DIFFERENT VIOLENCE, DIFFERENT JUSTICE? TAKING STRUCTURAL VIOLENCE SERIOUSLY IN POST-CONFLICT AND TRANSITIONAL JUSTICE PROCESSES

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Abstract: Structural violence is a central, yet neglected, problem in post-conflict and transitional societies owing to the circumscribed sphere of action within which dominant processes generally operate. This article analyses the potential of transitional justice to reduce structural violence, finding many of its mechanisms limited in this regard. In response, I argue for the necessity of an alternative transformative justice approach that pays more attention to the historical and socioeconomic underpinnings of armed conflict, and critical analyses of the prevailing social structures and power relations on which it is founded. Conceptualizing transformative justice as the most comprehensive stop on a transitional justice continuum ensures that these issues are taken seriously without discarding the field's existing expertise. I operationalize transformative justice by creating an innovative structural violence reduction matrix that interrogates the diagnostic, process and outcome dimensions of initiatives undertaken in transitional contexts.

Keywords: transitional justice, structural violence, power relations, transformative justice, participation, empowerment

Introduction

Internal armed conflicts and human rights violations around the world are closely linked to the existence of structural violence (Robins 2013: 65–69; Pasipanodya 2008: 380–383; Nagy 2013: 88–89; Miller 2008: 282–284). Headline-grabbing incidents of gross human rights violations and direct violence are often sustained by deeper hierarchies of structural violence that maintain highly inequitable societal relations. Despite this, post-conflict reconstruction, transitional justice and peacebuilding processes concentrate on remedying the impacts or preventing a recurrence of direct violence. I argue that this ignores the mutually reinforcing nature of direct and structural violence, and the growing realization that they cannot be tackled in isolation (Mani 2008; Sharp 2013a; Sandoval 2015). This

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connection is manifested clearly in the recent peace accord between government and Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC) in Colombia, with specific mention of solving the historic causes of conflict and changing the conditions that facilitate violence, building on distinctions of negative and positive peace, between ending the armed conflict and building peace in the country (Jaramillo Caro 2015).[1]

This article's aim is to demonstrate the necessity of adopting a transformative justice approach in transitional contexts, in order to reduce structural violence and convert de jure rights into realities throughout society. I therefore begin by unpacking the central concept of structural violence, showing its particular relevance in transitional periods and why it should be taken seriously by post-conflict and transitional justice planners. I subsequently critique the ability of the principal transitional justice processes to reduce structural violence in the societies where they have been applied. This analysis concludes that the dominance of legalistic and individualistic approaches in transitional justice has important limitations: continuing asymmetries of social and economic power can render irrelevant the civil and political rights (CPR) that transitional justice seeks to establish (Farmer 2003: 16–17). This critique is inscribed within transformative justice, which pays greater attention to structural violence, the workings of power and the achievement of economic, social and cultural rights (ESCR). Investigating the economic, political, cultural and social factors which shape conflict, pre-conflict and post-conflict contexts helps clarify which people (or groups) benefit and which suffer. I show the conceptual commonalities and distinctions of transitional and transformative justice, surmising that transformative justice exists at the radical end of a transitional justice continuum. Thus far, transformative justice has mainly worked to diagnose problems (Gready et al. 2010; Evans 2013; McAuliffe 2015), but it is now at the stage where it needs to create its own workable tools. I consequently present a structural violence reduction matrix to operationalize transformative justice along the dimensions of diagnosis, process and outcome. Created to interrogate public policy initiatives, the matrix is a tool to reduce structural violence that can be referred to by planners, evaluators and researchers. Intended to stimulate debate within the transitional justice and post-conflict reconstruction fields, refinements to the matrix should allow future use in designing as well as evaluating initiatives.

Structural Violence

Johan Galtung famously defined violence as the causal mechanism that explains avoidable difference between human beings' potential and actual somatic realizations, increasing the distance between them and impeding decrease (1969: 168–169). Galtung differentiated personal or direct violence, involving a clear

subject-action-object relation, from structural or indirect violence that occurs without this relation (1969: 170–171). This work deliberately disrupts Galtung's word-pairs to emphasize that structural violence can have direct, not merely indirect, impacts, while personal violence can be perpetrated by, and targeted at, collectives. It also fits Galtung's subsequent incorporation of Direct, Structural and Cultural Violence into a Violence Triangle, with the latter conceptualized primarily as a legitimising agent for direct and structural violence (1990). Structural violence occurs when unequal power relationships in societal structures lead to unequal life chances, harming individuals and collectives by preventing them from meeting their basic needs (Vorobej 2008: 88; McAuliffe 2015: 93). Analysing structural violence can illuminate the origin and extent of direct violence by showing its normalization within unequal power relations and social structures (Farmer 1996; Vorobej 2008: 92–94; Hume 2009: 6–10; Thomason 2015: 76). States in the Americas, for example, were colonial constructs based on exploitation, displacement and alienation for the majority of the population, a legacy which continued when power passed into the hands of now-independent national elites. Structural violence and severe inequalities continue to characterize the region, as do very high levels of interpersonal, criminal and political violence (Briceno-Leon, Villaveces, and Concha-Eastman 2008; Hume 2009; World Health Organisation (WHO) 2014: 8). Structural violence does not deny the existence of human agency but argues that it is shaped and conditioned through institutionalization of past choices and circumstances, seen when actors cause harm through actions that are not legally wrong (Galtung 1969: 171; Evans 2013: 3; Thomason 2015: 75).

Structural violence can be conceptually divided into three major pillars: social marginalization, political exclusion and economic exploitation (Gready 2011:15). Modiri (2015) argues that whites continue to dominate South African society and culture despite political changes, in terms of public appointments but also symbolically and psychologically. Latin American elites traditionally espouse a "modernising" rhetoric that denigrates indigenous cultural identities and excludes indigenous (and African-descendent) populations from political and economic power within society (Laplante 2007: 154; Baquero Melo 2015: 36). Deeply ingrained and internalized patterns of dominance naturalize and reinforce the status quo by making change unthinkable and severely castigating challenges, while the power of symbolism, ideology, tradition and propaganda often obviates the need for direct violence (Hume 2009). Political exclusion can be seen in the inability of some members of society to influence political systems given the prevailing power relationships. While a lack of formal political participation is often associated with open denial of CPR under authoritarian regimes, countries that hold regular elections often contain multiple barriers to meaningful participation. The economic component of structural violence is closely related to the existence of

widespread poverty, exploitation and inequalities across society. Access to financial resources is a central question here, but structural violence is also seen in the systematic exclusion of certain groups from services and opportunities that are provided to others, resulting in severe health and education inequities (Hecht and Michalowski 2012: 5; WHO 2015).

This tripartite division is heuristic; in practice, the political, social, cultural and economic spheres are closely interwoven, interdependent and mutually reinforcing. Structural violence shapes everyday patterns of behaviour by differentially affecting the life chances of groups and individuals (Farmer 1996; Evans 2016: 2–3; Galtung 1969; Mani 2008). Socioeconomic inequalities based on unequal access to land and other resources were at the heart of apartheid as a political project that supported this ongoing economic colonization (Evans 2016: 10; Miller 2008: 277); land ownership patterns have also been historically important in places such as Rwanda, Zimbabwe, Nepal or Colombia. While much literature debates the contribution of economic inequality as a driver of conflict, it is the interaction with political, cultural and social marginalization to create structural violence that truly serves to undermine victim's lives by transferring values upwards (Galtung 1964: 97). Obviously domestic inequalities dovetail with wider political economy concerns, which affect resource allocation and inequities at the national level. Vertically integrated commodity markets and supply chains, for example, will continue to condition and constrain poor farmers' life chances, even if they acquire greater access to land. While cognizant of global influence on domestic contexts, the focus of this article is on structural violence within societies, as constituting its most visible manifestations, and most likely space for contestation of dominant paradigms.

The complex relationship that exists between direct and structural violence requires much closer examination by transitional scholars and practitioners. Sources of legitimate grievance are likely to fuel conflagrations of violence (Pasipanodya 2008; Arbour 2007: 8; Sandoval 2011: 10; Robins 2013: 12), with atrocities not usually a deviation from otherwise peaceful histories, but intimately linked to the underlying structural violence that constrains the life chances of some individuals, maintains them in iniquitous relations and increases their susceptibility to human rights violations (Farmer 1996; Mani 2008: 254; Miller 2008; Hume 2009: 33; Robins 2013: 163; Thomason 2015: 73–78; McAuliffe 2015: 93; Gready and Robins 2014: 347; Evans 2016: 9). The social justice claims of non-state armed actors in Nepal and Colombia as motivation to adopt violence exemplify the impact of socioeconomic inequalities in driving or fuelling conflicts, even when myriad other social and political factors are in play. I contend that placing structural violence at the heart of transitional analyses provides a lens that looks beyond decontextualized acts of violence and specific harms. The following

section analyses how current transitional justice mechanisms approach structural violence, concluding that more needs to be done. I subsequently introduce the more ambitious transformative justice framework to address these lacunae.

Transitional Justice

Transitional justice has entered the academic and policy mainstream in recent decades, as a means to deal with violent or authoritarian pasts through processes to prosecute wrongdoers, reveal truth, redress harm, facilitate reconciliation and prevent the recurrence of violence and rights violations (UN Secretary-General 2004: 4). Transitional justice cohered in 1980s Europe and South America around four principal processes: criminal justice, truth-telling, reparation, and reform of abusive state institutions (Arthur 2009: 325; Patel 2009: 268–271; De Greiff 2009: 33–41; Sandoval 2011: 3–10). Punishing human rights violators is claimed to redeem the suffering of victims, challenge impunity, promote civic trust and reconciliation, and signal change in societies' normative values, deterring and ensuring non-recurrence by removing perpetrators from positions of power and discouraging future abuse based on the credible threat of prosecution (Arthur 2009: 358; De Greiff 2009: 56–57; McAuliffe 2010; Patel 2009: 269; Lambourne 2009: 44; Sandoval 2011: 4–5). According to Olsen, Payne, and Reiter, 82% of transitional justice mechanisms are related to the "justice process" (2010: 39), strengthening the argument that transitional justice is modelled on corrective criminal justice systems (Arbour 2007: 2; Waldorf 2012: 10). Yet political contingencies often made prosecution of authoritarian regimes difficult and truth commissions emerged as transitional justice's original contribution, subsequently becoming a nearly ubiquitous tool in transitional periods (Collins 2010: 9; Gready 2011; Sharp 2013a: 155). These are time-limited official bodies that use a victim-centred approach to investigate past patterns of human rights abuses and specific violations (Gready 2011: 3). The aim is to contribute to the pursuit of justice for victims and society by building an official narrative of repression, acknowledging suffering, repudiating perpetrators' actions and ideologies, and rehabilitating the reputation of marginalized or stigmatized individuals.

Using truth as an element of justice beyond the merely retributive opens the panorama of restorative justice, emphasizing peace, reconciliation, emotional catharsis and the restoration of societal, community and interpersonal relations. Telling their story can give agency to the previously voiceless and powerless and link individual actions into wider dynamics and structures: violations conceptualized as part of a pattern of multidimensional exclusion across race, class, gender and other dimensions (Bell and O'Rourke 2007: 40–41; Sharp 2013a: 155; Clamp 2014; McAuliffe 2010). Broadening efforts away from a narrow focus on

perpetrators of physical violence is vital to the future success of truth and justice processes. Increasingly, the case is being made to include economic crime and ESCR violations within the remit of transitional justice (Hecht and Michalowski 2012; Haldemann and Kouassi 2014), with prosecutions for corruption considered to delegitimize autocratic regimes in Latin America more than those based on human rights violations (Cavallaro and Albuja 2008; Carranza 2008). Colombian legislation allows for the prosecution of all individuals implicated in rural displacement: those who violently seize land, those who falsify land registrars, and those who purchase land while being aware of the violent and illegal manner in which it was acquired. Prosecuting beneficiaries and enablers of land grabbing would rebuild expectations of justice in transitional countries. Meanwhile, information revealed during trials or truth commissions can form the basis for awarding judicial reparations, and assets seized from convicted parties used to finance reparation measures (Hecht and Michalowski 2012: 2–3; Mani 2008: 258).

Nevertheless, truth commissions and tribunals are often experienced as alien mechanisms in transitional societies rather than as true, locally accepted means of justice (Mani 2005: 520–521; Muvingi 2009: 165; Thomason 2015: 79). Truth commissions around the world are constrained by their mandates, budgets and methodologies, and any hard-hitting recommendations are easily ignored or subverted by powerful actors (Miller 2008: 276; Laplante 2008: 335–337; Thomason 2015: 77; Pasipanodya 2008: 392–394; Evans 2016: 5). The underlying flaws are utilizing narrow conceptions of human rights that do not critique power, and focussing on what has changed (civil and political abuses), not what has continued (economic and social concerns) into the transitional period (Gready 2011: 13). The same is true of prosecutions: while holding perpetrators accountable is important, it is insufficient to address systemic and institutional issues because focussing on discrete events ignores the structures underpinning rights violations and the roles of enablers, beneficiaries and bystanders (Miller 2008: 280–284; Mani 2005: 520–521; Thomason 2015: 75–76; Muvingi 2009: 179–180). While prosecutions for corruption and economic crime begin to touch on the socioeconomic dimensions of regime atrocities, these are circumscribed to blatant acts of illegal enrichment without questioning prevailing economic orthodoxies, continuing to singe out particular scapegoats while obscuring the larger system of exploitation (Hecht and Michalowski 2012: 2–4). In summary, judicial processes cannot be the sole focus of transitions, as they fail to engage with the complex and opaque nature of historically rooted direct and structural violence, privilege an actor-centred model of human history and ignore the social relations that give structure to human societies. Likewise, while truth commissions may be the emblematic feature of transitional justice, they will not – in fact, cannot be expected to – achieve all of their normative expectations. Transformative justice challenges the validity of

these individualistic and legalistic processes, instead centralizing the issues of structural violence and asymmetric power relations and advocating sociopolitical mobilisation supported – rather than dominated – by human rights law.

Before introducing transformative justice, I discuss the transitional justice processes that overlap more directly with a transformative agenda: reparations and institutional reform. Reparations are theorized to provide corrective and distributive justice, define guilt and victimhood, identify power shifts and redefine citizenship in a remade society (Mani 2005; Arbour 2007: 17; Miller 2008: 284; Muvingi 2009: 180; Gready and Robins 2014: 346–347), with five measures commonly identified: restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence (GNR; UN 2005: 6). By satisfying victims' urgent basic needs and reaffirming their dignity, reparations can establish the conditions to empower greater citizen participation in social and political life (Pasipanodya 2008: 389; Waldorf 2012; Robins 2013; Gready 2015). Reparations have often been a neglected element of transitional justice (Mani 2005: 524; Thomason 2015: 72), with Ainley (2015) claiming that $4.4 million was available for reparations in Sierra Leone, whereas the Special Court's operating budget was $250 million. Nevertheless, recent UN reports assign greater importance to both reparations and institutional reform – or GNR as it now labels this dimension. Previously conceptualized as one component of reparations programmes, the revised stand-alone GNR dimension encompasses many measures previously labelled institutional reform, while incorporating actions targeted at civil society, individuals or the prevailing culture (UN Special Rapporteur [UNSR] 2014: 6; UNSR 2015). This change in terminology illuminates certain conceptual and practical connections, yet is somewhat flawed because GNR is more usefully seen as a function of transitional justice processes (UNSR 2015: 7). Institutional reform, on the contrary, is a vital enabling condition to achieve GNR, as well as a reduction in structural violence and inequalities. Unfortunately both institutional reform and GNR are often more rhetorical than real (Sandoval 2015; UNSR 2015), especially because powerful actors (including those in the transitional justice field) ignore or resist its challenge to the status quo (Pasipanodya 2008: 385–389; Waldorf 2015).

Common failings of reparations include difficulties in establishing their scope, identifying victims and defining compensation (UN 2005: 7–8; Sandoval 2011: 6–7). Individualized compensation for particular groups of victims can undermine analyses based on inequitable and violent social relations, the political economy of transition and the need for future socioeconomic justice; thereby failing to redistribute wealth or power on a scale that would reduce structural violence in transitional states (Miller 2008: 278–285; Muvingi 2009: 180; Lambourne 2009: 41–42; Evans 2016: 7). A further criticism is of "development as reparation" that conflates two separate state obligations, has difficulty targeting only victims, fails to

show moral reparation, and may cause violence through the resentment of those who lose out (Miller 2008: 285; Muvingi 2009: 180–182). The Colombian comprehensive reparations programme, based on Law 1448 of 2011 (Victims' Law), has been subjected to some of these critiques, because land restitution is overwhelmingly to individuals losing land due to armed conflict since 1991 (Acción Social 2011: 5–8), thereby excluding those dispossessed pre-1991, the historically landless, and those who suffer socially and economically based structural violence rather than direct violence.

Yet Colombia's land restitution programme is the flagship state initiative towards rural development, transitional justice and victims' rights. It aims to return millions of hectares of land (Correa 2015; Baquero Melo 2015: 43–44), and certain innovative features make it more responsive to structural violence than previous reparation attempts. These include its initial implementation in regions most affected by armed conflict; the prioritization of female-headed households; the reversal of the burden of proof so that current occupiers must prove lawful possession; and support for productive projects and associated rural development policies to create viable livelihood opportunities for returnees (Acción Social 2011). This latter indicates a movement towards more holistic and transformative responses that address systemic exploitation and marginalization. The inclusion of vulnerability alongside victimhood as a criterion for reparation could make schemes more fair and affordable, ensuring that a wealthy "victim" would not be privileged over a historically marginalized "non-victim" (Robins 2013: 165; Atuahene 2010). The processes of reparation programmes are highly significant, with public participation essential as a tool for empowered citizenship – participation throughout the process in defining, designing, implementing and monitoring reparations. Such deep engagement builds the capacity and confidence of marginalized individuals, groups and communities to participate more in wider social and political structures. Civil society organizations can initiate local processes and leverage power to advocate for resources from the central state (Muvingi 2009: 180; Robins 2013: 210), demonstrating the importance of bottom-up initiatives that can subsequently be scaled up and transferred to other sectors and localities by building constructive alliances (Gready and Robins 2014: 360–361; Eriksson 2009: 141–148). These comprehensive approaches, discussed in further detail below, can better unleash reparation's transformative potential (De Greiff 2009; Sandoval 2011; Gready and Robins 2014; Sandoval 2015).

Institutional reform processes should be more closely associated with initiatives in other fields, such as peacebuilding: linking Demobilisation, Disarmament and Reintegration programmes to transitional justice measures, for example, would facilitate the reintegration of conflict participants into civil life (Patel 2009; Sharp 2013b). Since 2003, the Colombian Agency for Reintegration has assisted

the economic reintegration of 60,000 FARC and paramilitary ex-combatants, and recent moves towards a people-centred approach have led to improved results (Thorsell 2013; Brigida 2016). In Northern Ireland, police reform probably represents the most significant (and successful) change, with the commitment to human rights standards, external oversight and policing with the community increasing trust in a vital state institution, contributing to the peace process, and aiding societal reconciliation (Bayley 2008). The possibility also exists of making more substantial structural violence analyses as economic and social conditions increasingly enter into the framing of GNR initiatives, permitting more transformative approaches in transitional justice (Gready et al. 2010; Gready and Robins 2014; Evans 2013; UNSR 2015: 5–9). Ultimately, the construction of sustainable positive peace requires changing the societal relations and structures that committed or permitted armed conflict, repression and human rights violations (Sandoval 2011: 9–10; Lambourne 2009: 34–35). For this reason, I argue that institutional reform/GNR is vitally important but that it should be seen as a starting point for transformative societal change rather than as a goal in its own right. Transformative justice contributes structural violence analyses to guide relevant action in transitional societies – I explore transformative justice's development in the following section before presenting a conceptual model that operationalizes the framework.

Transformative Justice

The idea of transformation has always held an ambiguous position within transitional justice, which traditionally emphasizes technocratic and elite-driven sequences of reform (Arthur 2009: 337–339). However, the expanded GNR remit and aim of constructing more democratic and inclusive societies necessitates deeper economic, social and political transformation (Arbour 2007; Lambourne 2009; Patel 2009). However, what does a call for transformation rather than transition mean? While transition can be seen as a bounded change in state to a known destination, capable of being managed, transformation is a deeper and more uncertain process, often involving cultural and behavioural change. McAuliffe characterizes transition as a finite politically defined epiphenomenal opportunity to re-evaluate or re-establish state norms (2011: 35). Transformation encompasses the fundamental changes in a society's culture, structures and relationship patterns, even as it undergoes this political transition (Daly 2002; Evans 2013: 8). The reconceptualization of institutional reform as a means to an end illustrates the difference in scope and ambition of transformative justice from the existing transitional blueprint: ensuring non-recurrence of atrocities and armed conflict necessitates radical societal transformation to ensure the once-prevalent becomes unthinkable (Daly 2002: 181).

Transformative justice is best defined as "transformative change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes and the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level" (Gready and Robins 2014: 340). The noticeable difference from dominant transitional justice concerns makes it legitimate to question what overlap there is between the two frameworks. Evans argues that transformative justice is not part of transitional justice and that existing mechanisms can have very little impact on the structural social and economic issues which are currently peripheral in transitional justice (2016: 6–8). Nevertheless, denying the applicability of all transitional justice mechanisms is impractical, and I consider a search for synergies more productive. Transitional justice is a dynamic field containing experienced theorists and practitioners, and existing mechanisms can be developed to have deeper societal impacts (Arbour 2007: 26; Laplante 2007: 145; Pasipanodya 2008: 390; Sharp 2013a; Sandoval 2015; Gready 2015). Viewing all policies, programmes and projects undertaken in transitional societies (not merely transitional justice mechanisms) through the prism of transformative justice would facilitate these deeper impacts (Evans 2016: 8–10).

Transformative justice builds on the contribution of restorative and reparative justice, approaches that place the community at the locus of processes to deal with the past and move forward. Mani treats the three as parallel and complementary notions oriented towards facilitating societal and individual reconciliation to rebuild inclusive political communities (2005: 521–525). This is similar to Daly's transformative justice aims of reconciliation and deterrence, respectively defined as people learning to live together and continuing to do so in the future (2002: 84). Restorative justice encompasses a normative shift in which crime is seen primarily as an injury to the community to which victim and offender belong, and only secondarily as a violation of state law (Eriksson 2009: 11). Perpetrators are responsible to their direct victim and those affected, and the community may be involved in the process of rectifying the injury and restoring relationships. Rwanda's Gacaca tribunals sought to incorporate such paradigms, and a contemporary debate in Colombia questions whether indigenous armed actors should be tried by the Special Jurisdiction for Peace or by ethnic-based processes.

While the concepts of reparative and restorative justice illuminate the existence of a continuum of transitional justice to which transformative justice also belongs, I argue they are not altogether satisfactory if the intention is to reduce structural violence. To begin with, the terms repair or restore suggest the re-establishment of a previously good state or condition, an impossible objective in many transitional contexts because "What could replace lost health and serenity; the loss of a loved one or of a whole extended family; a whole generation of friends; the destruction of home

and culture and community and peace?" (Roht-Arriaza 2004: 158). There may also be an implication that restoration will be easy or natural, whereas the act of transformation is intrinsically understood to entail significant effort. More substantively, restorative and reparative justice approaches fail to fully engage with structural violence and the root causes of armed conflict. Reparative approaches often continue to work on accountability for specific incidents of individual harm, thus continuing to neglect structural questions (Miller 2008: 275; Clamp 2014: 34–35). While reconstructing community relationships is important, reckoning with the past is not limited to correcting unfair transactions, but in putting relationships on a more equitable future footing (Webber 2012). Local communities where restorative justice processes are implemented often suffer structural violence vis-à-vis wider society, and should not be further stigmatized through association with violent crime, stressing the importance of building an inclusive economic and social, not merely political, community. Mani's call to rebuild inclusive political communities (2005: 524) is not accompanied by any mention of institutional reform, redistribution or GNR that would affect the structure of the reconstituted community, nor is it applicable to historically exclusionary or unjust social, economic and political orders – these require transformation, not strengthening or timid reform (Muvingi 2009: 178; Thomason 2015: 71). It is also doubtful that reconciliation can be anything more than a tangential outcome of transitional justice (Evans 2015), dependent on myriad other factors, and potentially masking impunity and upholding asymmetric power relations and social structures. Restorative justice proponents themselves call for a more transformative approach that works simultaneously on behaviours, relations, structures and systemic injustices (Robins 2013: 11; Clamp 2014: 16). Numerous theoretical linkages and continuities are evident between the concepts, with ambitiously conceived (and effectively implemented) community-based restorative justice capable of creating space for transformative justice to flourish (Clamp 2014: 43–44; Eriksson 2009: 188).

The meaning of transformative justice is still rather nebulous, with no commonly agreed definition or components. Daly's aims of deterrence and reconciliation are almost impossible to operationalize and measure: Non-recurrence of violations could be caused by societal reconciliation or by lack of opportunity (for example, a military force that blocks armed confrontation), while living together could signify tolerance or resignation rather than reconciliation. The transformative aspects of her approach are the appreciation of local context (Daly 2002: 77–78), and recognition that transformative institutions must exemplify the values they seek to promote rather than simply reflect the existing balance of power within society (Daly 2002: 95–100). Lambourne elaborates six principles of transformative justice that establish the conditions, processes, relationships and structures to ensure justice in the past, the present and the future (2009: 45–47). This

model is, however, too sweeping, leading to conflation with related disciplines rather than analytical coherence (Waldorf 2012: 9–10). Lambourne's commonality with Daly – and other transformative justice theorists – stems from the call for inclusive processes consistent with local worldviews and cultural understandings of justice. A narrower concept of transformative justice sees it acting to change pre-conflict structures in ways that make them more inclusive and equal (Gready et al. 2010: 1). This has the advantage of concentrating on structural questions without unmanageably expanding the field beyond transitional contexts, hence avoiding the conflation of transformative justice with a more general social justice (Evans 2013: 18). The emphasis on locally participatory processes recurs, indicating a major definitional building block for transformative justice (Robins 2013; Gready and Robins 2014).

The Structural Violence Reduction Matrix

Waldorf suggests that the transformative justice definition used by Gready et al. is analytically distinct from transitional justice but asks what this would look like in practice and how it differs from rights-based, conflict-sensitive development (2012: 10). This remains a pertinent question, indicating the existence of gaps and the importance of drawing on theory and practice in other fields. Transformative justice has been better at diagnosing problems – in transitional states and in transitional justice – than offering solutions to these problems (Gready et al. 2010; Evans 2013; McAuliffe 2015). This article attempts to answer these critiques, and show the benefit of adopting a transformative justice approach in transitional contexts, which is the conversion of rights into realities. Recognition of ESCR is vital to move from appeals to charity in the expansion of public services, for example, strengthening the claim of marginalized groups to provision as a matter of justice (Gready 2008: 737–739). However, the existence of a right in the abstract does not automatically concur with its existence in reality, because while all may have the same rights, not all have the same capability to exercise them (Sen 2009: 233–253). This is where the ESCR justiciability agenda falters, because exercising rights entails relatively high preconditions relating to knowledge of such rights and access to resources to make them real (Haldemann and Kouassi 2014). This favours upper-class sectors of society who can successfully navigate complex legal landscapes (Landau 2012), while failing those such as South Africa's urban poor who cannot actuate their constitutional right of access to adequate housing (Landau 2012: 408–410; Haldemann and Kouassi 2014: 515), demonstrating how the "absence of social and economic power empties political rights of their substance" (Farmer 2003: 16–17). Transformative justice's contribution is in comparing rights' normative pretension and empirical existence, particularly to make

clear the economic, political and social imperatives determining the effective enjoyment of rights.

At this point, it is important to reintroduce the concept of structural violence, portrayed in the opening section as the fundamental problem to deal with. Yet thinking in this field suggests ways in which to operationalize and apply transformative justice, and how it can be connected to existing practice. The matrix questions look to theories of power and rank disequilibrium in the construction and maintenance of structural violence, as multidimensional stratification and societal reward structures result in a built-in transfer of value upwards (Galtung 1964). While this critique of surplus economic value being transferred is longstanding, structural violence thinking reminds us that it also applies to social, political and cultural power. In order to analyse transitional initiatives, it is therefore important to question the sociopolitical mobilisation that preceded and/or surrounded their adoption, how they are designed and implemented, and the implications they have for different societal groups. I argue that to reduce structural violence, transformative justice must function in three distinct manners – as a diagnostic tool, a process requirement, and an outcome objective – and propose the following matrix to interrogate the three dimensions in transitional contexts.

The Structural Violence Reduction Matrix's primary objective is to analyse the ability of policies, programmes and projects to reduce structural violence in transitional periods – obviously recognizing that these may be long-term and complex. Transitional as used here should not be regarded as synonymous with transitional justice – the matrix is intended for general use in transitional societies, not restricted to transitional justice mechanisms. As not all sections and/or questions will be salient in every transitional society, locally relevant versions of the matrix augmented with context-specific questions must be created for the purposes of carrying out empirical work. This empirical work will take the form of "structural violence audits" of existing initiatives in order to assess their real and potential ability to reduce structural violence. Key to this will be finding the outcome aspects of most relevance to marginalized communities, and those that uphold structural violence in their society. If it demonstrates its usefulness in this empirical research, the matrix can subsequently be utilized in a more proactive manner to formulate future policies, programmes, processes and projects. This successful operationalization of transformative justice would mark a major achievement for emancipatory research: getting structural violence and responses to it onto the agenda at the outset.

The diagnostic dimension requires comprehensive analysis that considers the historical roots and political economy of the current situation in transitional societies. This entails looking beyond the direct violence of armed conflict, repression and authoritarianism to successfully identify the existence of structural violence

Figure 1. Structural Violence Reduction Matrix

1. Diagnosis

- Who created the initiative?
- What problem does the initiative target?
- What causes does it identify?
- Are asymmetrical power relations acknowledged?
- Are the existence of exclusions and inequities acknowledged?
- What are the proclaimed aims?
- Who are the initiative's intended beneficiaries?
- How are beneficiaries defined and identified?

2. Process

- Is there local community involvement in designing the initiative?
- Are local needs/concerns addressed?
- How is participation in the initiative ensured?
- What form does participation take?
- At what point in the process is participation?
- Is there capacity building to enable participation?
- Are practical or financial obstacles to participation removed?
- Is participation open only to direct beneficiaries?
- How are participants selected?
- Are they representative of the local community in terms of race/gender/class?

3. Outcomes

1. Direct Violence

- Have killings/kidnappings/threats generally reduced?
- Have killings/kidnappings/threats against politically active individuals reduced?

2. Sociopolitical

- Are political, sociopolitical and social organizations more active?
- Have political, sociopolitical and social organizations increased membership?
- Are leaders more diverse and more representative of local community?
- Do local communities have greater input in defining local priorities?
- Do local communities have greater input in decision-making bodies?
- Has participation in the initiative increased wider sociopolitical mobilisation?

3. Economic

- Is there a more equitable distribution of wealth?
- Have employment opportunities and incomes increased?
- Has ownership of resources broadened?
- Has access to resources broadened?
- Are necessary economic inputs available?
- Has necessary infrastructure improved?
- Have inequalities reduced? By how much?

4. Socioeconomic

- Has access to education improved?
- Have literacy levels improved?
- Have average years in education increased?
- Have education inequities reduced?
- Has access to health services improved?
- Have health inequities reduced?
- Have local health outcomes improved?

and responses to it. It is important to critically assess how a process, programme or mechanism came about, the key debates and mobilisations that shaped it, how – and by whom – decisions were taken, and how aims and beneficiaries were defined. An initiative's analytical frame of reference is ultimately highly influential in determining its aims, mechanisms and beneficiaries. Researching the diagnostic dimension of initiatives means asking who created the initiative; what and how it was created; the central problem identified and the causes ascribed to it; the solution(s) adopted by the initiative to these problems; the proclaimed aims and beneficiaries; and whether structural violence and inequalities were given specific focus. Analysing the origins of transitional initiatives will allow researchers to see power relations and decision-making structures at work. The problems and policies in each transitional situation will differ, but fine-grained analysis of the social and political milieu from which initiatives emerge will illuminate whether decision making is held within a tight circle and responds to elite interests, or whether its adoption follows sociopolitical mobilisation by marginalized groups. It will also indicate whether the parameters of investigation are broad or whether the field of possible action is tightly circumscribed. However, the intention is not simply to show the importance of agenda setting but which (groups of) people are able to set the agenda and the mechanisms with which they do so.

Time is obviously an important variable here, with process-tracing a potentially powerful methodology to establish causal linkages in the formulation of policies, programmes and projects. Two examples from Colombia illustrate this well. The 2011 Victims Law became law officially in June 2011, a mere ten months after Santos' assumption of the presidency. While this quick work is in many ways commendable, I argue that the time frames inherent in drafting and passing legislation makes it virtually impossible that victims' or other civil society groups participated in any meaningful way. Contrast this with the peasant reserve zones which were proposed in Law 160 of 1994; analysis of its gestation show that these zones were a key demand of peasant mobilisation in the late 1980s and during the elaboration of the current constitution, promulgated in 1991. In this case, political pressure was applied from grassroots organizations, and this is reflected in the analytical framing of the problem, as one of historic inequities in land access and ownership; meanwhile the Victims Law remit is restricted to land seizures directly related to the armed conflict.

Research on the process dimension will examine who participates in the initiative; at what point, where, in what form, and how they are selected; whether participants play a role in designing and/or implementing measures; whether there is a capacity building element; whether practical barriers to participation exist (and whether they are addressed); whether local concerns are addressed; and where final decision-making power lies. The most transformative initiatives will be those

that have significant participation by local communities as active agents in designing policies and practices in a manner that values local knowledge, understandings and manners of working. Processes that fulfil this participatory function can be considered transformative, with the potential to alter the basis of social relationships and challenge the decision-making monopoly of dominant groups (Lundy and McGovern 2008; Gready 2008). Operationally, this may entail removing cultural, financial or social barriers to meaningful inclusion, and building the capacity and confidence of marginalized communities and individuals to participate more fully in society. This empowerment function is more than involvement in transitional processes, with the construction of wider civic competence and societal engagement an important goal. This type of deep participation draws on calls for repoliticizing participatory development by questioning the impact of programmes on existing representation patterns, political networks and processes of political learning (Williams 2004: 96–98) – underpinned by more radical and inclusive notions of citizenship (Hickey and Mohan 2004: 12). Gready argues that societal demands for reparation can generate citizen empowerment, with significant transformative effects in the long-term (2015), and that politicized "transformative participation" – linked with agency and empowerment – can expand and deepen democratic spaces (Gready 2008: 742–743). It is through this repoliticization of practice that local grassroots participatory practice is linked back to macro-level societal and global structures to create "counter-hegemonic globalisation" (Ledwith and Springett 2010:55). The matrix problematizes the ownership and aims of processes (in design and implementation) to analyse their ability to reduce structural violence, at all times being aware that as one part of a system changes it interacts in diverse ways with other parts, and with the system as a whole (Ledwith and Springett 2010:70–71).

The outcome dimension recognizes that transitional policies and processes should target more fundamental social changes than ending armed conflict or authoritarianism. These are laudable goals but could coexist with the maintenance of structural violence, its continuation in different forms, or with its increase. The latter scenario could conceivably occur when a power-sharing deal means the incorporation of former enemies into the social elite – maintaining the style of life of these newly expanded elite would require extracting additional resources from non-elite or excluded groups. Transformative initiatives need to have tangible positive impacts on the everyday existence of people suffering structural violence. On the contrary, De Greiff's warning that transitional measures will be seen as irrelevant (or even prejudicial) will ring increasingly true (2009: 30). A major plank of the October 2016 campaign against the peace accords was built on claims that Colombia could not afford it and that spending money on rehabilitation and reinsertion of FARC members would mean less was available for social spending.

Ignoring transformative justice and structural violence in this case undermined the best efforts of transitional justice. Obviously, these positive impacts vary because structural violence is a political, economic, social and cultural phenomenon and initiatives need to tackle it in all spheres. However, this research is concerned with the realistic, not the utopian – even if utopia is important in encouraging striving for the best possible outcome, in giving hope to the hopeless (Freire 1994). Immediate factors to look at would be decreasing wealth disparities, widening access to social and economic opportunities, and creating more equitable societal structures. Nor is an initiative's impact confined to its particular sphere of action: Reduction of structural violence would encourage increased peaceful participation by formerly marginalized groups, and this would be seen beyond the confines of the specific transitional mechanism. Therefore, the outcome dimension will analyse changes in sociopolitical mobilisation, rates of direct violence, incomes, access to wealth and investment, infrastructure availability, access to utilities, access to health and education services, and health and education indicators. Considering local context is clearly vital here, as the selection of aspects to consider depends on their salience within particular societies. For example, farmland is an important aspect in Colombia, Nepal or South Africa, whereas inequalities in property in Kosovo or Northern Ireland are more likely to revolve around the availability of urban housing.

The interdisciplinary Structural Violence Reduction Matrix draws on discussion in the literature related to inter alia transitional justice, peacebuilding, development and conflict studies. It is most strongly rooted in transformative justice which itself grew out of dissatisfaction with transitional justice's conceptual limitations and bias towards legalistic and individualistic responses to dealing with CPR violations rather than advocating structural approaches or a focus on ESCR (Miller 2008; Gready and Robins 2014). Notwithstanding this criticism of transitional justice, I contend that it adds value in a number of ways. The key contribution of transitional justice is that it is a rights-based approach that sees the reduction of structural violence as a right pertaining to citizens rather than as charity or improved service delivery (as often emphasized by Good Governance, New Public Management or Developmental approaches). A more mundane reason is based on pragmatism: transitional justice is an established field which can mobilise funds and qualified practitioners. And while it is often portrayed as supporting liberal globalist epistemologies, I adapt Williams' guidelines to repoliticizing participatory development (2004) to argue that there is space within transitional justice for actors to formulate alternative readings and uses. Such optimism is founded on assertions that the field is prepared to change (Gready 2015), with a former UN High Commissioner for Human Rights declaring that "transitional justice must have the ambition to assist the transformation of oppressed societies into free ones

by *addressing the injustices of the past through measures that will procure an equitable future . . .* and it *must address the human rights violations that pre-dated the conflict* and caused or contributed to it" (Arbour 2007: 3; emphasis added). My support for the framework is effectively a charitable call to give transitional justice a chance to redeem itself. Truth commissions, for example, would be more transformative if they analysed structural violence and power relations in transitional societies: considering distributive injustices and ESCR violations (including those ongoing) and making concrete recommendations to address these in their final reports (Laplante 2008; Mani 2008: 256; Harwell and Le Billon 2009; Hecht and Michalowski 2012: 1). There has been some movement in this direction, with truth commissions in East Timor, Guatemala and Peru investigating violations of economic and social rights and causally connecting victims of structural and direct violence (Pasipanodya 2008: 393; Laplante 2008: 335–337). Yet the need remains for participation by marginalized groups as designers, data collectors and report writers. Involvement by right as citizens rather than as disembodied voices included due to victim status would constitute a starting point for deeper citizen engagement, build the capacity and confidence of previously marginalized populations to participate and allow truth commissions to "set political agendas for future social justice reforms aimed at true conflict prevention" (Laplante 2008: 334).

Transformative justice is the framework required for transitional justice's redemption because it extends into new areas and calls for new forms of action to address past injustices and procure more equitable futures. Citizenship rights continue to be prioritized, although these are understood more deeply than the limited, liberal interpretation of rights, dominated by CPR, to consider the real capabilities and responsibilities of citizens (Sen 2009; Hickey and Mohan 2004). It also calls for processes – in the field of transitional justice, post-conflict reconstruction and development – to be politicized rather than technocratically enacted. To have substantial effect on people's lives, they need to be involved in diagnosing, deciding, implementing and monitoring initiatives, with participation good in itself and a means to secure more positive outcomes (Evans 2016: 7–8). Measures in transitional societies must address social, political and economic exclusions and improve overall living conditions if they are to maintain credibility and avoid becoming a series of relatively inconsequential events (Mani 2008: 254; De Greiff 2009: 30; Haldemann and Kouassi 2014: 514). If transitional justice fails to meet these expanded expectations, the best option is to leave it to plough a narrow legalistic furrow while something new is created to address these bigger issues. While I conceptualize transformative justice as the final stop on a transitional justice continuum, it is also able to stand alone as advocated by Evans (2016), with the Structural Violence Reduction Matrix a major contribution to building its own set of tools.

Conclusion

Structural violence includes a host of offences against human dignity, such as poverty, various forms of inequality and increased risk of suffering serious disease or human rights violations (Farmer 2003). It should be of particular concern in societies undergoing transitions because the existence of structural violence is often at the heart of armed conflict. However, transitional justice processes have generally failed to reduce structural violence, because of flaws in specific mechanisms as well as wider conceptual weaknesses. Central among these are the bias towards legalistic and individualistic responses to CPR violations which ignore the historical and economic underpinnings of armed conflict and the existence of severe inequalities and ESCR violations. It is clear that improving the existence of people at the bottom of highly inequitable hierarchies requires a more ambitious approach, and transformative justice offers this by advocating sociopolitical mobilisation (Haldemann and Kouassi 2014; Gready and Robins 2014). I contribute to the framework by developing it theoretically and proposing practical applications. Transformative justice is conceptualized as a multidimensional approach, and this original contribution is strengthened by the presentation of an innovative matrix to guide future theorization and action. This matrix contains the key questions to be asked of an initiative's diagnostic, process and outcome dimensions to ensure it has transformative social impact. Diagnoses must consider the social, economic, cultural and political factors that create structural violence in society; processes should be participatory, and build a more empowered citizenry; and outcomes should have positive impacts on the lives and opportunities of those who suffer structural violence. Applying this transformative justice approach would reduce structural violence by narrowing inequities, challenging hegemonic power relations, and creating a more inclusive society. Post-conflict and transitional justice initiatives would be more successful as benefits are more widely shared and underlying tensions removed, allowing future policy to be made in a more equitable post-transitional society with a more democratic distribution of decision-making power.

Note

1. Rejection of the accords in the plebiscite of 2 October 2016 could be seen as a failure to truly build this peace within Colombia.

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