



# **Criminological Perspectives on Post-Conflict Transitions: Interrogating Human Rights, Grassroots Movements, Transitional Justice, and Collective Memory**

**Dr. Miriam L. O'Connor**

Department of Criminology, University College Dublin, Ireland

**Prof. Samuel T. Mwangi**

School of Social Sciences, University of Nairobi, Kenya

## **ABSTRACT**

Post-violence transitions, characterized by the aftermath of mass atrocities, civil wars, or repressive regimes, present complex challenges for societies striving to rebuild and establish sustainable peace. While fields like human rights, transitional justice, and memory studies have extensively engaged with these processes, the explicit role and contributions of criminology have often remained at the periphery. This article critically explores the multifaceted intersections between criminology and the dynamics of post-violence transitions, specifically focusing on human rights, grassroots activism, transitional justice mechanisms, and collective memory. We argue that criminology offers invaluable theoretical and analytical tools—such as insights into perpetration, victimology, state crime, and social control—that can significantly enrich the understanding and effectiveness of transitional processes. Conversely, the unique contexts of post-violence societies expand criminology's traditional scope, pushing it to address state-sponsored violence, collective trauma, and the complexities of accountability beyond conventional crime. By synthesizing existing scholarship, this paper demonstrates how an interdisciplinary criminological lens can deepen our understanding of justice "from below," the performance of transitional justice, the role of memory in shaping justice demands, and ultimately, contribute to more holistic and transformative approaches to peacebuilding and reconciliation.

## **KEYWORDS**

Criminology, Post-conflict transitions, Human rights, Grassroots movements, Transitional justice, Collective memory, Conflict resolution, Social justice, Restorative justice, Political violence.

## **INTRODUCTION**

Societies emerging from periods of mass violence, authoritarian rule, or prolonged conflict face the daunting task of navigating a "post-violence transition." These transitions involve complex processes of rebuilding institutions, fostering reconciliation, addressing past harms, and preventing future atrocities. The interdisciplinary field of transitional justice (TJ) has emerged as a crucial framework for guiding these efforts, encompassing a range of mechanisms such as truth commissions, reparations programs, criminal prosecutions, and institutional reforms [8]. Human rights principles form the bedrock of these processes, aiming to ensure accountability for violations and uphold the dignity of victims [11]. Concurrently, grassroots activism plays a vital role in demanding justice and

shaping the nature of transitional initiatives "from below" [10], while collective memory—the shared understanding of the past—profoundly influences societal healing and justice demands [9].

Despite the inherent focus on crime, perpetrators, victims, and accountability within post-violence contexts, the discipline of criminology has, until recently, maintained a somewhat limited or implicit engagement with the broader field of transitional justice and post-conflict studies. Traditional criminology has historically concentrated on conventional forms of crime, individual offenders, and state responses within stable democratic systems. However, the scale and nature of violence in transitional societies—often state-sponsored or systemic—demand an expanded criminological lens that can analyze mass atrocities, state criminality, and the complex dynamics of justice in societies grappling with profound legacies of violence.

The disconnect between criminology and transitional justice is a significant gap. Criminology, with its theories of social control, deviance, perpetration, victimology, and the sociology of law, possesses unique analytical tools to dissect the causes, patterns, and consequences of mass violence, as well as the challenges of establishing rule of law in fragile states. Conversely, the rich empirical realities of post-violence transitions offer fertile ground for criminology to expand its theoretical boundaries, moving beyond a focus on individual pathology to understand collective trauma, systemic impunity, and the social construction of justice and memory.

This article aims to bridge this gap by exploring the critical intersections between criminology and the various facets of post-violence transitions. Specifically, we will interrogate how criminological perspectives can illuminate:

The implementation and persistence of transitional justice mechanisms.

The application of human rights frameworks in addressing past atrocities.

The dynamics and impact of grassroots activism in demanding justice.

The role of collective memory in shaping justice processes and societal reconciliation.

By synthesizing existing scholarship, this study seeks to demonstrate how a more explicit and interdisciplinary engagement of criminology can not only enrich our understanding of post-violence transitions but also contribute to more effective, legitimate, and transformative justice outcomes for societies striving to move beyond legacies of violence [3, 5, 6].

## METHODS

This study employs a conceptual and analytical approach, drawing upon a critical review of interdisciplinary literature to explore the intersections between criminology and post-violence transitions. Given the nature of a theoretical review, there are no empirical "materials" in the traditional sense; rather, the "materials" are the existing bodies of knowledge from criminology, human rights, transitional justice, grassroots activism, and memory studies.

### 1 Conceptual Framework

The analysis is guided by a conceptual framework that positions criminology as an essential, though often underutilized, lens for understanding the complexities of societies transitioning from violence. The framework emphasizes the reciprocal relationship: how criminology informs and is informed by the dynamics of post-violence contexts.

**Criminology:** Beyond conventional crime, this study considers criminology's capacity to analyze state crime, crimes against humanity, genocide, organized violence, perpetration, victimhood, and the social control mechanisms (or lack thereof) in transitional settings. It includes sub-fields like victimology, penology, and the sociology of law.

**Human Rights:** These serve as the normative foundation for addressing past abuses, providing universal standards for justice, accountability, and dignity. The focus is on how human rights frameworks define the scope of criminological inquiry into atrocities and shape the demands for justice.

**Transitional Justice (TJ):** Defined as the array of judicial and non-judicial measures implemented to address legacies of large-scale human rights abuses. This includes truth commissions, reparations, prosecutions, vetting, and institutional reforms [8]. The study examines the "performance and persistence" of these mechanisms [1].

**Grassroots Activism:** Refers to bottom-up initiatives by victims, civil society organizations, and affected communities to demand justice, truth, and accountability. This explores the concept of "justice from below" [10].

**Collective Memory:** Encompasses the shared narratives, interpretations, and representations of past violence within a society. This includes both official (state-sanctioned) and unofficial (community-based) memory initiatives and their impact on reconciliation and justice demands [9].

## 2 Analytical Approach

The analytical approach involves a critical synthesis of literature from these interconnected fields to identify and elaborate on their points of intersection. The analysis proceeds as follows:

**Deconstructing the Disconnect:** Initial examination of why criminology has historically been separate from TJ studies, identifying disciplinary boundaries and traditional foci.

**Identifying Criminological Contributions to TJ:** Explore how criminological theories and empirical methods can be applied to understand:

**Perpetration:** Who commits mass atrocities, why, and how? (e.g., state crime theories, social psychology of perpetrators).

**Victimization:** The nature and extent of collective victimization, long-term impacts, and needs of victims in post-violence settings (victimology).

**Accountability:** The effectiveness of criminal justice responses (prosecutions, trials) for mass atrocities, considering challenges of evidence, jurisdiction, and political will.

**Social Control:** How new forms of social control emerge or fail to emerge in the absence of state authority or during institutional reform.

**Examining Human Rights as a Criminological Framework:** Analyze how international human rights law provides a normative and legal framework for defining and prosecuting crimes that fall under the purview of "state crime" or "crimes against humanity." This includes understanding the role of international human rights regimes in democratic consolidation [11].

**Analyzing Grassroots Activism through a Criminological Lens:** Investigate how grassroots movements, often driven by victims, engage in various forms of "justice-seeking" that may or may not align with formal TJ mechanisms. This includes understanding their strategies, challenges, and impact on shaping justice narratives and outcomes [10].

**Exploring the Criminology of Memory:** Delve into how collective memory shapes societal responses to past violence, including demands for justice, reconciliation efforts, and the potential for re-traumatization or denial. This involves examining how official memory initiatives interact with grassroots memory work [9].

**Synthesizing for Transformative Justice:** Consider how the insights from these intersections contribute to a more holistic and "transformative justice" agenda, moving beyond merely addressing past wrongs to fostering fundamental societal change that prevents future violence [3, 5, 6].

### 3 Data Selection (for a review)

The "data" for this review consists of scholarly publications, including peer-reviewed journal articles, academic books, and edited volumes, from the fields of criminology, sociology, political science, international relations, law, and human rights. Specific attention is paid to works that explicitly address post-conflict transitions, transitional justice, human rights violations, grassroots movements, and collective memory. The provided references form the core of this literature base.

This analytical approach ensures a comprehensive, interdisciplinary, and critical examination of the complex relationship between criminology and the processes of post-violence transitions.

## RESULTS (Key Intersections and Findings)

The conceptual analysis reveals profound and often underexplored intersections between criminology and the dynamics of post-violence transitions, particularly concerning human rights, grassroots activism, transitional justice mechanisms, and collective memory.

### 1 Criminology and Transitional Justice: Beyond Conventional Crime

Criminology offers critical insights into the "performance and persistence" of transitional justice (TJ) mechanisms [1].

**Perpetration and State Crime:** Traditional criminology's focus on individual deviance is expanded to analyze state-sponsored violence and mass atrocities. Theories of state crime, organizational deviance, and the social psychology of perpetrators help understand why individuals and institutions engage in systemic human rights violations, and how these crimes are enabled and sustained [8]. This informs the design of accountability mechanisms, moving beyond individual blame to address systemic factors.

**Victimology and Needs:** Criminological victimology provides a framework for understanding the diverse experiences of victims in post-violence settings, including collective trauma, secondary victimization by justice processes, and the complex needs for recognition, restitution, and rehabilitation [7]. This informs the design of reparations programs [7] and victim support services, ensuring they are truly victim-centered.

**Effectiveness of Prosecutions:** Criminological insights into the challenges of prosecuting complex crimes, evidence collection, and witness protection are crucial for assessing the effectiveness of criminal tribunals and domestic prosecutions for mass atrocities. They help understand the limitations of a purely punitive approach and the need for complementary TJ mechanisms.

**Institutional Reform:** Criminology's focus on police reform, judicial independence, and penal system transformation is directly relevant to TJ's goal of institutional reform, aiming to prevent future abuses by state actors.

### 2 Criminology and Human Rights: Defining and Responding to Atrocities

Human rights frameworks provide the normative and legal definitions for the types of violence that criminology in post-violence contexts must address.

**Defining Atrocities:** International human rights law and international criminal law (e.g., crimes against humanity, genocide, war crimes) offer precise definitions of the "crimes" that are the subject of TJ. Criminology can then analyze the patterns, perpetrators, and social contexts of these human rights violations.

**Accountability for State Violations:** Criminology, particularly critical criminology, can analyze how states perpetrate human rights abuses and how international human rights regimes can support democratic consolidation and prevent such violations [11]. This expands the scope of criminological inquiry beyond individual offenders to state

actors and institutions.

Victim Rights: Human rights emphasize the rights of victims to truth, justice, and reparations, which directly informs criminological victimology in these contexts and the design of TJ mechanisms [7, 8].

### 3 Criminology and Grassroots Activism: Justice from Below

Grassroots activism, often driven by victims and civil society, shapes the demand for justice and offers alternative perspectives on accountability.

"Justice from Below": Criminology can analyze how victims' collective memory and grassroots activism influence TJ processes [9, 10]. These movements often articulate demands for justice that go beyond formal legal mechanisms, emphasizing recognition, dignity, and social change [10]. This challenges state-centric notions of justice and highlights the importance of informal social control and community-based justice initiatives.

Shaping TJ Agendas: Grassroots movements can significantly influence the design and implementation of TJ mechanisms, pushing for specific forms of truth-telling, reparations, or memorialization [10]. Criminological analysis can help understand the dynamics of these movements, their successes, and their challenges in influencing state policy.

Transformative Justice in Practice: The concept of "transformative justice," which seeks deeper societal change beyond mere transition, is often driven by grassroots efforts [3, 5, 6]. Criminology can assess how these transformative goals are pursued and whether they achieve meaningful changes in power structures and social inequalities.

### 4 Criminology and Collective Memory: Narratives of Justice

The interplay between official and unofficial narratives of past violence profoundly impacts justice processes.

Memory and Accountability: Collective memory shapes what a society remembers, how it remembers, and what demands for justice arise from those memories [9]. Criminology can study how official memory initiatives (e.g., museums, memorials, national narratives) interact with grassroots memory work (e.g., community memorials, oral histories) and their impact on accountability processes.

Social Construction of Crime and Justice: The way a society collectively remembers past atrocities influences how it defines "crime" and "justice" in the post-violence era. Criminology can analyze these social constructions and their implications for reconciliation and reintegration.

Preventing Recurrence: Understanding how memory is constructed and transmitted is crucial for preventing the recurrence of violence. Criminology can contribute to analyzing how memory initiatives can foster a culture of human rights and accountability.

In summary, these intersections demonstrate that criminology is not merely an observer but an active and vital contributor to understanding and shaping post-violence transitions, offering unique perspectives on perpetration, victimhood, accountability, and the social dynamics of justice and memory.

## DISCUSSION

The preceding analysis underscores the profound and often underappreciated role of criminology in understanding and addressing the complexities of post-violence transitions. By explicitly exploring the intersections between criminology, human rights, grassroots activism, transitional justice, and collective memory, we reveal how criminological insights can enrich the discourse and practice of peacebuilding, while simultaneously expanding the traditional boundaries of criminology itself.

## 1 Implications for Criminology

Engaging with post-violence transitions significantly broadens the scope and theoretical depth of criminology:

**Beyond Conventional Crime:** This interdisciplinary engagement pushes criminology beyond its traditional focus on individual, conventional crime to encompass state-sponsored violence, mass atrocities, and systemic human rights violations [8]. It necessitates a deeper exploration of "state crime" and "crimes of obedience," where the state itself is the perpetrator.

**Victimology of Mass Violence:** The study of collective victimization, intergenerational trauma, and the complex needs of survivors in post-violence contexts enriches victimology, moving beyond individual victim-offender dyads to understand societal-level harms and healing processes.

**Sociology of Law and Justice in Fragile States:** Criminology gains a richer understanding of how legal systems are rebuilt or transformed in the aftermath of conflict, the challenges of establishing rule of law, and the interplay between formal and informal justice mechanisms.

**Perpetration Studies:** Insights into the motivations, social contexts, and psychological processes of individuals involved in mass violence (e.g., soldiers, political elites, ordinary citizens) contribute to a more nuanced understanding of perpetration that goes beyond individual pathology.

## 2 Implications for Transitional Justice

Criminological insights can significantly enhance the effectiveness, legitimacy, and sustainability of transitional justice (TJ) processes:

**Informed TJ Design:** Understanding the criminological dynamics of perpetration and victimization can lead to more effective design of TJ mechanisms. For instance, truth commissions can be better structured to uncover patterns of state criminality, and reparations programs can be more attuned to the diverse needs of victims [7].

**Realistic Expectations for Accountability:** Criminology helps to set realistic expectations for criminal prosecutions of mass atrocities, acknowledging the inherent challenges of evidence, political will, and the limitations of a purely punitive approach. This can encourage the adoption of complementary TJ mechanisms.

**Addressing Root Causes of Violence:** By analyzing the underlying social, economic, and political factors that give rise to mass violence, criminology can help TJ move beyond merely addressing past harms to tackling the structural inequalities and power imbalances that contribute to conflict recurrence [3, 5, 6].

**Legitimacy and Trust:** Understanding how different forms of justice (formal vs. informal, punitive vs. restorative) are perceived by affected communities, and how TJ instruments affect trust in post-conflict societies [4], can enhance the legitimacy and public acceptance of TJ processes.

**Monitoring and Evaluation:** Criminological research methods can be applied to rigorously evaluate the impact and effectiveness of TJ mechanisms, providing evidence-based insights for policy adjustments and future interventions.

## 3 Challenges and Future Research Directions

Despite the clear benefits, integrating criminology into post-violence transitions presents challenges:

**Interdisciplinary Methodologies:** Requires developing robust interdisciplinary research methodologies that can bridge the conceptual and methodological gaps between criminology, law, history, sociology, and political science.

**Data Access and Ethics:** Researching mass atrocities and their aftermath involves significant ethical considerations, including ensuring victim safety, managing sensitive information, and navigating political sensitivities. Data

collection can be challenging in fragile contexts.

**Contextual Specificity:** The dynamics of post-violence transitions vary significantly across different contexts. Research must be sensitive to local cultural, historical, and political specificities.

**Beyond Retributive Justice:** Further research is needed on how criminology can contribute to restorative and transformative justice approaches in post-violence settings, moving beyond a sole focus on punishment to encompass healing, reconciliation, and systemic change [3, 5, 6].

**Long-Term Impacts:** Longitudinal studies are needed to understand the long-term criminological impacts of mass violence on societies, including patterns of crime, social cohesion, and the effectiveness of justice interventions over decades.

**Role of Technology:** Exploring the role of technology in documenting atrocities, collecting evidence, and shaping collective memory, and its implications for criminological inquiry.

#### 4 Policy Recommendations

The insights gained from this interdisciplinary approach can inform policy and practice:

**Integrate Criminological Expertise:** Policy bodies designing TJ mechanisms should routinely include criminologists to provide expertise on perpetration, victimology, and the practicalities of accountability.

**Support Grassroots Initiatives:** Recognize and support the vital role of grassroots activism and victims' groups in shaping justice demands and memory work, as they often articulate "justice from below" [10].

**Holistic Victim Support:** Develop comprehensive victim support programs that address not only legal needs but also psychological, social, and economic well-being, informed by criminological victimology.

**Evidence-Based TJ:** Promote rigorous, evidence-based research on the effectiveness of TJ mechanisms, drawing on criminological evaluation methods to inform policy adjustments.

**Education and Memory Work:** Support educational initiatives and memory projects that foster critical understanding of past violence and promote human rights values, contributing to a culture of accountability.

## CONCLUSION

The complex tapestry of post-violence transitions demands an equally complex and interdisciplinary analytical framework. This article has argued that criminology, often underutilized in this domain, offers a unique and invaluable lens through which to understand the intricate intersections between human rights, grassroots activism, transitional justice, and collective memory. By focusing on the dynamics of perpetration, the multifaceted experiences of victims, the challenges of accountability, and the social construction of justice and memory, criminology can significantly enrich our understanding of how societies grapple with legacies of mass violence.

The findings demonstrate that a criminological perspective is not merely an addendum but a vital component for designing more effective, legitimate, and transformative justice processes. Conversely, the unique challenges posed by post-violence contexts compel criminology to expand its theoretical and methodological boundaries, embracing state crime, collective trauma, and the complexities of justice beyond conventional frameworks. As societies continue to confront the aftermath of atrocities, the explicit integration of criminological insights into peacebuilding and transitional justice efforts will be crucial for fostering sustainable peace, ensuring genuine accountability, and building resilient communities that learn from, rather than repeat, the darkest chapters of their past.

## REFERENCES



1. Briony, J. (2021). The performance and persistence of transitional justice and its ways of knowing atrocity. *Cooperation and Conflict*, 56(2), 163–180. <https://doi.org/10.1177/0010836720965994>
2. Cohen, C. (2020). Reimagining transitional justice. *International Journal of Transitional Justice*, 14(1), 1–13. <https://doi.org/10.1093/ijtj/ijaa001>
3. Gready, P., & Robins, S. (2014). From transitional to transformative justice: A new agenda for practice. *International Journal of Transitional Justice*, 8(3), 339–361. <https://doi.org/10.1093/ijtj/iju013>
4. Fiedler, C., & Mross, K. (2023). Dealing with the past for a peaceful future? Analysing the effect of transitional justice instruments on trust in postconflict societies. *International Journal of Transitional Justice*, 17(2), 303–321. <https://doi.org/10.1093/ijtj/ijad010>
5. Hoddy, E. (2021). Transformative justice in practice: Reflections on the pastoral land commission during Brazil's political transition. *Journal of Human Rights Practice*, 13(2), 339–356. <https://doi.org/10.1093/jhuman/huab024>
6. Ketelaars, E. (2018). Gendering Tunisia's transition: Transformative gender justice outcomes in times of transitional justice turmoil? *International Journal of Transitional Justice*, 12(3), 407–426. <https://doi.org/10.1093/ijtj/ijy016>
7. Moffett, L. (2023). *Reparations and war finding balance in repairing the past*. Oxford University Press. <https://doi.org/10.1093/oso/9780192865588.001.0001>
8. Roht-Arriaza, N., & Mariezcurrena, J. (2012). *Transitional justice in the twenty-first century beyond truth versus justice*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511617911>
9. Tamayo Gomez, C. (2022a). Victims' collective memory and transitional justice in post-conflict Colombia: The case of the March of Light. *Memory Studies*, 15(2), 376–389. <https://doi.org/10.1177/1750698019882055>
10. Tamayo Gomez, C. (2022b). Recognition as transitional justice “from below”: Analysing victims' grassroots activism in postconflict Colombia. *The International Journal of Transitional Justice*, 16(3), 314–330. <https://doi.org/10.1093/ijtj/ijac024>
11. Zschrnt, S., & Menaldo, M. (2014). International insurance? Democratic consolidation and support for international human rights regimes. *International Journal of Transitional Justice*, 8(3), 452–475. <https://doi.org/10.1093/ijtj/iju018>