Reflections on a Research Agenda for Exploring Resistance to Transitional Justice

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Abstract

Transitional justice is often a matter of design and has been criticised as top down and often externally led, if not externally imposed. In contrast, the last ten years has seen an increasing preoccupation with questions of participation, outreach, popular opinion and victim centred approaches. We observe a disconnect between the policy making of transitional justice and how it is experienced as a practice on the ground. This can lead to claims of missing political will, misunderstood cultural specificities and bad timing. These contemporary debates speak to questions of agency and power which are not currently well understood in transitional justice scholarship. This paper will contribute to such gaps by presenting the conceptual framework from a new three year multi country case study on resistance to transitional justice. Our approach to resistance does not assume that it is necessarily a rejection of transitional justice as such, but rather that it may, if taken seriously, tell us something about the presence of divergent approaches to peace and justice within a given society.

Introduction

We observe a disconnect between the policy making of transitional justice, which is often a matter of design, and how it is experienced as a practice on the ground, which is a matter of negotiation. This can lead to claims of missing political will, misunderstood cultural specificities and bad timing. These contemporary debates speak to questions of agency and power which are not currently well enough understood in transitional justice scholarship and practice. In this way the paper is positioned within, and in conversation with, recent critical literature on transitional justice. Such literature, to be discussed further below, touches on central themes of international/local, normativity, and legitimacy.

This paper will make a specific contribution to these developing discussions by presenting the conceptual framework of a new three year, three country[1], research project on resistance to transitional justice. This project is funded by the Swiss National Science Foundation and is entitled 'Resisting Transitional Justice? Articulating Alternative Visions of Peace and Justice'. Broadly speaking, our approach to resistance does not assume that it is necessarily a rejection of transitional justice as such, but rather that it may, if taken seriously, tell us something about the presence of divergent approaches to peace and justice within a given society. This paper argues for overcoming a perceived dichotomy in formal transitional justice processes between 'consensus' and 'resistance/deviancy'. In this way, we do not argue for a 'better' schema with which to identify and 'tackle' resistance to transitional justice; advocates of such an approach have particular models in mind which this project does not seek to promote. Instead, we wish to undertake an in-depth exploration of what counts as resistance in particular places at particular times. This will allow us to understand alternative visions of peace and justice which may be articulated within what we believe are inevitable contestations and negotiations. In doing so it will be necessary to draw on insights from multiple disciplines including critical international relations, political science, peace studies, geography, sociology and anthropology.

Our approach and research focus prompts a series of initial questions:

1. whose visions are represented in the design of transitional justice processes?
2. whose visions are perceived as legitimate or deviant and from which vantage points?
3. how do relationships of power sociologically determine what counts as resistance in a particular place at a particular time?

Thus resistance is, for us, not just about counter claims of policy making but is at its core a question of debate regarding understandings of justice, peace and reconciliation at times of transition. In this paper we suggest a conceptual approach and research agenda able to explore the questions outlined above, among others, for what we argue is an underexplored but significant topic for transitional justice.

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1 The planned country cases are Ivory Coast, Burundi and Cambodia. The specifics of the empirical work and methodological approach are not the focus of this paper, although will of course be vital in the operationalisation of that which is presented here.

1
Positioning the Research in Critical Approaches to Transitional Justice

This paper takes as a starting point literature which explores the ways in which transitional justice is in practice a negotiation between different actors and their ability to determine the way in which transitional justice is conceived and enacted. In this sense we are interested in transitional justice as a political process of negotiated values and power relations which attempts to constitute the future based on lessons from the past.

1.1   Transitional Justice in its Broader Context

It is important to understand transitional justice processes in the broader context of post Cold War peacebuilding. Sriram (2009) has argued that if we accept that transitional justice is part of a broader liberal peacebuilding context then it too can be subject to similar critiques. These critiques include accusations that liberal peacebuilding may be prescriptive, instrumentalist, externally imposed, technical and underpinned by an agenda to transform attitudes, beliefs and domestic forms of governance (see for example Newman, Paris and Richmond 2009; Goetschel and Hagmann 2009; Duffield 2001; Paris 2002). Liberal peace has therefore been criticised for its disciplining of deviance as it has gained prominence and dominance in the peacebuilding world of the post Cold War era (MacGinty 2008). Within this literature we encounter a fundamental dilemma of liberal peacebuilding, that "[i]n liberal theory a choice with neither substance nor alternatives is no choice at all" (Hughes 2009: 240). We might be reminded here of Rousseau's social contract in which men can be forced to be free (Rousseau 1968) and reflect on the post Cold War liberal triumphalism and dominance of the human rights discourse which informs, if not underpins, transitional justice (Meister 2002).

Zaum (2007) has argued that there is currently a sovereignty paradox in which the post Cold War political space determines legitimacy of nation-state's sovereignty through its submission to rules which restrict the sovereignty of nation states for the sake of greater human rights[2]. When reflecting on transitional justice in the context of the African continent, Kagoro (2012) suggests that debates regarding particular transitional justice mechanisms such as the International Criminal Court are in fact proxy debates about undemocratic global governance, meaning the uneven relations of power which determine the shape and actions of institutions such as the United Nations and other multilateral structures. These are brought to the fore due to the embeddedness of transitional justice in the status quo. Such a status quo is based on the ascendancy of particular culturally laden narratives about history, society, governmentality and justice. Ojara comments that "[a]s a moral vocabulary the language of human rights offers ways of talking about the experiences of people; the language offers a way of perceiving, imagining and interpreting suffering" (2012: 180). Such a vocabulary is part of a broader context of the post Cold war peacebuilding landscape, the domination of liberal peace agendas and tools and part of an international system of power relations. Approaching this issue from the perspective of agonistic theories of politics, Shinko highlights a central problematic of the "liberal proclivity to

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2   This is also manifested in what is known as R2P (Responsibility to Protect) which emphasises the protection of human security as an underlying justification for intervention in humanitarian contexts. Mamdani critiques this approach which he sees as framing its subjects in terms of passive beneficiaries rather than as rights bearing citizens with agency (2009: 275).

only grant respect to those in whom it recognises the self-same moral attributes and liberal commitments" which is "coupled with a penchant for violence as a means to secure peace as a disciplinary order" (2008:482). We argue that this broader context is important. It helps us to see that research on resistance and transitional justice may not only be a discussion of particular processes and reactions to them, but rather is positioned in a broader debate about the meta-narratives which are dominant in our very understanding of what it is to be human and to live in society.

1.2 Negotiating Transitional Justice

Turning to transitional justice more specifically we might ask how the notion of choice plays out in formal processes which, whilst varied, place an importance on the rule of law and human rights. For Meister "the cost of achieving a moral consensus that the past was evil is to reach a political consensus that the evil is past. In practice, this political consensus operates to constrain debate in societies that regard themselves as "recovering" from horrible histories" (2002: 96). Discourses of law and rights may contribute to such a consensus by creating regimes of truth which legitimate certain types of speech whilst silencing others (Buckley-Zistel 2011). Some go so far as to claim that transitional justice processes may be disciplinary mechanisms designed to produce the subjects and subjectivities best suited to serving the interests of the transitional state and its consolidation of authority (Iliff 2012). Critical transitional justice literature often argues that an implicit or even explicit agenda of consensus making contained within transitional justice agreements denies the political realities of a transitional 'moment'. In reference to Northern Ireland, Little (2009) argues that a practice of politics which does not conform to the liberal ideal type which is captured in formal transitional justice agreements may in fact be more 'normal'. Such normality reflects the contestations which are a necessary working out of the new terms of association and transformation (Diaz 2008). Indeed, many transitional justice scholars are increasingly pointing towards the ways in which transitional justice is *necessarily* contested (McEvoy and McGregor 2008) given that it involves negotiations and compromises over political, legal and moral dilemmas (Sriram 2009).

Recent scholarship and practice of transitional justice has increasingly focused on issues of ownership, legitimacy and participation of the population in formal mechanisms. Whilst empirical research on local perspectives remains limited there have been a number of public opinion surveys[3]. However, as Pouligny contends "the surveys rarely try to assess in qualitative terms the large diversity of factors that may explain why people do not support the justice mechanisms proposed to them; they also largely forget the various subjective dimensions in which these questions are raised" (2005: 2). In response Pouligny argues in favour of a need for greater attention to the cultural specificities in which justice issues are understood and framed, remembering in the process that "several registers of truth coexist but do not necessarily coincide" (Ibid: 4). This is not an instrumentalist approach to different perspectives, i.e. how do we understand differences of opinions so as to ensure what we already do is able to work better, but rather an approach

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3 For example those carried out by the Human Rights Centre at the University of California, Berkeley: http://www.law.berkeley.edu/hrc.htm.

which articulates the ways in which the accepted conceptual foundations of specific historically constituted transitional justice processes may be challenged and navigated. Alongside work on public opinion there has been an increase in literature interested in localised forms of transitional justice (see for example Shaw and Waldorf 2010). McEvoy and McGregor are interested in what they term 'transitional justice from below' which denotes the "resistant" or "mobilising" nature of non-state actors against hegemonic political, social or economic forces (2008: 3). Their analysis is nuanced because it does not completely reject transitional justice from above, nor does it assume that all resistance is progressive. They encourage researchers to think and analyse from a different vantage point in order to understand the politicised nature of transitional justice, and to keep in mind the social and political struggles which place dealing with the past on the political agenda (Ibid: 4-6). This is important because it reminds us that not only is transitional justice itself contested, but that it is promoted as a supposedly 'neutral' response in a context of supposedly 'problematic' ongoing struggle and contestation.

If we accept the assertion that transitional justice is necessarily contested, which this paper does, then we must also accept that any transitional justice process will be the manifestation of certain choices made by the actors who are in a position to ensure that their values are considered to be more legitimate than others. This in turn may lead to alienation from and dissatisfaction with the process for other actors (Van de Merwe, Baxter and Chapman 2009). To return to Rousseau, such actors are excluded from the social contract, but in current day liberal peacebuilding interventions there is an explicit agenda of transformation which may take place with the agreement of domestic power holders or not. We are then prompted to ask what happens to those who 'resist'? Practitioners of transitional justice often cast disagreement and dissent as problems to be solved in order that transitional justice processes may be able to meet their goals. However, transitional justice literature has spent relatively little time so far exploring and analysing what happens when disagreements over transitional justice arise and how alternative visions of peace and justice may be, or can be, articulated. As Pouligny states, it is important not only to view individuals as 'victims' but also as persons capable of reflecting on their own situation and commenting on it (2005: 11). It is through research and analysis which "allow for the examination of contradictory memories" or "voices" that the "inconclusive and ambiguous nature of transitional periods" is more accurately reflected (Dube 2011). With this in mind, in the following section of the paper we explore in more detail our approach to resistance and connect it to transitional justice and the conceptual approach of our research project.

2
Researching Resistance and Transitional Justice

The project which this paper introduces is interested in asking 'what counts as resistance?' in particular places at particular times. This allows us to take a step back from defining and identifying resistance, to understanding how actors' perceptions of resistance (and non-resistance) may overlap, differ, contest dominant norms and practices of peace and justice and perhaps articulate alternative visions of peace and justice. Whilst we do not start with a definition of resistance we then look to identify and label in the field, we do draw on literature from a variety of disciplines which identifies possible manifestations and workings of resistance, as well as different approaches to the concept. Underpinning our approach is a claim that resistance to transitional justice should not necessarily be assumed to be problematic and cast as 'deviant' to the processes and goals of (particular understandings of) peace and justice. In addition, we argue that resistance may contain within it alternative articulations of peace and justice which should be seen as equally legitimate in ongoing negotiations over the meanings and terms of transitional justice.

2.1   Resistance as an Object of Enquiry

Until now the notion of resistance has usually been associated with specific types of group action that are open and organized, selfless and principled and that have revolutionary consequences (Scott 1985: 292). The research focus in social sciences and history was until the 1980s accordingly on revolutions and collective, large-scale mobilizations that openly defied state policies (Fletcher 2001: 44).This approach was challenged however by a new perspective on resistance emerging in agrarian and subaltern studies and developed by Scott and Guha respectively. In his anthropological work on rural transformation in a Malaysian village, Scott argued that although deference and conformity represents the public posture of poor peasants (Scott 1985: 272-3), they actually engage in many acts of "everyday resistance" that reveal underlying conflicts of meaning and value (Ibid. 37-38). Because of a context of repression, ordinary people are "not afforded the luxury" of what is conventionally understood as resistance: they have to "clothe their resistance in the public language of conformity" (Ibid. 289-90). To Scott, these individual, unorganized, subtle and non-confrontational acts constitute a kind of "infra-politics" and qualify as resistance.

In the 1980s, resistance studies subsequently developed into a boom industry (Moore 1998: 348). This new perspective was also influenced by Foucault and de Certeau whose work "led the search for new forms of less obvious resistance in the 'practice of everyday life' and 'marginal subjectivities'" (Fletcher 2001: 45). This new approach on resistance was moreover significantly shaped by the specific historical conjuncture in which it emerged (Gledhill 2012: 4-5): the decline of the "grand leftist meta-narratives of the 1960s and 1970s" with the "end of the Cold War, the atrophy of Marxism and the supposed triumph of neo-liberalism" (Knight 2012: 326). In that context, a new approach to resistance allowing for societal transformation was adopted and inspired researchers to look for "'cracks' in systems of dominance and

'sites' of resistance by subordinate groups" (Seymour 2006: 303). This focus on new forms of resistance was paralleled by the emergence of notions such as "social movements" and "agency" (Gutmann 2012: 307).

In the 1990s, resistance studies faced an important wave of critics, amongst others the critique of its romanticization. Scholars researching more unconventional forms of resistance such as "everyday resistance" indeed have a tendency to "read all forms of resistance as signs of the ineffectiveness of systems of power and of the resilience and creativity of the human spirit in its refusal to be dominated" (Abu-Lughod 1990: 41-2). Research on resistance has nonetheless grown since and constitutes today a ubiquitous notion in the social sciences (Fletcher 2001: 43), although its systematic study as a field of its own right in the social sciences is nonetheless still poor (Lilja & Vinthagen 2006: 2-3).

2.2   Asking What Counts as Resistance?

Drawing on work on resistance to date, we see resistance as a concept that is relational in that it involves at least two subjects/objects: that which is resisting and that which is being resisted. However, this is not a straight forward relationship which can be reduced merely to two opposing forces. The problem which we have highlighted in terms of transitional justice is that resistance is often framed in terms of such a dichotomy, meaning that it may be seen as necessarily problematic and deviant to the goals of transition. By this we mean that resistance may be reduced to a particular type of relationship: the transitional justice process and its advocates versus those who do not understand and/or do not support transition and/or its particular aspects including the types of mechanisms and their implementation. Such a simplistic narrative leads to the conclusion that resistors must be targeted for transformation or sidelined in the process. It becomes possible to maintain this belief when we consider the development of transitional justice as an accepted norm which individuals and states are expected to adhere to.

Drawing on sociological approaches we learn that the transgression of established norms, such as transitional justice in the case of this project, through acts of resistance results in the social labelling of certain acts and actors as 'deviant' (see for example Paugam 2010, Becker 1963). Writing in reference to international law, Rajagopal argues that human rights has emerged as the sole approved discourse of resistance in the post colonial world; "As a result, there has been a tremendous proliferation of international institutions to achieve social transformation in the Third World, mainly under the rubric of democratization and peace maintenance... the net result of these operations has seen the most intense management of popular resistance" (2003: 137). Importantly, Rajagopal stresses that the law in general prefers "to view institutions as functional embodiments of legal rationality and resistance as an aberration and in need of repression" (2003: 10). Reflecting on this with a sociological lens we might then ask how the labelling of certain acts as deviant and in need of repression is constructed by the subjectivities and power relations which are present in societies.

Work by geographers on resistance addresses the points raised above. According to Pile (1997) resistance should not be assumed to arise from innate political subjectivities, but must be understood in relation to local power relations, as well as intended and received meanings. Therefore, as Keith (1997) argues, resistance can be said to be defined through the creation of subjectivities. Thus what counts as resistance and its social labelling as an act of deviancy is actor and context specific, produced through subjectivities and interactions between different actors. In his anthropological study of resistance Scott is concerned with relations between the subordinate and those who dominate, relations expressed and shaped by public transcripts (open interaction) and hidden transcripts (the non public acts of speech, gestures and practices). This relationship is not a simplistic dichotomy between power and non-power, true and false, but rather according to Scott an analysis of it can uncover contradictions and possibilities that look beyond consensus. As he asserts "if we wish to move beyond apparent consensus and to grasp potential acts, intentions as yet blocked, and possible futures that a shift in the balance of power or a crisis might bring to view, we have little choice but to explore the realm of the hidden transcript" (1990: 16), a transcript possessed by both the subordinate and the dominant. Returning to the work of Rajagopal (2003) we learn that resistance must work, to some extent, within the parameters set by that which is being resisted and this always risks resistance becoming a cooptive/coopted enterprise. Therefore, Rajagopal rejects the absolute wall of separation between resistance and forms of hegemony and views "forms of resistance as various valid ways of conceiving the world" (2003: 11).

2.3   Resistance and Transitional Justice

As previously stated, this paper is positioned within critical literature on transitional justice and works on the assumption that transitional justice is a political process which is necessarily contested. In transitional justice literature, the tensions and contradictions at its core are identified by Leebaw (2008) who describes processes caught between irreconcilable goals related to maintenance of order, legitimating of compromise, seeking consensus, exposure of political violence and transformation of the terms of debate on past abuses. In practice transitional justice is thus a negotiation between different actors and their ability to determine the way in which transitional justice is conceived and enacted. To contribute to these debates we ask what happens to those who resist and who might be considered deviant to the goals of a formal transitional justice process. In our approach the perceived presence of resistance is not a surprise, and nor should it be dismissed as deviant or analytically irrelevant.

Campbell and Turner (2008) suggest that the formation of formal transitional justice agreements may lead to those who question them being accused of being harmful to the transition. In transitional justice literature which addresses resistance a variety of types of resisting actors are identified. Subotić's (2009) work focuses on the strategic and subversive choices of states in the Former Yugoslavia, shaped by domestic demands, normative resistance, political backlash and political instability. In contrast, Thomson (2011) analyses three types of resistance by ordinary Rwandans to Gacaca: staying on the sidelines; irreverent compliance; and withdrawn muteness. What is important is that actors should not be boxed into categories which reproduce simplistic dichotomies which homogenise the actors themselves. The work of Kent (2011) demonstrates that an international imposition/local resistance dichotomy cannot adequately explain the various ways in which East Timorese survivors are reproducing, resisting and transforming official discourses of justice and nationbuilding. We should also be wary of assuming that certain actors are more likely to resist, or that resistance itself is targeted against domination by the marginalised or oppressed. In work on reconciliation in Australia, Jacobs (1997) analyses the resistance of non-Aboriginal Australians to the formal reconciliation processes and demonstrates that those who resist may not be the most marginalised seeking a more progressive politics. Finally, it is problematic to assume that certain acts are resistance. Katz has warned that contemporary understandings of resistance have become sloppy and too easily use the label 'resistance' (2003: 262). We can see in work on transitional justice and silence that the act of muteness, which stands in opposition to an obsession with confession, spoken memories and public forms of catharsis, may not always indicate resistance. Instead it may be itself a form of peacebuildiing (Eastmond and Selimović 2012). Therefore resistance needs to be understood as a complex and context-specific construction, shaped by motivations, actors and consequences, none of which can necessarily be predicted or assumed to work in certain ways.

We might therefore position research on resistance and transitional justice in terms of seeking to understand the ongoing ways in which people are contesting the terms of association, forging new and meaningful ways to live together and continuing a necessarily incomplete decision-making process about the boundaries and content of social and political community in the aftermath of human rights abuses. Brudholm, in work on both South Africa's transitional justice process and the Nazi regime, argues that the refusal to forgive and reconcile "can be the reflex expression of a moral protest and ambition that might be as permissible and admirable as the posture of forgiveness" (2008: 4). Importantly for this research project he goes on to assert that "when advocates or scholars arguing the case for forgiveness and healing lose sight of the contestability of the values they promote, they also lose sight of the possible moral legitimacy of some victims' preservation of resentment" (Ibid). Thus "although the refusal to forgive can be testimony of self-righteous rigor, vengeance, or a reduction of wrongdoers to what they have done, it is essential that the discussion of forgiveness and its

alternatives take more seriously the possibilities and sources of various kinds of more or less legitimate resistance" (Brudholm and Rosoux 2009: 48). The forms of resistance which are perceived to be present might be practiced by a variety of actors, be based on a variety of subjectivities and may be directed at many issues including a mechanism, a goal, the environment or manner in which formal transitional justice processes are carried out. Importantly, we argue, such resistance should be seen as a legitimate object of enquiry and as an important aspect of research on the ways in which transitional justice is and can be contested. From this we intend to understand the alternative visions of peace and justice which may be contained within resistance, but which may only be seen if we understand resistance in the ways outlined here.

3
Operationalising our Research Question

The main challenges of operationalising our research question 'what counts as resistance?' are twofold and connected: conceptual and methodological. Conceptually, the term 'resistance' can imply many different types of acts and actors depending on the research agenda and disciplinary perspective. It is vital that this concept retains an analytical rigour which serves as a solid basis on which to design our methodology, undertake analysis and make claims. Criticism of some of the work on everyday resistance suggests that researchers who are looking for resistance may start to see it everywhere in all types of contestations and negotiations, and may label acts as resistance even when the actors themselves would not define them in these terms. We intend to address this methodological danger by taking an actor-oriented approach and finding out what different actors themselves would define as resistance. This includes their own self-identified resistance and resistance which they ascribe to other actors. These interpretations of what counts as resistance then themselves become the object of our inquiry rather than resistance itself. However, this attempt to distance ourselves as researchers from the normative approach of pre-defining resistance as a research object has its limits. It is to be expected that many of the actors on whom we will conduct research will not use the term resistance either. Therefore we arrive back at the beginning of this puzzle, with the requirement that we ourselves interpret the words and behaviours of different actors in the field to decide when they are referring to resistance or not.

We do not have a simple or complete solution to this problem, but we can formulate a research design which attempts to reduce the dangers highlighted above and which places as much of the burden of interpretation onto the actors in the field themselves. At the stage where we as researchers must interpret the actors' interpretations of resistance we have developed the following identification framework for resistance based on the literature discussed above: resistance is *a purposeful act intended by the actor to work against, prevent or disrupt the intended or implemented formal transitional justice process.* It can be organised or unorganised, an act of an individual or group, an act of the powerful or powerless, and is a subjective concept which is perceived differently from different vantage points. The key aspect is that it is purposeful i.e. that there is intentionality and thus not all acts of contestation and negotiation will necessarily be resistance. In the course of fieldwork we will observe and interview different actors and seek to understand what they would identify as resistance based on this framework. The distinction between the actors' interpretations and our own will be as transparent as possible, with our influence as researchers highlighted, reflected upon and justified in terms of the already existing body of work on resistance.

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<u>Relevance of the Research and Ways Forward</u>

Whilst we are at the early stages of this research project we can make some tentative claims as to its relevance for scholarship on transitional justice, and on its contributions to certain ongoing and emerging debates.

Understanding resistance might tell us about how legitimate speech and silence are shaped in a particular society, and thus what relations of power are at work when determining the shape, pace and content of a transitional justice process. This is important because it can provide insight into the underlying power structures which remain in a transitional society and which can reproduce inequality, oppression and marginalisation. Moreover, we can learn more about whether the formal transitional justice processes are themselves embedded in or reproducing these structures, whether they have meaning for the society as a whole, and perhaps whether they are more or less likely to achieve their stated or implicit aims. In doing so, we can challenge what are often false expectations and inflated mandates of formal transitional justice processes. Ignatieff, in reference to truth commissions, asserts that their function is not in fact to change behaviour and institutions as many assume or claim, but rather to "winnow out the solid core of facts upon which society's arguments with itself should be conducted" (1996: 113). We are prompted to ask what such an identification of "society's arguments with itself" actually means and whether 'a society' can be personified in such a way. In practice it is usually specific groups which take part in the debate which is not necessarily an inclusive discussion. Transitional justice itself is a political process which one could say is not so much about finding out facts but about ascribing value to certain facts over others. The aim of this research project is to learn more about the core of contestation which transitional justice is shaped by and itself shapes, and to research as legitimate objects of enquiry the acts perceived as resistant to the formal process.

Researching actors' perceptions of what counts as resistance might elaborate an international/local actor divide which is so common in recent scholarship on legitimacy issues in transitional justice. However, it is more likely to elaborate the multiple positions of any given actor in terms of identity formation, level of analysis and insider/outsider boundaries. This allows us to move away from dichotomies which to some extent constrain debate and analysis in this area. It also allows us to think beyond the confines of the formal transitional justice process which may well be composed of identified/self-identified 'international' and 'local' actors to learn more about the broader context in which actors' different interests inform their perspectives on truth, justice and peace (Androff 2012: 314, 316). This in turn helps us to understand what broader changes are required alongside a formal transitional justice process. Connected to this issue is the nature of the resistor as deviant. The explicit and implicit desire for consensus in formal transitional justice processes casts those who are perceived to be resisting as problematic for the eventual realisation of the goals of the process. However, if we can listen to the voices which are dismissed as 'deviant' and engage with them as legitimate subjects of analysis then we may be able to hear the articulations of alternative visions of peace and justice. The open articulation of such difference and disagreement, we would argue, is at the foundation of a sustainable and just peace.

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