Human Rights Abuses: Of Prosecution and Truth Commissions. *Law and Contemporary Problems*, 59(4), 81-92. doi:10.2307/1192192
- Laplante, L. J. (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. doi:10.1093/ijtj/ijn031
- Laqueur, W. (1987). *The Age of Terrorism*. London: Weidenfeld and Nicolson.
- Latif, D. (2000). United Nations’ Changing Role in the Post-Cold War Era. *The Turkish Yearbook of International Relations*, 30, 23-66. doi:10.1501/Intrel\_0000000019
- Laudi, M. (1983). *I casi di non punibilità dei terroristi «pentiti»*. Milan: Giuffré.
- Lazar, M., & Matard-Bonucci, M. A. (A cura di). (2013). *Il libro degli anni di piombo*. Milan: Rizzoli.
- Lederach, J. P. (1997). *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington: United States Institute of Peace Press.
- Lederach, J. P. (2005). *The Moral Imagination: The art and soul of building peace*. Oxford: Oxford University Press.
- Leebaw, B. (2008). The Irreconcilable Goals of Transitional Justice. *Human Rights Quarterly*, 30(1), 95-118.
- Lévi-Strauss, C. (1958). *Anthropologie structurale*. Paris: Plon. (eng. transl. *Structural Anthropology*, New York: Basic Books, 1963).

- Licciardi, G. (2020). La rivoluzione è finita, la guerra continua. Carceri, pentiti e dissociati 1980-87. *Meridiana*, 97, 105-122.
- Lira, E. (2006). The Reparations Policy for Human Rights Violations in Chile. In P. de Greiff (Ed.), *The Handbook of Reparation* (pp. 55-101). New York: Oxford University Press. doi:10.1093/0199291926.003.0003
- Litmanen, T. (2010). Deconstructed Touraine: The Radical Sociologist for the Sake of Social Actors and Society. In G. Martin, D. Houston, & P. McLaren (Eds.), *The havoc of capitalism: publics, pedagogies and environmental crisis* (pp. 229-252). Boston: Brill. Retrieved from [https://www.researchgate.net/publication/262198648\\_Deconstructed\\_Touraine\\_The\\_Radical\\_Sociologist\\_for\\_the\\_Sake\\_of\\_Social\\_Actors\\_and\\_Society](https://www.researchgate.net/publication/262198648_Deconstructed_Touraine_The_Radical_Sociologist_for_the_Sake_of_Social_Actors_and_Society) (accessed on 5/11/2023).
- Link, A. J., & Williams, D. J. (2015). Leisure functioning and offender rehabilitation: A correlational exploration into factors affecting successful reentry. *International Journal of Offender Therapy and Comparative Criminology*, 61(2), 150-170. doi:10.1177/0306624X15600695
- Luhmann, N. (1975). *Macht*, Stuttgart: Ferdinand Enke Verlag. (ita. transl. *Potere e complessità sociale*, Milan: Il Saggiatore, 1979).
- Lumley, R. (1998). *Dal '68 agli anni di piombo. Studenti e operai nella crisi italiana*. Firenze: Giunti.
- Lundy, P., & McGovern, M. (2008). Whose Justice? Rethinking Transitional Justice from the Bottom Up. *Journal of Law and Society*, 35(2), 265-292. doi:10.1111/j.1467-6478.2008.00438.x
- Luoma, C. (2021). Closing the cultural rights gap in transitional justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls. *Netherlands Quarterly of Human Rights*, 39(1), 30-52. doi:10.1177/0924051921992747
- Mac Ginty, R. (2008). Indigenous peacemaking versus the liberal peace. *Cooperation and Conflict*, 43(2), 139-63. doi:10.1177/0010836708089
- Maccarini, A. M. (2008). Verso una nuova sociologia europea. L'approccio morfogenetico tra analisi sociale e grande teoria. In A. M. Maccarini, E. Morandi, & R. Pradini, *Realismo sociologico. La realtà non ama nascondersi* (pp. 183-224). Genova-Milan: Marietti.
- Magatti, M. (1995). Libertà, disciplinamento, appartenenza: sulla persistente ambivalenza della modernità. *Studi di Sociologia*, 1, 23-41.
- Mahmood, M. (1996). Reconciliation without Justice. *Southern African Review of Books*, 17(46), 3-5.
- Malamud-Goti, J. (1991). Punishment and Rights-Based Democracy, *Criminal Justice Ethics*, 10(2), 3-13.
- Malamud-Goti, J. (1995). Punishing Human Rights Abuses in Fledgling Democracies: The Case of Argentina. In N. Roht-Arriaza (Ed.), *Impunity and Human Rights in International Law and Practice* (160-170). Oxford; New York: Oxford University Press.
- Malamud-Goti, J. E. (1989). Trying Violators of Human Rights: The Dilemma of Transitional Democratic Governments. In A. Institute (Ed.), *State Crimes: Punishment Or Pardon: Papers and Report of the Conference*. Queenstown, MD: Justice and Society Program of the Aspen Institute.
- Malloy, T. E. (2008). Intergroup Relations and Reconciliation: Theoretical Analysis and Methodological Implications. In A. Nadler, T. Malloy, & J. D. Fisher (Eds.), *The Social*

- Psychology of Intergroup Reconciliation* (pp. 345–366). Oxford: Oxford University Press.
- Mamdani, M. (2015). Beyond Nuremberg: The Historical Significance of the Post-Apartheid Transition in South Africa. *Politics and Society*, 43(1), 61-88. doi:10.1177/0032329214554387
- Manconi, L. (1983). Movimenti e nuovi movimenti: identità e negoziazione. *Quaderni piacentini*, 22(8), 75-113.
- Manconi, L. (1990). Il nemico assoluto. Antifascismo e contropotere nella fase aurorale del terrorismo di sinistra (pp. 47-91). In R. Catanzaro, *La politica della violenza*. Bologna: Il Mulino.
- Mani, R. (2002). *Beyond Retribution: Seeking Justice in the Shadows of War*. Malden, MA: Polity.
- 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. doi:10.1093/ijtj/ijn030
- Mann, M. (2005). *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press
- Margalit, A. (2001). Recognizing the Brother and the Other. *Proceedings of the Aristotelian Society: Supplementary Volumes*, 75(1), 127-139. doi:10.1111/1467-8349.00082
- Martin-Baro, I. (1994). *Writings for a Liberation Psychology*. Boston: Harvard University Press.
- Martin-Beristain, C., Paez, D., Rime, B., & Kanyanga, P. (2010). Psychosocial effects of participation in rituals of transitional justice: A collective-level analysis and review of the literature of the effects of TRCs and trials on human rights violations in Latin America. *Revista de Psicología*, 25(1), 47-60. doi:10.1174/021347410790193450
- Martire, F. (2009). La sociologia di Merton: indeterminatezza dell'azione e delle strutture. *Quaderni di Sociologia*. doi:10.4000/qds.764.
- Marx, K. (1847). *Misère de la philosophie*. (eng. transl. *The Poverty of Philosophy*. Moscow: Progress Publishers, 1955, retrieved from <https://www.marxists.org/archive/marx/works/1847/poverty-philosophy/ch02.htm>, (accessed on 18/9/2023)).
- Marx, K. (1852). *Der achtzehnte Brumaire des Louis Bonaparte, Die Revolution* (New York), 1. (eng. transl. *The Eighteenth Brumaire of Louis Bonaparte*, Moscow: Progress Publishers, 1977, retrieved from <https://www.marxists.org/archive/marx/works/1852/18th-brumaire/> (accessed on 18/9/2023)).
- Marx, K. (1859). *Zur Kritik der Politischen Ökonomie*. (eng. transl. *A Contribution to the Critique of Political Economy*, Moscow: Progress Publishers, 1977, retrieved from <https://www.marxists.org/archive/marx/works/1859/critique-pol-economy/index.htm> (accessed on 18/9/2023)).
- Mastromarino, A. (2018). *Stato e Memoria. Studio di diritto comparato*. Milan: Franco Angeli.
- Mayer-Rieckh, A. (2007). On Preventing Abuse: Vetting and Other Transitional Reforms. In A. Mayer-Rieckh, & P. de Greiff (Eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies* (pp. 482-520). New York: Social Science Research Council.
- Mayer-Rieckh, A. (2017). Guarantees of Non-Recurrence: An Approximation. *Human Rights Quarterly*, 39(2), 416-448.



- McAuliffe, P. (2017). *Transformative Transitional Justice and the Malleability of Post-Conflict States*. Cheltenham: Edward Elgar Publishing. doi:10.4337/9781783470044
- McAuliffe, P. (2022). Two Logics of Non-Recurrence after Civil Conflict. *International Human Rights Law Review*, 11(2), 153-185. doi:10.1163/22131035-11020001
- McEvoy, K. (2007). Beyond Legalism: Towards a Thicker Understanding of Transitional Justice. *Journal of Law and Society*, 34(4), 411-440. doi:10.1111/j.1467-6478.2007.00399.x
- McEvoy, K. (2012). Agents of change - ex-prisoners, ex-combatants and conflict transformation in Northern Ireland. In V. Dudouet, H. Giessmann, & K. Planta (Eds.), *Post-War Security Transitions. Participatory Peacebuilding after Asymmetric Conflicts* (pp. 105-122). London; New York: Routledge.
- McEvoy, K., & McConnachie, K. (2012). Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy. *European Journal of Criminology*, 9(5), 527-538. doi:10.1177/1477370812454204
- McEvoy, K., & McConnachie, K. (2013). Victims and Transitional Justice: Voice, Agency and Blame. *Social & Legal Studies*, 22(4), 489-513. doi:10.1177/0964663913499062
- McEvoy, K., & Shirlow, P. (2009). Re-imagining DDR ex-combatants, leadership and moral agency in conflict transformation. *Theoretical Criminology*, 13(1), 31-59. doi:10.1177/1362480608100172
- McGill, D. (2017). Different Violence, Different Justice? Taking Structural Violence Seriously in Post-Conflict and Transitional Justice Processes. *State Crime Journal*, 6(1), 79-101. doi:10.13169/statecrime.6.1.0079
- McNamee, T. (2021). Such a Long Journey: Peacebuilding After Genocide in Rwanda. In T. McNamee, & M. Muyangwa (Eds.), *The State of Peacebuilding in Africa. Lessons Learned for Policymakers and Practitioners* (pp. 379-395). Cham, Switzerland: Palgrave Macmillan. doi:10.1007/978-3-030-46636-7
- Meernik, J. (2003). Victor's Justice or the Law? Judging And Punishing At The International Criminal Tribunal For The Former Yugoslavia. *Journal of Conflict Resolution*, 47(2), 140-162. doi:10.1177/0022002702251
- Melucci, A. (1982). *L'invenzione del presente*. Bologna: Il Mulino.
- Mendeloff, D. (2004). Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm? *International Studies Review*, 6(3), 355-380. doi:10.1111/j.1521-9488.2004.00421.x
- Méndez, J. E. (1997). Accountability for Past Abuses. *Human Rights Quarterly*, 19, 255-282.
- Merzagoza, I. (2019). La normalità del male. La criminologia dei pochi, la criminalità dei molti. Milan: Raffaello Cortina.
- Milan, G. (2008). L'educazione come dialogo. Riflessioni sulla Pedagogia di Paulo Freire. *Studium Educationis*, 1(1), 43-65.
- Milanović, M. (2016a). The Impact of the ICTY on the Former Yugoslavia: An Anticipatory Postmortem. *The American Journal of International Law*, 110(2), 233-259. doi:10.5305/amerjintelaw.110.2.0233
- Milanović, M. (2016b). Establishing the facts about mass atrocities: accounting for the failure of the icty to persuade target audiences. *Georgetown Journal of International Law*, 47(4), 1321-1378.

- Milgram, S. (1977). *The individual in a social world: essays and experiments*. Addison-Wesley Pub.
- Miller, Z. (2008). Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice. *The International Journal of Transitional Justice*, 2, 266–291. doi:10.1093/ijtj/ijn022
- Modiri, J.M. (2015). *Race, law and the incomplete transition in the afterlife of Apartheid*. Paper presented at Critical Legal Conference 2015: ‘Law, Space and the Political’, University of Wrocław, Poland, 3–5 September 2015.
- Mohamed, S. (2015). Deviance, Aspiration, and the Stories We Tell: Reconciling Mass Atrocity and the Criminal Law, *The Yale Law Journal*, 124(5), Retrieved from <https://www.yalelawjournal.org/article/reconciling-mass-atrocity-and-the-criminal-law> (accessed on 18/1/2024).
- Montesquieu, C. L. (1748). *De l’Esprit des Lois*. (ita. transl. *Lo Spirito delle Leggi*. Turin: UTET, 1965).
- Moreno, J. (1934). *Who Shall Survives?* New York: Beacon Press.
- Morlino, L. (2003). *Democrazie e democratizzazioni*. Bologna: Il Mulino.
- Morlino, L. (2014). *Democrazia e mutamenti. Attori, strutture e processi*. Rome: Luiss University Press.
- Muggah, R., & O’Donnell, C. (2015). Next Generation Disarmament, Demobilization and Reintegration. *Stability: International Journal of Security & Development*, 4(1), 1-12. doi: 10.5334/sta.fs
- Mullen, M. (2015). Reassessing the Focus of Transitional Justice: The Need to Move Structural and Cultural Violence to the Centre. *Cambridge Review of International Affairs*, 28(3), 462-479. doi:10.1080/09557571.2012.734778
- Nadler, A., Malloy, T. E., & Fisher, J. D. (2008). Intergroup Reconciliation: Dimensions and Themes. In A. Nadler, T. E. Malloy, & J. D. Fisher (Eds.), *The Social Psychology of Intergroup Reconciliation* (pp. 3-12). Oxford: Oxford University Press.
- Nagy, R. (2008). Transitional Justice as Global Project: Critical Reflections. *Third World Quarterly*, 29(2), 275-289. doi:10.1080/01436590701806848
- Naqvi, Y. (2006). The Right to the Truth in International Law: Fact or Fiction? *International Review of the Red Cross*, 88(862), 245-273. doi:10.1017/S1816383106000518
- Nichter, M. (2008). *Global Health: Why Cultural Perceptions, Social Representations, and Biopolitics Matter*. Tucson: University of Arizona Press. doi:10.2307/j.ctv131btjg.
- Nickson, R., & Braithwaite, J. (2014). Deeper, broader, longer transitional justice. *European Journal of Criminology*, 11(4), 445-463.
- Nino, C. S. (1991). The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina. *The Yale Law Journal*, 100(8), 2619–2640.
- Nino, C. S. (1996). *Radical Evil on Trial*. New Haven: Yale University Press.
- Nixon, R. (2011). *Slow Violence and the Environmentalism of the Poor*. London: Harvard University Press.
- O’Rourke, C. (2015). Feminist Scholarship in Transitional Justice: a De-politicising Impulse? *Women’s Studies International Forum*, 51, 118-127. doi:10.1016/j.wsif.2014.11.003
- Offe, C. (1999). How can we trust our fellow citizens? In M. E. Warren (Ed.), *Democracy and Trust* (pp. 42-87). Cambridge: Cambridge University Press.
- Ohlin, J. (2007). On the very idea of transitional justice. *Whitehead Journal of Diplomacy and International Relations*, 8, 51-68.

- Olaveson, T. (2001). Collective Effervescence and Communitas: Processual Models of Ritual and Society in Emile Durkheim and Victor Turner. *Dialectical Anthropology*, 26, 89-124. doi:10.1023/A:1020447706406
- Olsen, T. D., Payne, L. A., & Reiter, A. G. (2010). The Justice Balance: When Transitional Justice Improves Human Rights and Democracy. *Human Rights Quarterly*, 32(4), 980-1007.
- Orentlicher, D. (1991) Settling Accounts: The Duty to Punish Human Rights Violations of a Prior Regime, *The Yale Law Journal*, 100(8), 2537–2615.
- Padovani, T. (1981). Ordine pubblico e Ordine penitenziario: un'evasione dalla legalità. In V. Grevi (Ed.) *Diritti dei detenuti e trattamento penitenziario*. Bologna: Zanichelli.
- Paolucci, G. (2011). *Introduzione a Bourdieu*. Bari: Laterza.
- Parlevliet, M. (1998). Considering Truth. Dealing with a Legacy of Gross Human Rights Violations. *Netherlands Quarterly of Human Rights*, 16(2), 175-200. doi:10.1177/092405199801600203
- Parson, T. (1937). *The Structure of Social Action*. (ita. transl. *La struttura dell'azione sociale*, Bologna: Il Mulino, 1987).
- Parson, T. (1951). *The Social System*. Taylor & Francis e-Library. Retrieved from <https://voidnetwork.gr/wp-content/uploads/2016/10/The-Social-System-by-Talcott-Parsons.pdf>. (accessed on 18/9/2023).
- Parsons, T. (1954). The Present Position and Prospects of Systematic Theory in Sociology. In T. Parsons, *Essays in Sociological Theory* (pp. 212-237). New York: The Free Press of Glencoe.
- Pasqualucci, J. M. (1996). Victim Reparations in the Inter-American Human Rights System: A Critical Assessment of Current Practice and Procedure. *Michigan Journal of International Law*, 18(1), 1-58.
- Patel, A. C., de Greiff, P., & Waldorf, L. (2010). *Disarming the Past: Transitional Justice and Ex-Combatants*. New York: Social Science Research Council.
- Peacock, D., & Barker, G. (2014). Working with men and boys to prevent gender-based violence principles, lessons learned, and ways forward. *Men and Masculinities*, 17(5), 578-599. doi:10.1177/1097184X14558240
- Pearce, J. (1997). Sustainable peace-building in the South: Experiences from Latin America. *Development in Practice*, 7(4), 438-455.
- Pecchioli, U. (1995). *Tra misteri e verità*. Milan: Baldini & Castoldi.
- Peci, P. (2008). *Io l'infame. La mia storia da terrorista pentito*. Milan: Sperling & Kupfer.
- Peci, P. (2008). *Io l'infame. Storia dell'uomo che ha distrutto le Brigate Rosse*. Milan: Sperling & Kupfer.
- Pekka, K. (1990). *The Geometry of Power: John Galtung's Conception of Power*. Tampere: Tampere Peace Research Institute.
- Picariello, A. (2019). *Un'azalea in Via Fani. Da Piazza Fontana a oggi: terroristi, vittime, riscatto e riconciliazione*. Milan: San Paolo.
- Pinker, S. (2011). *The Better Angels of Our Nature: Why Violence Has Declined*. New York: Penguin.
- Piselli, F. (1995). Introduzione. In F. Piselli (Ed.), *Reti. L'analisi di Network nelle scienze sociali* (pp. VII-LXXIII). Rome: Donzelli.
- Popper, K. (1957). *The poverty of historicism*. London: Routledge & Kegan Paul.
- Prette, M. R. (2006). *Il carcere speciale*. Dogliani (CN): Sensibili alle Foglie.

- PRIDE. (2002). *Ex-combatant views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone*. Freetown: PRIDE. Retrieved from <https://www.ictj.org/sites/default/files/ICTJ-SierraLeone-Combatants-TRC-2002-English.pdf> (accessed on 14/9/2023).
- Prontzos, P. G. (2004). Collateral Damage: The Human Cost of Structural Violence. In A. Jones (Ed.), *Genocide, War Crimes and the West : History and Complicity* (pp. 299-324). London; New York: Zed Books.
- Quinn, J. R. (2017). The development of transitional justice. In C. Lawther, L. Moffet, & D. Jacobs, *Research Handbook on Transitional Justice* (pp. 11-33). Cheltenham; Northampton: Edward Elgar.
- Quinn, J. R. (2021). *Thin Sympathy: A Strategy to Thicken Transitional Justice*. Philadelphia: University of Pennsylvania Press.
- Radcliffe-Brown, A. R. (1940). On Social Structure. *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 70(1), 1-12.
- Radcliffe-Brown, A. R. (1952). *Structure and Function in Primitive Society*. London: Cohen and West.
- Ravenna, M. (2004). *Carnefici e vittime. Le radici psicologiche della Shoah e delle atrocità sociali*. Bologna: Il Mulino.
- Resch, R. P. (1992). *Althusser and the Renewal of Marxist Social Theory*. Berkeley: University of California Press. Retrieved from <http://ark.cdlib.org/ark:/13030/ft3n39n8x3/> (accessed on 18/10/2023).
- Riccio, G. (1982). *Politica penale dell'emergenza e Costituzione*. Naples: Edizioni scientifiche italiane.
- Ricoeur, P. (2006). *Memory, History, Forgetting*. Chicago: The University of Chicago Press.
- Robins, S., & Wilson, E. (2015). Participatory Methodologies with Victims: An Emancipatory Approach to Transitional Justice Research. *Canadian Journal of Law & Society/La Revue Canadienne Droit et Société*, 30(2), 219-236. doi:10.1017/cls.2015.17
- Roche, D. (2005). Truth Commission Amnesties and the International Criminal Court. *The British Journal of Criminology*, 45(4), 565-581. doi:10.1093/bjc/azi038
- Roht-Arriaza, N. (2006). The New Landscape of Transitional Justice. In N. Roht-Arriaza, & J. Mariezcurrena (Eds.), *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (pp. 1-16). New York: Cambridge University Press.
- Rolston, B. (2007). Demobilization and Reintegration of Ex-Combatants: the Irish Case in International Perspective. *Social & Legal Studies*, 16(2), 259-280. doi:10.1177/0964663907076534
- Roth-Arriaza, N. (2019). Measures of Non-Repetition in Transitional Justice: The Missing Link? In P. Gready, & S. Robins, *From Transitional to Transformative Justice* (pp. 105-130). Cambridge: Cambridge University Press.
- Rothman, J. (1997). *Resolving Identity-Based Conflict in Nations, Organizations, and Communities*. San Francisco: Jossey-Bass.
- Rubenstein, R. E. (2017). Responsibility for Peacemaking in the Context of Structural Violence. *International Journal on Responsibility*, 1(2), 6-26. Retrieved from <https://commons.lib.jmu.edu/ijr/vol1/iss2/3> (accessed on 1/9/2023).
- Rylko-Bauer, B., & Farmer, P. (2016). Structural Violence, Poverty, and Social Suffering. In D. Brady, & L. M. Burton, *The Oxford Handbook of the Social Science of Poverty* (pp. 47-74). New York: Oxford University Press. doi:10.1093/oxfordhb/9780199914050.013.4.

- Salvini, A. (2005). *Analisi delle reti sociali. Risorse e meccanismi*. Pisa: PLUS.
- Salvini, G. (1981). Il D. L. 15 dicembre 1979, n. 625 concernente le misure urgenti per la tutela dell'ordine democratico e della sicurezza pubblica: osservazioni sulle disposizioni di carattere processuale. *Rivista italiana di diritto e procedura penale*.
- Sandoval, C. (2011). *Transitional Justice: Key Concepts, Process and Challenges*, briefing paper ICDR-BP-07/11. Colchester: Institute for Democracy and Conflict Resolution. University of Essex.
- Sandoval, C. (2014). Transitional Justice and Social Change. *International Journal on Human Rights*, 20. Retrieved from <https://sur.conectas.org/en/transitional-justice-and-social-change/> (accessed on 18/8/2023).
- Sandoval, C. (2017). Reflections on the Transformative Potential of Transitional Justice and the Nature of Social Change in Times of Transition. In R. Duthie, & P. Seils, *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies* (pp. 166-200). International Center for Transitional Justice. Retrieved from <https://www.ictj.org/justice-mosaics> (accessed on 18/8/2023).
- Satta, V. (2018). La legislazione premiale antiterrorismo in Italia. Dalla vicenda Moro alla fine degli “anni di piombo”. *Mondo contemporaneo*, 1, 5-34. doi:10.3280/MON2018-001001
- Schabas, W. A. (2014). *An introduction to the International criminal court*. Cambridge; New York; Port Melbourne; Madrid; Cape Town: Cambridge University Press.
- Schabas, W.A. (2006). *The UN International Criminal Tribunals, Former Yugoslavia, Rwanda and Sierra Leone*. Cambridge: Cambridge University Press.
- Schaerf, C., De Lutiis, G., Siji, A., Carlucci, F., Bellucci, E., & Argentini, S. (1992). *Venti anni di violenza politica in Italia (1969-1988). Cronologia ed analisi statistica*. Rome: Università degli studi La Sapienza, Centro stampa d'Ateneo. Retrieved from <https://www.memoria.san.beniculturali.it/en/w/venti-anni-di-violenza-politica-in-italia-1969-1988-a-cura-di-isodarco-1992-> (accessed on 18/12/2023).
- Scheper-Hughes, N. (1996). Small wars and invisible genocides. *Social Science & Medicine*, 43(5), 889-900. doi:10.1016/0277-9536(96)00152-9
- Scheper-Hughes, N. (2002). Coming to our senses: anthropology and genocide. In A. L. Hinton (Ed.), *Annihilating difference. The anthropology of genocide* (pp. 348-381). Berkeley: University of California Press. (ita. transl. Questioni di coscienza. Antropologia e genocidio. In F. Dei, *Antropologia della violenza* (pp. 247-302). Rome: Meltemi, 2006
- Scheper-Hughes, N., & Bourgois, P. (2004). Introduction: Making sense of violence. In N. Scheper-Hughes, & P. Bourgois (Eds.), *Violence in War and Peace: An Anthology* (pp. 1-31). Oxford: Blackwell Publishers.
- Schmid, E., & Nolany, A. (2014). ‘Do No Harm’? Exploring the Scope of Economic and Social Rights in Transitional Justice. *The International Journal of Transitional Justice*, 8, 362–382. doi:10.1093/ijtj/iju015
- Schmid, H. (1968). Peace Research and Politics. *Journal of Peace Research*, 5(3), 217-232.
- Segre, S. (2012). *Talcott Parsons: an introduction*. Lanham: University Press of America.
- Samii, C. (2013). Who wants to forgive and forget? Transitional justice preferences in postwar Burundi. *Journal of Peace Research*, 50(2), 219-233. doi:10.1177/0022343312463713
- Schabas, W. A. (2003). The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone. *Human Rights Quarterly*, 25(4), 1035-1066. doi:10.1353/hrq.2003.0052

- Selim, Y. (2017). Examining victims and perpetrators in post-conflict Nepal. *International Review of Victimology*, 23(3), 275-301. doi:10.1177/0269758017710818
- Sen, A. (2003). Foreword. In P. Farmer (Ed.), *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (pp. xi-xvii). Berkeley: University of California Press.
- Sharp, D. N. (2012). Addressing Economic Violence in Times of Transition: Towards a Positive Paradigm for Transitional Justice. *Fordham International Law Journal*, 35(3), 780-814.
- Sharp, D. N. (2013). Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice. *Harvard Human Rights Journal*, 26, 149-178.
- Sharp, D. N. (2019). What Would Satisfy Us? Taking Stock of Critical Approaches to Transitional Justice. *International Journal of Transitional Justice*, 570-589. doi:10.1093/ijtj/ijz018
- Sharp, D. N. (2022). Crisis, Faith and Transformation in Transitional Justice. In M. Evans, *Beyond Transitional Justice. Transformative Justice and the State of the Field (or non-field)* (pp. 24-33). London: Routledge. doi:10.4324/9781003169451-5
- Shelton, D. (2005). The United Nations Principles and Guidelines on Reparations: Context and Contents. In K. De Feyter, S. Parmentier, M. Bossuyt and P. Lemmens (Eds.), *Out of the Ashes. Reparations for Victims of Gross and Systematic Human Rights Violations* (pp. 11-33). Antwerpen; Oxford: Intersentia.
- Shirlow, P., & McEvoy, K. (2008). *Beyond the Wire. Former Prisoners and Conflict Transformation in Northern Ireland*. London; Ann Arbor: Pluto Press.
- Simmel, G. (1907). *Soziologie der Über- und Unterordnung*. (ita. transl. *Il Dominio*. Rome: Bulzoni, 2017).
- Sisson, J. (2010). A Conceptual Framework for Dealing with the Past. *Politorbis*, 50(3), 11-15.
- Skovsholm, K. (1999). The Right to Vote in South-Africa - A hundred Years of Experience. *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin*, 32(2), 236-252.
- Snyder, J., & Vinjamuri, L. (2004). Advocacy and Scholarship in the Study of International War Crime Tribunals and Transitional Justice. *Annual Review of Political Science*, 7, 345-362. doi:10.1146/annurev.polisci.7.012003.104755
- Spataro, A. (2023). Il Contrasto al terrorismo. Le esperienze ed il metodo di contrasto al terrorismo di sinistra. *Sistema Penale*. Retrieved from [https://www.sistemapenale.it/pdf\\_contenuti/1695711711\\_spataro-terrorismo-sinistra.pdf](https://www.sistemapenale.it/pdf_contenuti/1695711711_spataro-terrorismo-sinistra.pdf) (accessed on 8/10/2023).
- Speck, P. K. (1987). The Trial of the Argentine Junta: Responsibilities and Realities. *The University of Miami Inter-American Law Review*, 18(3), 491-534.
- Spena, A. (2020). Può il potere essere neutrale? Agonismo, resistenza e soggettività. *Diritto & Questioni pubbliche*, 1/20, 237-251.
- Sriram, C. L. (2007). Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice. *Global Society*, 21(4), 579-591. doi:10.1080/13600820701562843
- Staub, E., & Bar-Tal, D. (2003). Genocide, Mass Killing, and Intractable Conflict: Roots, Evolution, Prevention, and Reconciliation. In D. O. Sears, L. Huddy, & R. Jervis, *Oxford Handbook of Political Psychology* (pp. 710-751). Oxford: Oxford University Press.
- Stewart, F. (2002). Root causes of violent conflict in developing countries. *BMJ*, 324, 342-345. doi:10.1136/bmj.324.7333.342
- Stewart, F. (June 1998). The Root Causes of Conflict: Some Conclusions - Working paper 16. *QEH Working Paper Series QEHWPS16*. Oxford University.

- Strauss, S. (2006). *The Order of Genocide : Race, Power, and War in Rwanda*. New York: Cornell University Press.
- Subotić, J. (2012). The Transformation of International Transitional Justice Advocacy. *The International Journal of Transitional Justice*, 6, 106-125. doi:10.1093/ijtj/ijr036
- Swisspeace (2016). *A Conceptual Framework for Dealing with the Past*. Retrieved from <https://www.swisspeace.ch/assets/publications/downloads/Essentials/7bdf926517/A-Conceptual-Framework-for-Dealing-with-the-Past-Essential-16-swisspeace.pdf> (accessed on 6/7/2023).
- Szakolczai, A. (2009). Liminality and experience: Structuring transitory situations and transformative events. *International Political Anthropology*, 2(1), 141-172.
- Tarrow, S. (1990). *Democrazia e disordine: Movimenti di protesta e politica in Italia. 1965-1975*. Bari: Laterza.
- Tausch, N., Hewstone, M., Kenworthy, J., Cairns, E., & Christ, O. (2007). Cross-Community Contact, Perceived Status Differences, and Intergroup Attitudes in Northern Ireland. *Political Psychology*, 28(1), 53-68.
- Taylor, C. (1994). The politics of Recognition. In A. Gutmann (Ed.), *Multiculturalism: Examining the Politics of Recognition* (pp. 25-73). Princeton: Princeton University Press.
- Taxman, F. S. (2004). The offender and reentry: supporting active participation in reintegration. *Federal Probation*, 68(2), 31-35.
- Teitel, R. G. (2000). *Transitional Justice*. Oxford; New York: Oxford University Press.
- Teitel, R. G. (2002). Humanity's Law: Rule of Law for the New Global Politics. *Cornell International Law Journal*, 35(2), 355-387.
- Teitel, R. G. (2003). Transitional Justice Genealogy. *Harvard Human Rights Journal*, 16, 69-94.
- Teitel, R. G. (2011). *Humanity's Law*. Oxford; New York: Oxford University Press. doi:10.1093/acprof:oso/9780195370911.001.0001
- Teitel, R.G. (2014). *Globalizing Transitional Justice: Contemporary Essays*. New York: Oxford University Press.
- Teitel, R.G. (2020). *Transitional Justice Symposium: An Introduction*. Retrieved from <https://opiniojuris.org/2020/09/14/symposium-on-transitional-justice-an-introduction/> (accessed on 18/7/2023).
- Theidon, K. (2009). Editorial Note. *The International Journal of Transitional Justice*, 3, 295-300. doi:10.1093/ijtj/ijp022
- Thomassen, B. (2009). The Uses and Meaning of Liminality. *International Political Anthropology*, 2(1), 5-28. Retrieved from <http://www.politicalanthropology.org/> (accessed on 11/11/2023).
- Thomason, K. K. (2015). Transitional Justice as Structural Justice. In C. Corradetti, N. Eisikovits, & J. V. Rotondi, *Theorizing Transitional Justice* (pp. 71-80). London: Routledge.
- Tilly, C. (2003). *The Politics of Collective Violence*. New York: Cambridge University Press.
- Tilly, C., & Sidney, T. (2007). *Contentious Politics*. Boulder: Paradigm Press.
- Todorov, T. (2001). Il secolo delle tenebre. In M. Flores (Ed.), *Storia, verità, giustizia: i crimini del XX secolo* (pp. 1-8). Milan: Mondadori.
- Topolsky, J., & D'Eboli, M. G. (1983). Oltre il determinismo e il volontarismo: La concezione marxiana del processo storico. *Studi Storici*, 347-358.

- Torjesen, S. (2013). Towards a theory of ex-combatant reintegration. *Stability: International Journal of Security & Development*, 2(3), 1-13. doi:10.5334/sta.cx
- Touraine, A. (1965). *Sociologie de l'action*, Paris: Seuil.
- Touraine, A. (1973). *Production de la société*. Paris: Seuil. (eng. transl. *The Self-Production of Society*, Chicago; London: University of Chicago Press, 1977).
- Touraine, A. (1984). *Le retour de l'acteur: essai de sociologie*. Paris: Librairie Arthème Fayard. (ita. transl. *Il ritorno dell'attore sociale*, Rome: Editori riuniti, 1988).
- Touraine, A. (2010). *Après la crise*. Paris: Seuil. (ita. transl. *Dopo la crisi. Una nuova società possibile*, Rome: Armando, 2012).
- Tullio-Altan, C. (1966). Lo strutturalismo di Lévi-Strauss e la ricerca antropologica. *Studi di Sociologia*, 4(3), 229-253.
- Turner, V. W. (1967). *The Forest of Symbols: Aspects of Ndembu Ritual*. New York: Cornell University Press.
- Turner, V. W. (1969). *The Ritual Process: Structure and Anti-Structure*. Harmondsworth: Penguin.
- Turner, C. (2013). Deconstructing Transitional Justice. *Law Critique*, 24, 193–209. doi:10.1007/s10978-013-9119-z
- Turner, C. (2017). Transitional Justice and Critique. In C. Lawther, L. Moffett, & D. Jacob, *Research Handbook on Transitional Justice* (pp. 52-73). Cheltenham; Northampton: Edward Elgar. doi:10.4337/9781781955314
- Tutu, D. (1999). *No Future Without Forgiveness*. London: Rider.
- Valeri, V. (1970). Struttura, trasformazione, «esaustività»: un'esposizione di alcuni concetti di Lévi-Strauss. *Annali della Scuola Normale Superiore di Pisa. Lettere, Storia e Filosofia*, 39(3/4), 347-375.
- Van Benthem van den Berch, G. (1972). Theory or Taxonomy? Some critical notes on Johan Galtung's A Structural Theory of Imperialism. *Journal of Peace Research*, 9(1), 77-85. doi:https://doi.org/10.1177/002234337200900107
- Van Gennep, A. (1909). *Les rites de passage*. Paris: E. Nourry.
- van der Kaap-Deeder, J., Audenaert, E., Vande, S., Soenens, B., Van Mastrigt, S., Mabbe, E., & Vansteenkiste, M. (2017). Choosing when choices are limited: The role of perceived afforded choice and autonomy in prisoners' well-being. *Law and Human Behavior*, 41(6), 567-578. doi:10.1037/lhb0000259
- Van Zyl, P. (2002). Unfinished Business: The Truth and Reconciliation Commission's Contribution to Justice in Post-Apartheid South Africa. In C. Bassiouni (Ed.), *Post-Conflict Justice* (pp. 745-760). New York: Transnational Publishers.
- Venter, R., & Levy, A. (2011). *Labour relations in South Africa*. Cape Town; New York: Oxford University Press.
- Venturi, B. (2013). *Il demone della pace. Storia, metodologie e prospettive istituzionali della peace research e del pensiero di Johan Galtung*. Bologna: Emil di Odoia.
- Verdeja, E. (2006). A Normative Theory of Reparations in Transitional Democracies. *Metaphilosophy*, 37(3/4), 449-468.
- Vergati, S. (2008). *Gruppi e reti sociali. Fra teoria e ricerca*. Rome: Bonanno.
- Voytas, E., & Crisman, B. (2023). State violence and participation in transitional justice: Evidence from Colombia. *Journal of Peace Research*, 1-16. doi:10.1177/00223433231180924



- Wacquant, L. J. (1992). Introduction. In P. Bourdieu, & L. J. Wacquant (Eds.), *Réponses. Pour une anthropologie réflexive*. Paris: Seuil. (ita. transl., Introduzione. In P. Bourdieu, & L. J. Wacquant (Eds.), *Risposte. Per un'antropologia riflessiva* (pp. 13-39). Turin: Bollati Boringhieri, 1992).
- Wacquant, L. (2004). Comments on An Anthropology of Structural Violence. *Current Anthropology*, 45(3), 322. doi:10.1086/382250
- Wacquant, L. (2006). *Pierre Bourdieu: Chapter 16*. University of California-Berkeley. Retrieved from <https://noinstitute.files.wordpress.com/2010/11/pierrebourdieu-keythink-rev2006.pdf> (accessed on 3/11/2023).
- Waldorf, L. (2010). Linking DDR and Transitional Justice. In A. C. Patel, P. de Greiff, & L. Waldorf, *Disarming the past. Transitional Justice and Ex-combatants* (pp. 15-34). New York: Social Sciences Research Council.
- Waldorf, L. (2012). Anticipating the Past: Transitional Justice and Socio-Economic Wrongs. *Social & Legal Studies*, 21(2), 171–186. doi:10.1177/0964663911435827
- Walker, M. U. (2015). Making Reparations Possible: Theorizing Reparative Justice. In C. Corradetti, N. Eisikovits, & J. V. Rotondi, *Theorizing Transitional Justice* (pp. 211-222). Dorchester: Ashgate Press.
- Walker, K., Bowen, E., Brown, S., & Sleath, E. (2015). Subjective accounts of the turning points that facilitate desistance from intimate partner violence. *International Journal of Offender Therapy and Comparative Criminology*, 61(4), 371-396. doi:10.1177/0306624X15597493
- Wallace, R. A. & Wolf, A. (1999). *Contemporary Sociological Theory. Expanding the Classical Tradition*. Prentice-Hall. (ita. transl. *La teoria sociologica contemporanea*, Bologna, il Mulino, 2000).
- Watkins, M., & Shulman, H. (2008). *Toward Psychologies of Liberation*. Basingstoke; New York: Palgrave Macmillan.
- Ward, T., & Gannon, T. A. (2006). Rehabilitation, etiology, and self-regulation: The comprehensive good lives model of treatment for sexual offenders. *Aggression and Violent Behavior*, 11(1), 77-94. doi:10.1016/j.avb.2005.06.001
- Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.
- Watkins, M., & Shulman, H. (2008). *Toward Psychologies of Liberation*. Basingstoke; New York: Palgrave Macmillan.
- Webb, K. (1986). Structural Violence and the Definition of Conflict. In E. Laszlo, & J. Y. Yoo (Eds.), *World Encyclopedia of Peace* (Vol. vol 2, pp. 431-434). Oxford: Pergamon.
- Weber, T. (2004). *Gandhi as Disciple and Mentor*. Cambridge: Cambridge University Press.
- Weigert, K. M. (2008). Structural Violence. In L. Kurtz (Ed.), *Encyclopedia of Violence, Peace, & Conflict (Second Edition)* (pp. 2004-2011). Academic Press. doi:10.1016/B978-012373985-8.00169-0
- Weinberg, L. (1986). The Violent Life: An Analysis of Left- and Right-Wing Terrorism in Italy. In P. H. Merkl (Ed.), *Political Violence and Terror: Motifs and Motivations* (pp. 145-168). Berkeley; Los Angeles; London: University of California Press. doi:10.2307/jj.2430399
- Wellman, B. (1988). Structural analysis: from method and metaphor to theory and substance. In B. Wellman, & S. D. Berkowitz (Eds.), *Social Structures. A Network Approach* (pp. 19-61). Cambridge: Cambridge University Press.

- Wellman, B., & Berkowitz, S. D. (1988). Introduction: Studying social structures. In B. Wellman, & S. D. Berkowitz (Eds.), *Social structures: A network approach* (pp. 1-14). Cambridge: Cambridge University Press.
- Weschler, L. (1990). *A Miracle, a Universe: Settling Accounts with Torturers*. New York: Penguin.
- Westoby, P. (2014). Theorising dialogue for community development practice – An exploration of crucial thinkers. *Journal of Dialogue Studies*, 2(1), 69-85.
- Weyl, H. (2012). *Levels of Infinity. Selected Writings on Mathematics and Philosophy*. New York: Dover.
- Wieviorka, M. (2014). *Alain Touraine and the Concept of Social Movement*, Intervention de Michel Wieviorka lors du Congrès ISA World Congress of Sociology à Yokohama, retrieved from <https://wieviorka.hypotheses.org/318> (accessed on 18/10/2023).
- Wiles, E. (2006). Aspirational Principles or Enforceable Rights? The Future for Socio-Economic Rights in National Law. *American University International Law Review*, 22(1), 35-64. Retrieved from <https://digitalcommons.wcl.american.edu/auilr/vol22/iss1/4/> (accessed on 12/8/2023).
- Wright, Q. (1942). *A Study of War*, vol. 2. Chicago: University of Chicago Press.
- Zalaquett, J. (1990). Confronting Human Rights Violations Committed by Former Governments: Applicable Principles and Political Constraints. *Hamline Law Review*, 13(3), 623-660.
- Zimbardo, P.G. (2007). *The lucifer effect: understanding how good people turn evil*. New York: Random House.
- Žižek, S. (2006). Against the Populist Temptation. *Critical Inquiry*, 32(3), 551-574. doi: 10.1086/505378
- Zolo, D. (1979). *Complessità, potere, democrazia. Saggio introduttivo*. In N. Luhmann, *Potere e complessità sociale* (pp. ix-xxxix). Milan: Il Saggiatore.
- Zvobgo, K. (2019). Designing truth: Facilitating perpetrator testimony at truth commissions. *Journal of Human Rights*, 1-19. doi:10.1080/14754835.2018.1543017

### United Nations Documents

- UN Commission on Human Rights (UNCHR), (2005). *Updated Set of principles for the protection and promotion of human rights through action to combat impunity*, UN doc. E/CN.4/2005/102/Add.1 (18 February 2005).
- UN Department of Peacekeeping Operations (UNDPKO) (2006). *Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS)*. New York: DPKO. Retrieved from <https://www.unddr.org/modules/IDDRS-1.20-Glossary.pdf> (accessed on 20/11/2023).
- UN Department of Peacekeeping Operations (UNDPKO) (2023). *Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS)*. New York: DPKO. Retrieved from [https://www.unddr.org/wp-content/uploads/2023/11/IDDRS-6.20-DDR-and-Transitional-Justice\\_August-25-2023.pdf](https://www.unddr.org/wp-content/uploads/2023/11/IDDRS-6.20-DDR-and-Transitional-Justice_August-25-2023.pdf) (accessed on 20/11/2023).
- UN Entity for Gender Equality and the Empowerment of Women (UN Women) (2015). *A Framework to Underpin Action to Prevent Violence against Women*. Retrieved from [https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Prevention\\_Framework\\_unwomen\\_nov2015.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Prevention_Framework_unwomen_nov2015.pdf) (accessed on 10/11/2023).

- UN General Assembly (UNGA), *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3 (16 December 1966).
- UN General Assembly (UNGA), *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171 (16 December 1966).
- UN General Assembly (UNGA), (2006). *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*, UN Doc. A/RES/60/147 (21 March 2006).
- UN General Assembly (UNGA), (2012). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff*, UN Doc. A/HRC/21/46 (9 August 2012).
- UN General Assembly (UNGA), (2014). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff*, UN Doc. A/HRC/27/56 (27 August 2014).
- UN General Assembly (UNGA), (2017). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, UN Doc. A/72/523 (12 October 2017).
- UN General Assembly (UNGA), (2020). *Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice*, UN Doc. A/HRC/45/45 (9 July 2020).
- UN Human Rights Council (UNHRC), (2015). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff*, UN Doc. A/HRC/30/42 (7 September 2015).
- UN Office of the United Nations High Commissioner for Human Rights (OHCHR), (2006a). *Study on the Right to the Truth*, UN Doc. E/ CN.4/2006/91 (8 February 2006).
- UN Office of the United Nations High Commissioner for Human Rights (OHCHR), (2006b). *Rule-of-law Tools for Post-Conflict States: Truth Commissions*, UN Doc. HR/PUB/06/1. New York; Geneva: United Nations.
- UN Office of the United Nations High Commissioner for Human Rights (OHCHR), (2006c). *Rule-of-law Tools for Post-Conflict States. Vetting: an operational framework*, UN Doc. HR/PUB/06/5. New York; Geneva: United Nations.
- UN Office of the United Nations High Commissioner for Human Rights (OHCHR), (2008). *Rule-of-law Tools for Post-Conflict States: Reparations programmes*, UN Doc. HR/PUB/08/1. New York; Geneva: United Nations.
- UN Security Council (UNSC), (2004). *The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General*, UN Doc. S/2004/616 (23 August 2004).

### **Truth Commissions Reports**

- Truth Commission (TC) Argentina (1984). *Nunca Más. Informe de la Comisión Nacional Sobre la Desaparición de Personas*. Retrieved from <http://www.derechoshumanos.net/lesahumanidad/informes/argentina/informe-de-la-CONADEP-Nunca-mas.htm> (accessed on 2/7/2023).

- Truth Commission (TC) Chile (1991). *Report of the Chilean National Commission on Truth and Reconciliation*. Retrieved from [https://truthcommissions.humanities.mcmaster.ca/wp-content/uploads/2021/03/TRC-Chile\\_National-Truth-and-Reconciliation-Commission-Report\\_English.pdf](https://truthcommissions.humanities.mcmaster.ca/wp-content/uploads/2021/03/TRC-Chile_National-Truth-and-Reconciliation-Commission-Report_English.pdf) (accessed on 10/7/2023).
- Truth Commission (TC) Guatemala (1999). *Guatemala: Memory of Silence. Report of the Commission for Historical Clarification. Conclusions and Recommendations*. Retrieved from <https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf> (accessed on 10/7/2023).
- Truth Commission (TC) Sierra Leone (2004). *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*. Retrieved from [https://www.sierraleonetr.com/index.php/view-the-final-report/download-table-of-contents/volume-one/item/witness-to-the-truth-volume-one-chapters-1-5?category\\_id=11](https://www.sierraleonetr.com/index.php/view-the-final-report/download-table-of-contents/volume-one/item/witness-to-the-truth-volume-one-chapters-1-5?category_id=11) (accessed on 9/7/2023).
- Truth Commission (TC) East Timor (2005). *Chega! Final Report of the Commission for Reception, Truth and Reconciliation in East Timor (CAVR)*. Retrieved from <https://www.etan.org/news/2006/cavr.htm> (accessed on 10/7/2023).

### **Italian normative and administrative acts**

- Circular of the Direzione Generale per gli Istituti di Prevenzione e Pena (General Directorate for Prevention and Punishment Institutions) of August 3, 1983, “Homogeneous areas and maximum-security institutions and sections” [*Aree omogenee e istituti e sezioni di massima sicurezza*].
- Law No. 152 of May 22, 1975, “Provisions for the protection of public order” [*Disposizioni a tutela dell’ordine pubblico*].
- Law No. 191 of May 18, 1978, “Conversion into law, with amendments, of Decree Law No. 59 of March 21, 1978, concerning criminal and procedural regulations aimed at preventing and suppressing serious crimes” [*Conversione in legge, con modificazioni, del decreto-legge 21 marzo 1978, n. 59, concernente norme penali e processuali per la prevenzione e la repressione di gravi reati*].
- Law No. 15 of February 6, 1980, “Conversion into law, with amendments, of Decree Law No. 625 of December 15, 1979, on urgent measures for the protection of democratic order and public safety” [*Conversione in legge, con modificazioni, del decreto-legge 15 dicembre 1979, n. 625, concernente misure urgenti per la tutela dell’ordine democratico e della sicurezza pubblica*] (Official Gazette February 7, 1980, No. 37).
- Law No. 304 of May 29, 1982, “Measures for the defense of the constitutional order” [*Misure per la difesa dell’ordinamento costituzionale*] (Official Gazette June 2, 1982, No. 149)
- Law proposal by Deputies Boato, Rodotà, Crucianelli, Covatta, Garocchio, Bozzi and others, on “New measures for the defense of the constitutional order through disassociation from terrorism” [*Nuove misure per la difesa dell’ordinamento costituzionale attraverso la dissociazione dal terrorismo*] submitted to the presidency of the Chamber of Deputies on March 9, 1983 (No. 3983 of the 8th Legislature).
- Law No. 663 of October 10, 1986, “Amendments to the law on the prison system and on the execution of measures of deprivation and limitation of liberty” [*Modifiche alla legge sull’ordinamento penitenziario e sulla esecuzione delle misure privative e limitative della libertà*] (Official Gazette of October 16, 1986, No. 241).

Law No. 34, of February 18, 1987, “Measures in favor of dissociates from terrorism” [*Misure a favore di chi si dissocia dal terrorismo*] (Official Gazette February 21, 1987, No. 43).  
Parliamentary Commission of Inquiry into the kidnapping and murder of Aldo Moro, “Report,” December 6, 2017, retrieved from [https://documenti.camera.it/\\_dati/leg17/lavori/documentiparlamentari/indiceetesti/023/029/intero.html](https://documenti.camera.it/_dati/leg17/lavori/documentiparlamentari/indiceetesti/023/029/intero.html) (accessed on 10/1/2024).

### **Documents on Italian terrorism and dissociation**

- Doc. No. 1: *Esploriamo?!...Esplosiamo la memoria!!!* (Radio Memoria, June 1982). Published in *Oltre il margine*, insert on dissociation of the magazine *CONTROinformazione* (pp. 7-8), December 26, 1982.
- Doc. No. 2: *Una generazione politica è: detenuta, latitante, esiliata, in libertà provvisoria. Una proposta, un manifesto* (Rebibbia Prison, August 1982). Published in the newspaper *Il Manifesto* on September 30, 1982.
- Doc. No. 3: *Questa generazione oltre la dissociazione per la trasformazione* (Rebibbia Prison, October 1982). Published in *Oltre il margine*, insert on dissociazione of the magazine *CONTROinformazione* (p. 5), December 26, 1982.
- Doc. No. 4: *Molte ragioni per tacere altrettante per parlare* (Rebibbia Prison, October 1982). Published in *Oltre il margine*, insert on dissociation of the magazine *CONTROinformazione* (p. 6), December 26, 1982.
- Doc. No. 5: *Non è che l'inizio* (Palmi Prison, November 1982). Published in *Oltre il margine*, insert on dissociation of the magazine *CONTROinformazione* (pp. 11-14), December 26, 1982.
- Doc. No. 6: *Invito al confronto su: trasformismo della «nuova sinistra» attualità del comunismo percorsi della liberazione* (Comitati autonomi operai – Roma movimento comunista veneto, November 1982). Published in *Oltre il margine*, insert on dissociation of the magazine *CONTROinformazione* (pp. 16-18), December 26, 1982.
- Doc. No. 7: *Superare la lotta armata* (Rebibbia Prison, November 1982). Published in the magazine *Frigidaire*, Dossier no. 4: *Autocritica della guerriglia* (pp. 47-48), February 1983.
- Doc. No. 8: *Un culo di sacco* (Milan, January 1983). Published in the magazine “*Frigidaire*,” Dossier no. 4: *Autocritica della guerriglia* (pp. 50-55), February 1983.
- Doc. No. 9: *Lettera a Nicolò Amato* (Alessandria and Brescia Prisons, May 6, 1983). Published in *Contro le regole di questo assurdo gioco*, fall 1983.
- Doc. No. 10: *L'uovo del serpente* (Area omogenea Rebibbia Prison, 2 June 1983). Published in *Il tetto*, September-December 1984.
- Doc. No. 11: *Sarà che nella testa avete un maledetto muro* (Vallette Prison, June 1983). Published in *Il Bollettino*, September 1983.
- Doc. No. 12: *Ci sono vari limiti* (Rebibbia and Latina Prisons, October 1983). Published in *Il clandestino è finito? Contributi per un dibattito su terrorismo e soluzione politica* (pp. 59-64). Adnkronos Libri, May 1984.
- Doc. No. 13: *Per il convegno a Rebibbia* (Rebibbia Prison, August 1983). Published in *Il clandestino è finito? Contributi per un dibattito su terrorismo e soluzione politica* (pp. 78-83). Adnkronos Libri, May 1984.

- Doc. No. 14: *Carissimi compagni/e* (Rebibbia Prison, November 1983). Published in *Il clandestino è finito? Contributi per un dibattito su terrorismo e soluzione politica* (pp. 91-93). Adnkronos Libri, May 1984.
- Doc. No. 15: *Donne vagabonde d'autonomia* (Rebibbia Prison, September 1983). Published in *Il clandestino è finito? Contributi per un dibattito su terrorismo e soluzione politica* (pp. 105-112). Adnkronos Libri, May 1984.
- Doc. No. 16: *Lottiamo per ottenere ciò che amiamo. Per non essere costretti ad amare ciò che abbiamo ottenuto* (Voghera Prison, October 1983). Published in *Il clandestino è finito? Contributi per un dibattito su terrorismo e soluzione politica* (pp. 122-127). Adnkronos Libri, maggio 1984.
- Doc. No. 17: Letter to Don Salvatore Bussu, December 9, 1983, Nuoro prison.
- Doc. No. 18: *Lettera a Nicolò Amato (imputati al processo Prima Linea)* (Milan, March 1984). Published in *Il Bollettino*, April 1984.
- Doc. No. 19: *Dissociazione e prospettive per una soluzione della detenzione politica* (Rebibbia Prison), September 26, 1984.
- Doc. No. 20: *Il diritto all'autobiografia*. Interview with Susanna Ronconi. *Una Città*, no. 132, October 2005.
- Doc. No. 21: *L'ex terrorista Balducchi: avevamo deciso di abbandonare la lotta armata e Martini ci ascoltò*. Radio interview with Ernesto Balducchi. *Radiogiornale Radio Vaticana*, September 2, 2012. Retrieved from <https://www.archivioradiovaticana.va/radiogiornale/index.asp?data=02/09/2012> (accessed on 15/1/2024).

## **Biography**

Chiara Chisari graduated with honors in 2016 from the Catholic University of the Sacred Heart in Milan, majoring in Law. After graduating, she pursued further studies specializing in human rights protection and practices related to post-conflict justice. This included attending the Master of Advanced Studies in Transitional Justice, Human Rights, and the Rule of Law at the Geneva Academy. She is licensed to practice law and completed her traineeship in areas related to criminal law and immigration law. In 2020, she enrolled in an international doctoral program in *Law and Pluralism* at the University of Milano-Bicocca, in cooperation with the Union University School of Law in Belgrade (double degree program). Throughout her doctoral program, she focused on exploring topics related to criminology and transitional justice. She authored a number of scientific articles, among which the most recent ones are *Transitioning from dynamic security in Italian prisons: Assessing the influence of perceived insecurity on prison management*, *Rassegna Italiana di Criminologia*, vol. XVII, No. 3, 2023, pp. 240-251 and *The Judicial Implementation of the Right to The Truth: Some Thoughts on the Argentinian Experience of the Juicios por la Verdad*, *Union University Law School Review (Pravni zapisi)*, No. 2, 2022, pp. 630-674.



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## Statement

### Pertaining to the Identical Form of the Printed and Electronic Versions of a PhD Thesis

Author's name and surname	Chiara Chisari
Academic ToR / CRF No. <sup>1</sup>	19/2021
Study program	PhD in Legal Science
Title of the thesis	Rethinking transitional justice through the lens of structural violence: Toward a new model of intervention for post-conflict societies.
Mentor	Prof. Tatjana Papić and Prof. Roberto Cornelli

I hereby declare that the printed version of my PhD thesis is identical to its electronic version that I have duly submitted for archival purposes within the digital repository of the Union University in Belgrade.

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# Union University in Belgrade

## Authorship Statement

School	School of Law
Author's name and surname	Chiara Chisari
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I hereby

**declare**

that the PhD thesis, aka the PhD artistic project entitled:

RETHINKING TRANSITIONAL JUSTICE THROUGH THE LENS OF STRUCTURAL VIOLENCE:  
TOWARD A NEW MODEL OF INTERVENTION FOR POST-CONFLICT SOCIETIES

- Resulted from my own research / artistic endeavors;
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A handwritten signature in black ink that reads "Chiara Chisari".

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