

Reflecting on Race, Racism and Transitional Justice

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ABSTRACT[∞]

Following the racial justice uprisings of 2020, our world order continues to reel from the consequences of the systemic racism that is the product of colonial projects past and present. In this introduction to the *International Journal for Transitional Justice's* (IJTJ) Special Issue on Race, Racism and Transitional Justice, we ruminate on key disciplinary critiques of the bounds of transitional justice. We analyze the IJTJ's record of addressing race and racism, relying on data from a coding project of almost all its publications. We find that the explicit discussion and engagement with race and racism has been wanting in the Journal. This volume helps us to consider what it would mean for the field to begin to take race, racism and racial justice seriously. Our hope is that it will help catalyze the remembering, exposing and reimagining of the role of race and racism in transitional justice and beyond.

KEYWORDS: Race, racial discrimination, racial justice, racism, transitional justice

INTRODUCTION

In 2020, amid the global COVID-19 pandemic, diverse groups of people all over the world took to the streets to communicate a message that is the lived truth of racially marginalized people – that racism rooted in the legacies of the Trans-Atlantic slave trade and of European colonial domination remains a systemic and fatal reality. This is the case even (or especially) within the liberal democratic nations whose self-conceptions are of having long disavowed these legacies. In response, then editors-in-chief of this Journal, Hugo van der Merwe and M. Brinton Lykes, wrote a piercing reflection on racism and transitional justice, one that surveyed the study and

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practice of the field, and the publication history of this Journal.¹ Their Editorial, as they noted, was the product of a transnational uprising for racial justice initiated under the banner of Black Lives Matter, an uprising that marked a seismic shift even in the global order's account of the nature of racial discrimination and injustice in the context of law enforcement.²

The year 2020 was one that initiated and mainstreamed much-needed reflection on the embedded nature of racism in many areas of life, and academic institutions and journals were by no means spared. Long overdue discussions and processes to consider anti-racist orientations seemed to mark a critical and welcome inflection point. But backlash against these advances swiftly followed and remains visible in resurgent overtly White supremacist political and social agendas, as well as more (thinly) veiled attempts to silence and erase critique of historically embedded contemporary structures of racism. This includes through transnational attacks against Critical Race Theory, and Diversity Equity and Inclusion efforts launched initially in the United States but reverberating as far beyond its borders as South Africa. At the same time, within academia – at least across the networks that we are a part of – a form of ‘racial justice fatigue’ appears to be setting in, and liberal institutions that were seemingly galvanized to fight racism in 2020 now range from less enamored to increasingly hostile to the project of undoing systemic racism in academia and the knowledge it produces.

In this Special Issue, we reflect on key disciplinary critiques of the limits and bounds of transitional justice and ruminate on how several of the field's founding assumptions and fictions are racialized. Next, we analyze the IJTJ's own record of addressing race and racism throughout its history by drawing on data from a coding project of almost all the Journal's publications to date. Our analysis of the IJTJ coding data found that only about 16 percent of the articles engaged with race and racism. We also found that since 2007, the Journal comparatively devotes more substantive coverage to issues of ethnicity and ethnic violence. Ethnicity and ethnic violence are worthy of focus and may overlap with race and racial violence, but the latter require engagement on their own terms. Our analysis of the submission pool for this Special Issue similarly suggests that much more expertise and engagement with race and racism is needed within transitional justice. We are grateful to the contributors for dedicating their time and their talents to this Special Issue. We believe their work represents a key step in the journey to take race, racism, and racial justice seriously in transitional justice. We recognize the limitations of our own discussions herein. Yet, our hope is that this volume will serve as a catalyst for remembering, exposing and reimagining the role of race and racism in transitional justice and beyond.

RACE AND RACISM AS FOUNDATIONAL

We understand race as the socially constructed and contingent system of meaning that societies attach to morphology and ancestry.³ The racialization process involves a historical process of ‘the extension of racial meaning to a previously racially unclassified relationship, social practice or group.’⁴ Those placed in racial positions ‘do not occupy those positions because they are of X or Y race, but because X or Y has been socially’ constructed as defining characteristics of race.⁵ Racialized social systems historically allocated different economic, political, social and other

¹ Hugo van der Merwe and M. Brinton Lykes, ‘Racism and Transitional Justice,’ *International Journal of Transitional Justice* 14(3) (2020): 415–422.

² E. Tendayi Achiume, ‘Transnational Racial (In)Justice in Liberal Democratic Empire,’ *Harvard Law Review Forum* 134(7) (2021): 378–397.

³ See Ian Haney López, *White by Law: The Legal Construction of Race*, 10th anniversary ed. (New York: NYU Press, 2006), xxi, 10; see also Michael Omi and Howard Winant, *Racial Formation in the United States*, 3rd ed. (New York: Routledge, 2015), 111 (defining race).

⁴ Omi and Winant, *Racial Formation in the United States*, 111.

⁵ See Eduardo Bonilla-Silva, ‘Rethinking Racism: Toward a Structural Interpretation,’ *American Sociological Review* 62(3) (1997): 465–480.

rewards to groups along racial lines.⁶ Anibal Quijano reminds us specifically that race today is the product of centuries-long colonial intervention and exploitation during which ‘race became the fundamental criterion for the distribution of the world population into ranks, places, and roles in ... society’s structure of power.’⁷ Through racialization, race became a normatively loaded social signifier with material consequences.

Racism is the material expression of the exclusionary practices and subordinate inclusionary practices that flow from specific forms of racialization, which necessarily takes different shapes and forms in various times and spaces. Racism is ‘not simply bigotry or prejudice, but beliefs, practices, and policies reflective of and supported by institutional power, primarily state power.’⁸ In the wake of the 2020 racial justice uprisings, the UN High Commissioner for Human Rights has recently defined systemic racism in particular as:

the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin.⁹

We believe that a racial analysis is essential to understanding the field of transitional justice. As van der Merwe and Lykes note in their editorial, the challenge confronting transitional justice is integral:

[The] foundational conventions of the transitional justice field [have] limited its ability to position anti-racism as central in a transitional justice approach, and limited its ability to see racism, acknowledge its impact, analyse its intersectional circulations of power or conceptualize avenues for policies and practices that challenge and transform [W]hite supremacy and confront systemic and structural racism.

Recognition of the depth of the problem has resulted in much-needed scrutiny from within the field.¹⁰ The scope¹¹ and the boundaries of transitional justice¹² have been under pressure in part because of the field’s failure to sufficiently engage with social inequality and thereby neglecting the roots and breadth of violence, as well as its everyday, ongoing effects.

Similarly, the discipline’s failure to deal with racial justice and racial violence has limited the vision of what ‘counts’ as transitional justice. For Ruti Teitel, a transition’s defining feature is ‘a normative shift in the principles underlying and legitimating the exercise of state power.’¹³ Teitel and others have traced the origins of the field back to the immediate post-war setting in Europe and the Nuremberg trials and de-Nazification efforts. One of Teitel’s important insights is how there is ‘a close relationship between the type of [transitional] justice pursued and the relevant limiting political conditions.’¹⁴ Largely absent from the literature is how White supremacy and

⁶ Ibid., 474.

⁷ Anibal Quijano, ‘Coloniality of Power, Eurocentrism, and Latin America,’ *Nepantla: Views from South* 1(3) (2000): 533, 535.

⁸ See also Errol A. Henderson, ‘Hidden in Plain Sight: Racism in International Relations Theory,’ *Cambridge Review of International Affairs* 26(1) (2013): 71–92.

⁹ U.N. High Commissioner for Human Rights, ‘Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent Against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officers,’ U.N. Doc. A/HRC/47/53 (1 June 2021).

¹⁰ van der Merwe and Lykes, supra n 1 at 417.

¹¹ See e.g., Megan Bradley, ‘More than Misfortune: Natural Disasters as a Concern for Transitional Justice,’ *International Journal of Transitional Justice* 11(3) (2017): 400–420; Dustin Sharpe, ‘Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice,’ *Harvard Human Rights Journal* 26(1) (2013): 149–178.

¹² See e.g., Rosemary Nagy, ‘The Scope and Bounds of Transitional Justice and the Canadian Truth and Reconciliation Commission,’ *International Journal of Transitional Justice* 7(1) (2013): 52–73.

¹³ Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2000) 213.

¹⁴ Ruti G. Teitel, ‘Transitional Justice Genealogy,’ *Harvard Human Rights Journal* 16(1) (2003): 69–94.

racism function as important limiting conditions on what and how transitional justice is defined in theory and praxis.

The field's theoretical focus on changes to public legitimating regimes has meant that transitional justice has come to be associated with a shift from authoritarian to democratic political forms, or from conflict to postconflict settings. But this focus is unwarrantedly myopic. For instance, in Martin Luther King Jr's 1963 letter from a Birmingham Jail, he expressly talks about a,

transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality.¹⁵

This understanding of positive peace is thick and layered. It encompasses racial justice that is about the removal not simply of physical violence but also of structural violence, which enables consideration of the importance of both observable as well as latent and systemic violence. Yet, in answering the question of what countries should be seeking to transition to, racial justice, racial reckoning and transformation have not ranked highly in responses from mainstream transitional justice theorist or practitioners, and it is imperative that we understand why.

Additionally, examining where transitional justice is considered necessary and applicable and where it is considered inapposite, and examining the field's paradigmatic beginning and endpoints, tells us a lot about the role of race and racism in the field. For example, the field's fetishization of liberal democracy and of stability has tended to obscure racial subordination, and its systemic entrenchment in liberal democratic nations. As Zinaida Miller has forcefully argued:

The assumption that stability is less dangerous, violent, or threatening than instability in an ostensibly liberal democratic state is just that: an assumption – and often one tilted towards the privileged. In the United States as elsewhere, stability itself can be radically violent: for communities of color that live under perpetual threat – whether of police brutality, economic dispossession, food insecurity, criminal violence, or immigration raids, to name a horrifying few – the fact that the system has habitually absorbed previous convulsions is itself the problem.¹⁶

Similarly, Yuvraj Joshi has demonstrated how transitional justice as a discipline has tended to focus outward policing elsewhere, instead of inward and attending to the legacies of White supremacy.¹⁷ In particular, he points to how American exceptionalism has allowed for the US government to support transitional justice in places like Colombia, Congo and Sri Lanka, while failing to contend with the country's centuries-long imposition of state-sponsored racial violence.¹⁸

In addition to these critiques that other scholars have rightfully levelled against the field, as international legal scholars we think it important to call attention to the reflexive and often uncritical ways that many transitional justice mechanisms conduct international law's civilizing mission. Makau Mutua articulates how the savage victim savior metaphor operates wherein:

¹⁵ Martin Luther King, Jr, 'Letter from a Birmingham Jail,' 16 April 1963, reprinted in *Why We Can't Wait* (New York: Harper Collins, 1964).

¹⁶ Zinaida Miller, 'Transitional Justice, Race, and the United States,' *Just Security*, 30 June 2020, <https://www.justsecurity.org/71040/transitional-justice-race-and-the-united-states/> (accessed 5 February 2024).

¹⁷ Yuvraj Joshi, 'Racial Transitional Justice in the United States,' in *Race & National Security*, ed. Mantiangai Sirleaf (New York: Oxford University Press, 2023), 191–192.

¹⁸ *Ibid.*

human rights carries racial connotations in which the international hierarchy of race and color is re entrenched and revitalized. The metaphor is in fact necessary for the continuation of the global racial hierarchy. In the human rights narrative, savages and victims are generally non-[W]hite and non-Western, while the saviors are [W]hite. This old truism has found new life in the metaphor of human rights. But there is also a sense in which human rights can be seen as a project for the redemption of the redeemers, in which [W]hites who are privileged globally as a people – who have historically visited untold suffering and savage atrocities against non-[W]hites – redeem themselves by “defending” and “civilizing” “lower,” “unfortunate,” and “inferior” peoples. The metaphor is thus laced with the pathology of self-redemption.¹⁹

The savage victim savior metaphor can easily be applied to the field of transitional justice. The field similarly constructs a binary in which paradigmatic good states are those that embrace and employ transitional justice and internalize human rights, whereas the bad state actors are illiberal, anti-democratic, violent and authoritarian. How the state cleanses and redeems itself is also dependent on the use of transitional justice mechanisms and submission to human rights norms.

Transitional justice as a field for civilizing the periphery and making it more like the center has problematically tended to rely on stereotypes regarding the inherent violence and inferiority of those othered as people of color.²⁰ The prescribed interventions tend to have a myopic temporal vision on the current crises in ways that divorce injustices of the moment from historical and contextual meaning or situate them within larger geopolitical hierarchies or questions of racial justice.

Transitional justice has also tended to embrace the legal and technocratic, much like the field of human rights. Others have pointed out how transitional justice’s reliance on the law to make offenses cognizable obscures the political and the contextual, and that by focusing simply on the legal realm we ignore other important aspects of life including education, culture and the social sector.²¹ Moreover, the tendency to view social change as coming from legal institutions both oversells their capacities but also causes a focus on top-down theories and visions for change as opposed to bottom-up and grassroots efforts and organizing.²² To the extent that transitional justice discourse is limited to technocratic legalistic debates, transitional justice will only serve to reflect many of the biases and predispositions we see in the field of international human rights law.

To be sure, some in the literature have called for a more transformative form of justice than transitional justice.²³ One that is aimed at a longer-term process of disturbing social, political, economic structures and relationships embedded in society as opposed to quick-fix mechanisms. The aim would then be to not only deal with the past but also establish the conditions and structures to ensure justice in the present and the future. Others have expressed wariness about transitional justice being so expansive and stretched perhaps beyond recognition.²⁴ They express concern about the ability of transitional justice to effectively address historic and ongoing injustices that have been committed and instead counsel that the field should focus on more

¹⁹ Makau Mutua, ‘Savages, Victims, and Saviors: The Metaphor of Human Rights,’ *Harvard International Law Journal* 42(1) (2001): 201, 207–208 (accessed 5 February 2024).

²⁰ Compare Rachel Lopez, ‘Black Guilt, White Guilt at the International Criminal Court,’ in *Race & National Security*, ed. Matiangai Sirleaf (New York: Oxford University Press, 2023), 220, discussing how international criminal law could be portrayed as replicating the modalities of the civilizing mission of international law.

²¹ Dustin N. Sharp, ‘Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice,’ *Harvard Human Rights Journal* 26(1) (2013): 149–178, 157.

²² Clara Sandoval, ‘Reflections on the Transformative Potential of Transitional Justice and the Nature of Social Change in Times of Transition,’ n.d., 13–14, https://projects.iq.harvard.edu/files/lancet-reparations/files/final_article_ictj_context_jan_20171.pdf (accessed 5 February 2024).

²³ Paul Gready and Simon Robins, ‘From Transitional to Transformative Justice: A New Agenda for Practice,’ *International Journal of Transitional Justice* 8(3) (2014): 339–361.

²⁴ Fionnuala Ni Aoláin, ‘After Things Fall Apart: Challenges for Transitional Justice Futures,’ *Human Rights and International Legal Discourse* 11(1) (2017): 23–40.

recent injustices. But, as Paul Farmer has argued, gross human rights violations are ‘not random in distribution’ but ‘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.’²⁵ The narrow target of many transitional justice interventions and their failure to grapple with legacies of racial violence at the national, transnational and international levels is deeply concerning and we are encouraged that many of the pieces in this volume explicitly engage with this problem.

Even as we foreground the marginalization of race and racism in transitional justice, we are mindful of the fact that repairing the legacies of the trans-Atlantic slave trade and European colonialism requires attention to a much broader spectrum of systemic injustice. Like other fields, that of transitional justice must also confront forms of oppression steeped in heteropatriarchy, ableism and misogyny, among others. An inescapable limitation of our intervention is an inability to engage all relevant structures and axes of subordination.

IJTJ RECORD ON RACE AND RACISM

We predicted that the field’s shallow and limited engagement with race and racism would similarly be reflected in the past publications of the IJTJ. In their Editorial, van der Merwe and Lykes reflect on the role of the *International Journal of Transitional Justice* in addressing racism. In a self-reflective move that is all too rare, but of vital importance in charting a course towards change, they note that:

[w]hen reviewing our publication history vis-a-vis a critical analysis of institutional racism and [W]hite supremacy in transitional justice, we are forced to acknowledge that we have not served as a hub or cutting edge. Very few articles address issues of racism head on.²⁶

To develop a more granular sense of the Journal’s engagement with race and racism, we requested data from it, initiating a coding project where research assistants reviewed every article that the Journal has published to determine its coverage of issues relating to race and racism. The coding project reviewed 525 pieces of scholarship across 49 issues; examining all the issues, from the first issue published in 2007 to the first issue published in 2023.²⁷ We summarize and discuss the limitations of the Coding Project in more detail below.²⁸ Research assistants coded both exact and thematic proxies of key terms relating to race and racism. By necessity, we relied

²⁵ Paul Farmer, *Pathologies of Power: Health, Human Rights and the New War on the Poor* (Berkeley: University of California Press, 2003), 7.

²⁶ Van der Merwe and Lykes, supra n 1 at 420. The candor of the editors-in-chief is admirable and sets the stage for action to address a problem that many journals are unlikely to even admit they have.

²⁷ For the purposes of the coding project, the research assistants did not make distinctions between notes from the field, book review essays and articles. For editorials, the research assistants did not include the summary of the articles in their coding, to avoid double counting. When the coding project took place, only one issue had been completed for 2023 so we have data analyzed for two fewer issues for 2023 than we do for all preceding years.

²⁸ For the article coding, the research assistants read the complete article (including abstract but excluding footnotes) and looked for key terms agreed upon as relevant to the project. For our purposes, we are primarily interested in the journal’s coverage of race and racism and have focused on the coding results for the following terms:

- People of color (only coded for exact use of the words together and not thematic proxies; Any reference to a *specific* race was coded under that racial category and not under the word ‘race.’ However, the research assistants did not consistently disaggregate the data for specific racial groups, so we have not included that data in our analysis);
- Race (the research assistants only coded for exact uses of the word ‘race’ itself, and other variations like ‘racial’ or ‘racialized’ were coded separately and only when they appeared exactly in the articles);
- Racism (exact term and thematic proxies which included terms like racist, colonial dispossessions and racist regime forms);
- Racialized violence (exact term and thematic proxies which included terms like slave trade and slavery);
- Racial discrimination (exact term and thematic proxies which included terms like racial insults, epithets, name-calling, race baiting, Jim Crow laws, discrimination of Indigenous peoples, apartheid’s discriminatory legislation and disproportionate police presence and contact);

KEY TERM	NUMBER OF ARTICLES	PERCENTAGE OF PIECES (N/525)
Race	87	16.6%
Racism	86	16.4%
People of Color	81	15.4%
Racial discrimination	62	11.8%
Racialized	49	9.3%
Systemic racism	32	6.1%
Structural racism	27	5.1%
Institutional racism	24	4.5%
Racialized violence	21	4%
Racial Exclusion	17	3.2%
Racial violence	14	2.7%
Racial subordination	13	2.5%

Figure 1. Overall Engagement with Race, Racism, and Related Terms in the IJTJ 2007–2023*)

(Note that data visualized only includes the first issue from 2023)

on different research assistants’ interpretations of thematic proxies for terms which introduced a level of variability in how the specific terms were coded. For example, one research assistant may code the same information as structural racism and the other code it as institutional racism. More generally, errors were certainly introduced in the coding project due to variation resulting from the fact that several assistants worked to both code and enter data for the project. Despite the many limitations of the IJTJ Coding project, we believe the data that we have is illustrative of the Journal’s coverage since its founding.

We capture how many articles engaged with key terms at all since the Journal’s first publication in 2007. In coding the data, these terms were coded as one if they were present in the article, or zero if they were absent from analysis in the article. The IJTJ coding project shows the following breakdown of engagement with race, racism and related terms in the publications of the journal from 2007 to the beginning of 2023, which is depicted in [Figure 1](#).

The data illustrates extremely limited engagement (with less than or equal to 5 percent) across articles with the following terms: racial subordination, racial(ized) violence, racial exclusion, institutional racism and structural racism. The data indicates relatively modest engagement (greater than 5 percent but less than 15 percent) across articles with the following terms: systemic racism, racialized and racial discrimination. The data also demonstrates the most engagement comparatively with race at 16.6 percent, racism at 16.4 percent and people of color at

- Racial exclusion (exact term and thematic proxies which included terms like racial divisions, discrimination of Indigenous peoples and racially divided former settler colonies);
- Racial subordination (exact term and thematic proxies which included terms like racial domination);
- Racialized (exact term and thematic proxies which included terms like racial conflict and racial groups);
- Systemic racism (exact term and thematic proxies which included terms like economic injustices systematized under apartheid, system of racial oppression, systematic policies to exterminate Indigenous people and systemic deprivation when specifically referring to the targeting of members of a specific race/ethnicity);
- Structural racism (exact term and thematic proxies);
- Institutional racism (exact term and thematic proxies which included terms like racial inequalities, racial injustice and slave codes).

We omitted nationality data from our analysis as nationality is not a good proxy for race or racism and there were some slippage/confusion/inconsistencies in coding for these terms from some of the research assistants. Accordingly, the following terms were coded *geographically* rather than for race: African, Asian, Caribbean, Central American, European, Indian Global South, Mexican, Other Origins, South American and Third World. The research assistants coded ‘Asian’ as a nationality for the geographic location of the authors but did not code for Asian as a racial group in the substantive coverage of the journal. This oversight during the IJTJ Coding Project limited our ability to analyze data for disaggregated coverage of issues pertaining to specific racial groups within the Journal. Additionally, we also omitted apartheid and Holocaust from our analysis as these terms were not consistently coded by the research assistants during the coding project and we have incomplete data on the coverage of these terms in the coding project.

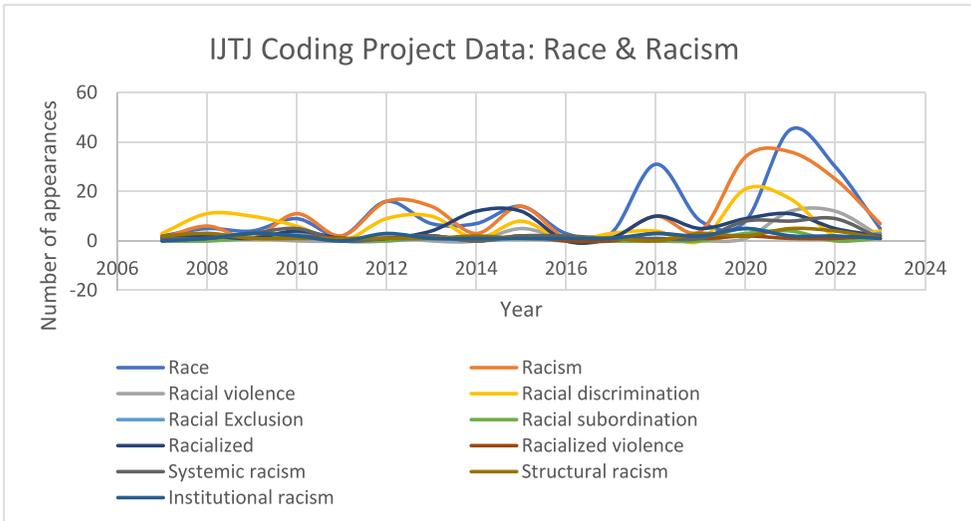


Figure 2. Frequency of Engagement with Race, Racism, and Related Terms in the IJTJ (2007–2023*)

(Note that data visualized only includes the first issue from 2023)

15.4 percent across all articles. Furthermore, since the difference in the number of articles where race (87) and racism (86) appear is slight, we are not as concerned about whether race was coded out of context (e.g., arms race) in the project, since the terms tended to generally appear in the same article in the data gathered from the coding project.

Additionally, it is also important that we situate the Journal's record on race and racism and contextualize it against the efforts of other international journals. In light of our background as international lawyers, we highlight a comparison with a leading peer-reviewed international law journal that has also been scrutinized along similar lines. James Gathii found that only 1.25 percent of 5,109 pieces in the *American Journal of International Law* substantially engaged with race in the body of their texts; this is the flagship journal of international law in the United States.²⁹ *The International Journal of Transitional Justice* is certainly doing better than some other international journals, given the paucity of engagement elsewhere. However, this does not mean that the Journal should rest on its laurels. It can and should aspire to do more to build on its record.

Accordingly, we also conducted a longitudinal study of how substantive the analysis of race, racism and related terms was across keywords/proxies from the data gathered from the IJTJ Coding Project. While coding the keywords/proxies in each article, the research assistants counted the number of times each keyword/proxy appeared in an article. If a given word or its proxy appears multiple times, we were able to capture the frequency of appearances of the keywords/proxies. The research assistants engaged in both searches for the exact terms as well as proxies for the terms to avoid undercounting. However, it is possible that not enough thematic proxies were captured in the coding data set due to the variability in coding we referenced above. There are not readily available solutions for this as we did not want to artificially limit results to exact word searches only, since that would provide an incomplete view of whether a concept was engaged in an article without mentioning the word specifically. Recognizing the imperfection of the coding data in the set, we still find it helpful for analyzing the depth of analysis across time for key terms in the Journal. We have distilled the data for ease of reference in Figure 2.

²⁹ James Thuo Gathii, 'Studying Race in International Law Scholarship Using a Social Science Approach,' *Chicago Journal of International Law* 22(1) (2021): 71–109.

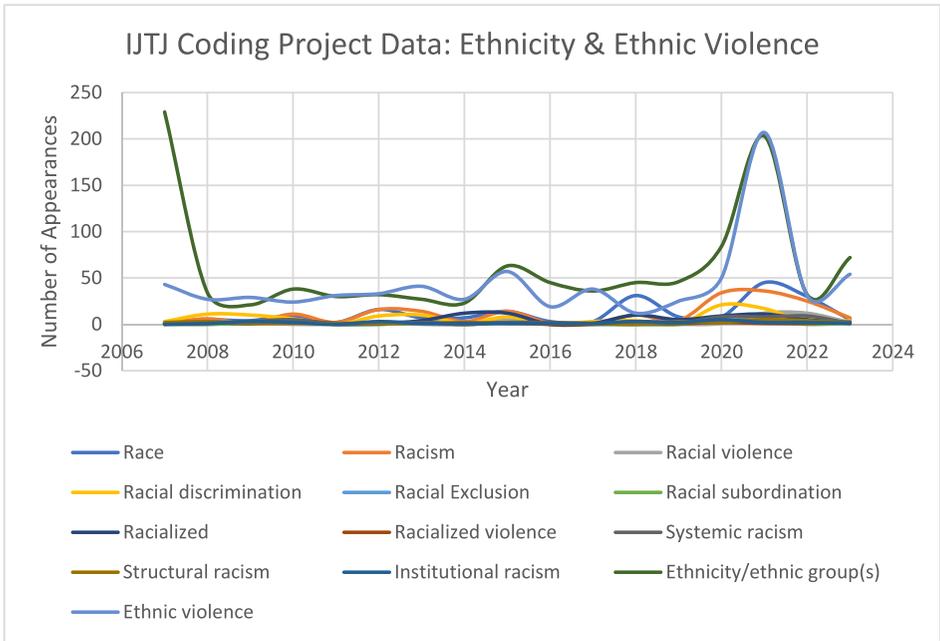


Figure 3. Frequency of Race, Racism, and Related Terms Compared with Ethnicity and Ethnic Violence in the IJTJ (2007–2023*)

(Note that data visualized only includes the first issue from 2023)

As depicted above, engagement with race and racism does not peak above 50 mentions in any year of the Journal’s pages coded for this project. The year 2012 is the first year that we see race and racism appear more than 10 times in the Journal’s pages. It is not until 2021 that we see any peak of coverage of race in the Journal and even that is a meager 45 appearances for race and 35 appearances for racism. It is unsurprising that the most sustained engagement with race and racism in the Journal comes after the racial justice uprisings of 2020. This increase coincides with Van der Merwe and Lykes’ 2020 editorial reflecting on the role of the *International Journal of Transitional Justice* in addressing racism. Irrespective of the drivers for the increased substantive coverage on race and racism in the Journal, we are concerned by the downward trend we see visualized in the data after 2021. We fear that this may reflect the racial justice fatigue alluded to earlier.

We also conducted an analysis of how race and racism compared to other key terms captured in the IJTJ Coding Project. We were particularly curious about how issues of ethnicity and ethnic violence in the Journal were captured, and present these results in Figure 3.

As visualized in the data above, since 2007 there has been more substantive engagement with issues of ethnicity and ethnic violence³⁰ over the years in the Journal than with any of the other terms that we coded for in the project. The peak of intensity of engagement around ethnicity and ethnic violence appears in 2008 and then again in 2021, with the depth of analysis of these terms going above 200 appearances. The year 2018 is the first and only year that we see race engaged with with more intensity than ethnicity in the Journal’s pages, with race at 31 appearances

³⁰ Despite some slippage/confusion/inconsistencies in coding for ethnicity and ethnicity terms from some of the research assistants with this project, we believe the data we have is useful for helping us to understand coverage of these issues in comparison to other terms relating to race and racism.

Continent	Author location at time of publication	Percentage
Asia	24	3
Africa	57	8
Europe	259	35
North America	256	34
South America	66	9
Australia/Oceania	47	6
UNKNOWN	36	5
TOTAL	745	100

Figure 4. Summary of Geographic Locations of Authors Published in the IJTJ (2007–2023*)

(Note that data visualized only includes the first issue from 2023)

and ethnic violence at 12. Additionally, 2022 is the first time that we see race, ethnicity and ethnic violence all analyzed with the same amount of substantive coverage in the Journal's pages. However, even this is only referring to around 30 appearances for each term. We are curious as to what extent this reflects more facility and comfort with engagement with ethnicity and ethnic violence over and above race and racism in the Journal, even where a racial analysis would be productive and beneficial to the respective projects.

We would be remiss if we did not mention what the IJTJ Coding Project data revealed about the IJTJ's record on the geographic locations of authors that have been published over the course of the Journal's history. The research assistants examined the first footnote of each article published in the Journal in the coding project. They identified 745 authors' full names and institutions and searched for their geographic information. They then determined where the authors currently reside and where they were at the time of the articles' publication. The summary of the geographic location of the 745 authors published in the IJTJ captured in the coding project is reproduced in [Figure 4](#).

Notably, positionality in a certain locale does not indicate whether an author is originally from the region they are publishing the article from. Additionally, race is not coterminous with geography, nor is adopting a racial analysis dependent on one's locale or one's racial identity. Nonetheless, the data on the distribution of authors in the IJTJ Coding Project is illuminating. We believe that the heavy concentration of authors writing from the Global North at the time of publication (69%), where race and racism are typically marginalized in academic analyses, results in a reproduction of that marginalization in the field of transitional justice and in the Journal's pages. Additionally, we should note that in our experience, race and racism are also marginalized in academic analyses in the Global South, often as a product of the reproduction of positivist methodologies that are anchored in legacies of colonial knowledge production.

THE SUBMISSIONS PROCESS

It is against this backdrop that we welcomed the invitation of the Editors to guest edit this Special Issue on Race, Racism, and Transitional Justice. We issued a broad call for submissions, which we have reproduced at the end of this Editorial,³¹ seeking diverse perspectives from all over the world to shed light on how the theory and practice of transitional justice interface with the systemic racial injustice that is often at the heart of the contexts where the framework is deployed.

³¹ See [Supplementary Appendix A](#), *infra*.

For the call for papers, we welcomed submissions from across disciplines and geographic regions. We witnessed a healthy appetite for dialogue and engagement on the critical issues of race and racism in transitional justice in the response to the call for papers relative to prior special issues. The call for submissions was posted on the Journal website and circulated to its mailing list. We also circulated the call widely through our own networks of scholars and practitioners, attempting to target individuals and groups whose work explicitly foregrounds a racial justice lens. Notwithstanding our best efforts, outreach was fundamentally limited by the structural blind spots that our positionality generates. We are both Black African women who write in English and are based in law schools. We also live and work in the United States, which sits at the top of the global imperial hierarchy. Our networks are not (and cannot) be representative of the full scope of perspectives and positions relevant for developing a comprehensive set of accounts of race, racism and transitional justice. Further, we suspect that academic study of transitional justice through the lens of racial justice remains under-supported or under-encouraged at the graduate and post-graduate levels, resulting in a limited pool of scholarship from emerging scholars from which to draw.

We benefitted immensely from the comments and expertise of our generous peer reviewers. Many among them perform disparate levels of review service considering how few transitional justice experts have sufficiently developed expertise in academic study of race and racism. Of course, we do not expect that *all* academic experts will be experts in the study of race and racism. However, considering how pervasive systemic racial injustice is in the contexts in which transitional justice interventions predominate, it is our view that the requisite racial justice expertise is underrepresented in the field.

ORGANIZATION OF THIS ISSUE

It is worth returning to some of the initial questions that drove us to do this Special Issue. What would it mean for the field and practice of transitional justice to focus on constructing intentional structures, initiatives and support to help attain and sustain racially just outcomes through preemptive and preventive practices and procedures? Does transitional justice further emancipatory efforts by communities or will initiatives be state dominated? Does the field of transitional justice offer promises of symbolic reparative efforts over and above material restitution to foster racial justice? The pieces in this volume help us to consider what it would mean for the field to begin to take race, racism and racial justice seriously in transitional justice.

This Special Issue seeks to explore the ways in which transitional justice has been complicit and even instrumental in the preservation and reification of racial injustice in practice and in theory. In ‘The Case for Rage in Transitional Justice: Lessons from the Anti-Racist Struggle,’ Rebecca Leiby argues that transitional justice theorizing over-relies on dualities. In the field, Leiby asserts that one’s resentment can give rise to either vengeance or forgiveness, but not both; one can either be fueled by anger or by the hope of progress, but not both. Leiby draws on the importance of Indigenous ontology in questioning dualities, as well as the practical and moral benefits that would accrue if Indigenous perspectives were employed to advance recovery from violence. Leiby maintains that these binaries replicate the kinds of false dichotomies that hamstring other societal movements, including the struggle against racism. Drawing on Myisha Cherry’s case for ‘Lordean rage,’ within the context of the anti-racist movement, Leiby makes the case that transitional justice in general would be well-served by centering the transformative power of emotion.

Specifically, Leiby articulates how Lordean rage is distinct from hatred and can have a generative effect as a catalyst for recognition and acknowledgement of victims. Importantly, the author also explains how suppressing emotions of anger has undermined efforts to reckon with legacies of mass violence and advance anti-racist movements. It is also noteworthy how the author

frames the dilemma about institutional stability and justice as a false choice, emphasizing how Lordean anger can be effective in reaching both objectives. Leiby maintains that Lordean rage pushes us to focus on our role as active, emotion-laden participants in the world-building process, beyond simply hearing expressions of resentment and anger in the aftermath of violence for the sake of the survivors, or for the sake of the recovery process, or for the sake of rebuilding. Leiby concludes that Lordean rage gives us the directive that we must, if nothing else, refuse to avail ourselves of the privilege of dispassionate distance when facing injustice and channel the transformative power of being ‘willing to get angry.’

Additionally, this Special Issue draws attention to how both in the Global North and the Global South, nationally and transnationally, societies remain structured by racial injustice attributable to historical injustice that has never been fully repaired, and contemporary injustice sustained by institutions, epistemologies and practices that carry forward the racial logics of colonialism, slavery, apartheid, Jim Crow and related systems of racial subordination. In ‘Legacies of Colonial Violence in Contemporary Transitional Justice: Memories of Mau Mau, the “Kapenguria Six” and the “Ocampo Six” in Kenya,’ Anushka Sehmi assesses the enduring impact of colonial violence in responses to modern conflict by transitional justice mechanisms. Sehmi analyzes the popular memory of the Mau Mau insurgency from 1952 to 1960 in Kenya, as well as the British colonial administration’s trial of the six Kenyan nationalists known as the ‘Kapenguria Six,’ and juxtaposes this to the International Criminal Court’s (ICC) trials of six Kenyans charged with orchestrating the 2007–2008 post-election violence in Kenya, known as the ‘Ocampo Six.’ In doing so, Sehmi considers how societies continue to be structured by racial and colonial injustice and how this influences contemporary transitional justice initiatives. In the Kenyan context, Sehmi argues that the manipulation of memories of colonial violence enabled the promotion of political agendas and arguably contributed to the collapse of the two Kenya cases before the ICC. Sehmi demonstrates how transitional justice mechanisms such as the ICC do not operate in an ahistorical vacuum, and international criminal trials as a form of transitional justice may be contested where there is no genuine accountability, redress or reparations for victims of colonial crimes. The article’s juxtaposition of colonial crimes, which were never adequately redressed, and the ICC prosecutions in Kenya lead to important insights.

The article concludes that transitional justice mechanisms such as the ICC exist on a temporal continuum between the colonial past and a postcolonial, neoliberal present. The comparison between the Kapenguria Six and the Ocampo Six illustrates a vivid lack of historicity in transitional justice mechanisms such as the ICC and understanding of structural violence. Sehmi maintains that the Kenya cases before the ICC are unique in many ways, however they provide an interesting example of the wider debates surrounding the skewed application of international criminal law vis á vis the lack of accountability for gross and systematic acts of colonial violence, and the limits of transitional justice.

The erasure of racial justice from transitional justice processes can result in the erasure of racially marginalized groups from the emancipatory processes that bring about the transitions. In other words, the erasure is two-fold: the problem of structurally embedded racial hierarchy is neglected, but so too is the political agency of racially marginalized groups and their contributions to national transitions. In ‘Racial (In)justices in Brazil: Reconstructing the Subaltern Memories of Poor and Black Women in Brazilian Dictatorship,’ Pablo Pamplona, Beatriz Besen, Kaya de Wolff, Soraia Ansara and Luis Galeão-Silva provide an example of this dynamic. The authors analyze the exclusion from Brazil’s national transitional justice process of the mobilizations of ‘poor and Black women, most of them mothers,’ who through different movement formations played crucial roles in destabilizing Brazil’s military dictatorship. The authors’ lens is crucially intersectional, attentive to race, gender and class structures that are too often neglected. Pamplona et al. show how the national transitional justice process gave more visibility to ‘the

repression and activism of White and middle-class people.' This in a nation that has never confronted the reality of slavery and Indigenous genocide as central to its foundations, and the reality of the persisting systemic racism that continues to define Brazilian society. The erasure of Black mothers and the movements they led from Brazil's transitional justice process, the authors argue, continues to entrench racial injustice in the present. It sustains the myth of Brazilian 'racial democracy' – a nation of racial harmony and absent racial hierarchy – and of the military dictatorship era as one of national prosperity for all. In being sustained, these myths remain available for mobilization by politicians such as Jair Bolsonaro, who misrepresent the military dictatorship as a racial and economic golden era.

This Special Issue also considers other historically subordinated groups, including Indigenous Peoples, whose societies, communities and territories remain subject to settler colonialism, genocide, dispossession, extraction, erasure and exploitation rooted in colonial, neocolonial and related forms of imperial racial injustice. In 'Transitional Justice and Redress for Racial Injustices against Marginalised Minorities: Lessons from Indigenous Twa people in Post-Genocide Rwanda', Ezechiel Sentama turns our attention to the case of Rwanda and explores the experiences of the marginalized Indigenous *Twa* minorities with transitional justice implemented in the aftermath of the 1994 genocide through the National Unity and Reconciliation Commission and *Gacaca* courts. Sentama analyzes how the lessons from Rwanda highlight the limitations of transitional justice in responding to racial injustices of marginalized minorities when it is practiced within an authoritarian political context. The piece discusses how the transitional justice approach in Rwanda contributed to the construction of a flawed record of the past and marginalized the lived experience of Indigenous Rwandans. Sentama shows how transitional justice was employed as a tool by the government to impose an official historical narrative and negate identities of the marginalized Indigenous *Twa* people.

The article concludes that the Rwanda case sheds light on the inconsistencies and limits of transitional justice and challenges the orthodoxy that transitional justice always serves to bring positive transformation to postconflict societies. The exclusion of the *Twa* experiences in transitional justice in Rwanda leads Sentama to surmise that in an authoritarian state, it is illusory to expect transitional justice to address the logic of exclusion in dealing with past injustices of marginalised minorities. On the contrary, Sentama finds that transitional justice serves to cement and perpetuate the logic of selection and exclusion to only serve the interests of the state.

This Special Issue also aims to trouble the racialized logic that treats transitional justice as a discipline 'for others.' In 'Historical Violence and Public Attitudes Toward Justice,' Jamil Scott, Daniel Solomon and Kelebogile Zvobgo 'case' the United States, connecting transitional justice scholarship in different disciplines to the work on racial violence and racial justice. Their study also seeks to understand Black Americans' attitudes on possible remedies for historical (and contemporary) violence through a survey experiment they fielded in Maryland, United States, where a slate of transitional justice measures has been adopted in recent years to address racial terror lynchings in the state, including a truth commission. This is the first US state-level truth commission to investigate the history of racial violence through lynchings. Scott et al. argue that because mainstream scholarship has overlooked the US case, we do not know what remedies for historical and contemporary abuses marginalized communities want in this context and how effective these remedies might be. Their experimental survey results found that respondents supported at comparable rates material and symbolic transitional justice for contemporary police violence. Respondents also indicated greater support for symbolic transitional justice for historical lynching violence. Despite the limitations of the study, the results of their survey indicate, if provisionally, that transitional justice provides some tools that are appropriate, even useful, for addressing racial injustice in the past, as well as in the present.

Scott et al. observe that previous scholarship has examined transitional justice attitudes with a focus on Global South countries with population experiences of large-scale conflict and repression in the ‘recent past,’ and simultaneously that there has been a hesitancy among scholars to examine transitional justice for abuses in the ‘distant past’ and especially in ‘non-traditional’ transitional justice settings like the United States. They maintain that transitional justice is a set of norms and practices – for the entire world, not just some countries. Their article contributes to a growing body of work that makes a case for transitional justice for historical injustice and that considers racial justice as transitional justice. Scott et al. question the prominence that liberal democracies have as the goal of successful transitions in transitional justice. They conclude that democracy does not necessarily mean justice, and that if this were the case, the United States – like Australia, Canada, France, Germany and others – would not be the focus for so much racial justice activism.

While Scott et al. investigate the role of the state, another article in this Special Issue turns its attention to the role of non-state actors in providing redress for racial injustice. This article queries at what scale transitional justice interventions that seek to repair communities that remain scarred by the systemic racism of the legacies of the Trans-Atlantic slave trade are occurring, and what role, if any, might universities have in these processes. In ‘Advancing Local US Transitional Justice Initiatives: A University Partnership Alongside Descendant Communities,’ Linda Mann offers crucial insights on both fronts, with a focus on the United States. The author details the collaboration between a historically Black college and a predominantly White university to investigate and map reparations initiatives at the local level among Black communities in the United States. This university collaboration also sought to offer support to such efforts, while reflecting critically on how best academic institutions can help advance structural redress.

The process and outputs of the collaborations are illuminating. With respect to the mapping project, Mann’s contribution provides novel data on the breadth of local transitional justice efforts in the United States – identifying 481 local transitional justice efforts from 1609 all the way to the 21st century. The mapping project details, among other things, the types of reparations efforts, the categories of harms they are designed to respond to and their distribution over time. Mann also provides examples of community transitional justice projects in which the university team provided support. The author reflects on the successes and failures of the collaboration, among other things highlighting the ways that researchers at predominantly White institutions must be willing to have their own praxis transformed if they are genuinely invested in contributing to racial repair. Mann shares examples where such transformation was possible, and lessons learned in this regard. The author also details the very real limits of operating within colonial academic institutions that remain invested in benefitting from the status quo of systemic racial injustice. Mann’s contribution disrupts the dichotomy between transitional justice theory and praxis for racial repair, and puts academia under a microscope, displaying self-reflexiveness that seems essential for the field of transitional justice.

Our notes from the field in this Issue also help further illuminate racial justice praxis situated within the framework of transitional justice. In ‘Taking Responsibility for the White Collective,’ Bretton McEvoy takes us beyond the traditional focus of transitional justice interventions, which has tended to be the ‘relationship between direct perpetrators and victims.’ Building on Michael Rothberg’s work on ‘implicated subjects,’ McEvoy considers White Americans who ‘perpetuate and benefit from regimes of domination’ that carry forward the legacies of slavery and settler colonialism in the United States. Specifically, the author draws on an ethnographic study of anti-racist White activists in the city of Boston:

to examine what their endeavors and struggles to reckon with their implication in histories and present-day injustices of racism and [W]hite supremacy can tell us about the boundaries of a transformative justice model.

An important premise for McEvoy, one often unaccounted for even within racial justice literature and praxis, is that the pursuit of racial justice involves both investment in racially marginalized communities as well as divestment of the privilege and power of racially dominant groups. This study explores the tensions that arise at the intersection of commitments and advocacy to undo White supremacist social structures on the one hand, and the ‘the embodied “realities of [W]hiteness.”’ What emerges from this study is what the author refers to as a ‘common ideological praxis’ with three core elements: (1) acknowledging how one is implicated in the perpetuation of, and benefits from, White supremacy; (2) taking action to ‘capacitate the self-determination of people of color’; and (3) engagement with and catalyzing of other White people.

Our second Note from the Field is ‘Discovering What Is Already Known: The Afro-Colombian Ancestral Justice System before the Special Jurisdiction for Peace’ by Nina Breis Silva. Silva shares the perspective of the *consejera mayor* or leader of the Association of Community Councils of Norte Del Cauca (ACONC) representing Afro-Colombian communities, regarding jurisdictional innovations within the Colombian transitional justice framework. This framework for the first time in Colombian history includes official recognition of Afro-Colombian justice systems, and creates mechanisms for incorporation of Afro-Colombian justice systems in the investigation and prosecution of crimes committed against Afro-Colombians during the Colombian civil war. As communities subject to settler colonial racial domination, politically and socio-economically marginalized Afro-Colombians were especially affected by this conflict. This Note from the Field presents the *consejera mayor*’s views of the value of this jurisdictional innovation, including the material differences it has made for Afro-Colombians through the example of the adjudication of a case concerning gross human rights violations committed between January 1993 and December 2016 in Cauca and Valle de Cauca. Silva’s contribution offers some hope that transitional justice processes can be responsive to the demands of historically racially subordinated groups for legal and judicial recognition, even if these processes cannot secure the full self-determination of these groups.

This Special Issue also contains a review essay, ‘The Impossible Necessity of Racial Justice in Transitional Justice,’ by Zinaida Miller, in which she reviews three books that address themes at the heart of this Issue: *Reparations for Slavery in International Law* by Katarina Schwarz; *Reparations and Anti-Black Racism: A Criminological Exploration of the Harms of Slavery and Racialized Injustice* by Angus Nurse; and *Unsettling Apologies: Critical Writings on Apology from South Africa* edited by Melanie Judge and Dee Smythe. Miller reviews these three works through the lens of ‘radical impossibility’ – namely, the ‘incommensurability of any forms of justice with the violence’ and horror they seek to repair, and the necessity of pursuing this justice, nonetheless. She explores how these three books confront the impossibility and necessity of repair for the harms of slavery, apartheid, colonialism and their persisting legacies, with particular attention to the role that theory places in imagining the impossible. Drawing on her own powerful theorization of temporality in transitional justice, Miller reminds us that making sense of the ‘integral role of race and racialization to processes of justice puts the intertwining of past present and future front and center.’

Lastly, this issue includes a postscript by Matiangai Sirleaf on ‘Palestine as a Litmus Test.’ We write this Editorial as we witness another significant mobilization of people across the globe, coming on the heels of the racial justice uprising of 2020. It would be remiss of us if the Issue did not include a reflection even briefly on the crisis in Gaza. In the postscript, Sirleaf interrogates

whether transitional justice as a field can offer meaningful avenues for rectifying past and ongoing racial injustices, by considering this concrete and pressing example. The postscript spotlights anti-Palestinian racism as a specific form of racism that Palestinians encounter. It reflects on the state-centric nature of transitional justice and considers the field's limitations for furthering decolonial efforts. It analyzes how international law and institutions have become so central to articulating and limiting Palestinian rights claims, given that full redress and remedy at the domestic level has been severely repressed. It concludes that it is an open question whether the appeal of transitional justice to the rule of law and universal principles in the current international context can ever be divorced from how the rule of law operates in practice and how it selectively applies to racialized others.

LOOKING FORWARD?

The finding that approximately 16 percent of articles touch on race and racism confirms our suspicion that many published projects in the IJTJ engage with race shallowly, if at all, in their attempts at analyzing different mechanisms. We have concerns about publishing transitional justice scholarship that is decontextualized from considerations of the implications of race and racism on analyses. Our view is not that *all* contexts in which transitional justice is deployed and analyzed can be exhaustively analyzed by a focus on race and racism. Rather, it is that systemic racism is embedded in the global order of nation-states as a legacy of European colonialism to an extent that makes race and racism analytically salient in far more contexts than the existing literature recognizes. The result could be a misdiagnosis of problems and ineffectual solutions and interventions in the literature and potentially in praxis.

Our findings also suggest that much more scholarly research is needed to engage with how structural racism is embedded in the institutional design of transitional justice mechanisms. More explicit interrogation of the role that race and racism are playing in various transitional justice initiatives could make for better, more grounded scholarship and perhaps shape more racially just and sensitive policymaking recommendations. The tension here, of course, is whether perfecting transitional justice in this way will further actual emancipatory and transformative efforts or lead to more narrow and limited interventions that do not fundamentally change the racially unjust status quo. Moreover, given the tendency of transitional justice as a field to focus outward policing elsewhere, instead of inward attention to the legacies of White supremacy within, we are concerned that the disproportionate representation of authors publishing from the Global North (69%) may exacerbate underlying proclivities in the discipline. We are wary that the geographic distribution of authors published in the IJTJ may reflect the larger disciplinary pattern in transitional justice of those positioned in the center 'civilizing' and othering those on the periphery, intentionally or not.

One of the policy implications emanating from our analysis of the IJTJ's record should be a focus on diversifying the scholars and practitioners in transitional justice and ensuring that they are demographically representative of the historically subordinated groups and places covered substantively in the Journal. Given the paucity of published authors writing from Asia (3%), Africa (8%) and South America (9%) in the Journal, this is one clear area for improvement. The Journal can and should do more to substantially increase the publication of the work of authors based in these geographic regions. This is no easy feat, and likely requires investment of time and resources in developing relationships with academic institutions in these regions with the goal of reaching a broader audience of scholars, while also giving the Journal a stronger sense of the barriers that limit contributions from scholars and practitioners in these regions.

Diversifying the authorship and subject matter is work that cannot, of course, fall to the Journal alone or even predominantly, but instead implicates the institutions that train practitioners and theorists of transitional justice. We see this Editorial as a call-in not only to the Journal but

crucially also to experts, practitioners, upcoming scholars and students in the field of transitional justice. We believe that seriously engaging with race and racism is productive not only for those who study transitional justice from a critical lens, or those who incorporate race as an essential element of their scholarship, but also for those whose topics of study are implicated by historical and contemporary systemic racism.

In terms of actionable change within the Journal's remit, we observed that when the Journal has focused explicitly on issues of race, and racism, the output in terms of publications has been higher. One suggestion then is to make more visible in various calls for papers how race and racism might inform the various thematic areas that are covered in transitional justice even in special issues that may be conceived of as not implicating race, but that nonetheless may benefit from a racial analysis.

Yet, we know from our work in other fields that representation alone will not save us. Combatting the color-blind approach that predominates in transitional justice will necessitate more than simply diversifying the authors and perspectives published in the Journal. Transformational change requires confronting systemic and structural racism substantively in theory and praxis to fundamentally change the racially unjust status quo. For instance, the police violence that prompted the uprising in the United States has not improved. The statistics remain grim. The police killed 1,345 people in 2023, 94 more than they killed in 2022.³² There were only 14 days in the United States where police did not kill people.³³ Moreover, Native Hawaiian and Pacific Islander, Black, Native American and Latine people remain more likely to be subject to extra-judicial police killings than White people.³⁴

In our estimation, for transitional justice to have meaning the core project has to be aimed at transforming an abusive and violent society and addressing injustices wrought by racism and other forms of oppression. It reflects serious deficiencies in the paradigm if it is deemed a priori not to be capable of addressing a large segment of the cases for which transitional justice mechanisms would ostensibly be required. If it is the case that transitional justice is not capacious enough to deal with the legacy and continuing effects of racism in the world, what potential does it have for disturbing other intersecting forms of oppression by other systems like heteropatriarchy, for example? This leads us to wonder, who then is transitional justice for? Is it simply a vehicle for oppressed groups to become reconciled with the status quo and state-dominated processes that provide a symbolic appearance of change? What emancipatory power, if any, does transitional justice hold for those whose lives and livelihood depend on a more racially just world order?

SUPPLEMENTARY DATA

Supplementary data are available at *IJTJUS* online.

³² Campaign Zero, Mapping Police Violence Project, <https://mappingpoliceviolence.org/> (accessed 17 January 2024).

³³ Ibid.

³⁴ Ibid. Sam Levin, '2023 Saw Record Killings by US Police. Who Is Most Affected?' *The Guardian*, 8 January 2024, <https://www.theguardian.com/us-news/2024/jan/08/2023-us-police-violence-increase-record-deadliest-year-decade> (accessed 5 February 2024).