

# Levelling the playing field? Operating within the politics of knowledge in the field of transitional justice

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Transitional justice has become a standard response to mass human rights violations at the end of a conflict or a transition from authoritarian rule. This character of transitional justice as an increasingly normalised and [bureaucratised field](#) – with United Nations pillars, and a plethora of toolkits and non-governmental organisations (NGOs) dedicated to it - can be seen in its application in an ever-increasing set of circumstances and contexts. Transitional justice continues to grow in terms of the tools at its disposal and the goals that are ascribed to its processes. There is a body of evidence which suggests that transitional justice institutions such as truth commissions, trials or the International Criminal Court (can) have considerable impact on the way a transitioning society sets out on its transition path<sup>1</sup>. Transitional justice mechanisms can affect who is considered to be a victim and who a perpetrator, who gains political legitimacy and who does not – in other words, transitional justice processes and mechanisms have the potential to shape the course of a transition process well beyond their existence.

Given the importance and influence of transitional justice in how societies reckon with past large scale violations of human rights it is necessary to ask difficult questions about the knowledge base on which transitional justice decisions are made, and assumptions developed. Transitional justice scholarship has sought to unpack how processes

and mechanisms are designed, by whom and based on what knowledge. Despite being a strongly normative field of activity, transitional justice practice, like other areas of peace-building, human rights and international relations, seeks to be based on sound theories, [evidence and knowledge](#) in order to improve its own practices. Consequently, transitional justice is a field that seeks to produce better knowledge for better policies. We often assume that better knowledge

requires better, more detailed, and more finely disaggregated data, and better interpretive frameworks. We also think about how best to distribute and disseminate the knowledge we produce:

**“The question today is not whether something should be done after atrocity but how it should be done. And a professional body of international donors, practitioners and researcher assists or directs in figuring this out and implementing it” (Nagy, 2008: 276).<sup>2</sup>**

- What kind of knowledge is relevant for policy makers and what formats are they likely to read?
- Who should be invited to a workshop in order to have maximum impact?
- What should we include and exclude from the knowledge that we share with other actors?

These are of course practical as well as political decisions. Rarely, however, do we go a step further and ask how we produce this knowledge that we are seeking to disseminate:

- What counts as knowledge in our field?
- Who produces the knowledge that we trust and go to for reliable and relevant information?

<sup>1</sup> Tricia d. Olsen, Leigh A. Payne and Andrew G. Reiter, “The Justice Balance: When Transitional Justice Improves Human Rights and Democracy,” *Human Rights Quarterly* 32, no. 4 (2010); Hugo van der Merwe, Victoria Baxter and Audrey R. Chapman, eds., *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, DC: United States Institute of Peace, 2009).

<sup>2</sup> Nagy, R. (2008), ‘Transitional Justice as Global Project. Critical Reflections’, *Third World Quarterly*, 29 (2), 275–89.

- Who decides what knowledge is relevant?
- Who decides who has the right to speak on a particular issue, context or process?

Furthermore, questions arise as to the research-policy-practice-nexus in the field:

- Which of these actor groups produce what types of knowledge?
- Which are considered valuable and why?
- Can these categories be usefully differentiated in practice?

These questions might seem technical but are in fact closely related to questions of power. They require us to think about the power that is inherent in who is considered an expert, whose reports we get to read and want to read because we consider them important (i.e. relevant, legitimate, authoritative), the power in who gets to publish and where, and who does not, the power in who can access pay-walled academic articles and who cannot, and the power inherent in whom we label an ‘international expert’ and whom we label a ‘local expert’.

Some measures are being introduced to address power imbalances: North-South research partnerships are encouraged to overcome the extractive tendencies of transitional justice research; dedicated funding is provided by universities and research funding institutions to make publications open access; transitional justice discourses increasingly highlight participation as a key principle in practice and research processes, and so on. These and other measures are meant to level the playing field by addressing different dimensions of power through the narrow lens of access: access to funding, to literature, to research processes. However, the questions outlined above are also part of a politics of knowledge which is so central to the work of transitional justice and yet rarely addressed or acknowledged directly. The politics of how particular knowledge comes to be considered relevant and authoritative, disseminated, and ultimately put to use de-

termines the way we think about, design, and evaluate transitional justice. The consequences of transitional justice’s politics of knowledge are thus substantial.

In the research project “Knowledge for Peace. Understanding research, policy, and practice synergies” scholars from Switzerland, the UK, South Sudan and Côte d’Ivoire set out to answer these and other questions. This policy brief is a summary of the key findings of the project which are discussed at length in the book “[Knowledge for Peace: Transitional Justice and the Politics of Knowledge in Theory and Practice](#)”. We divide these findings into who produces knowledge in transitional justice, how knowledge is produced in transitional justice, when and what knowledge is being used, before finishing with a series of recommendations for policy makers, practitioners and research funders working in the field of transitional justice.

## How is knowledge produced in transitional justice?

One of the main ways through which knowledge for and on transitional justice is produced is through research. This way of producing knowledge is fraught in many ways with the unacknowledged underlying politics, the power and resource inequalities that shape it (and which often map onto global inequalities and power imbalances – the politics inherent in international relations), and the ethics of partnerships, data collection and analysis. Contributions in the book highlight that research is an [inherently political process](#). Researchers are subject to the politics of conflict and transition, and [should consider the conflictual narratives](#) that shape perceptions of the past and have to relate to these in some way or another. Moreover, the challenges with implementing context and conflict sensitivity are due to the way the field has developed with certain [underlying assumptions](#) (e.g. regarding the normative commitments or the role of the researcher) as well as the [political constraints](#) on the manner of conducting research in certain contexts. Yet we rarely acknowledge the influence of the politics of a place and transition. Neither are the politics of research acknowledged and analyzed in detail, meaning the decisions around what ideas and actors are

**Transitional justice operates through the actions of a series of groups: policy makers who plan and implement the institutions; victims groups defined by commissions or courts; the larger citizenry implicated, but not named, by a final report or court decision; scholars who write the literature about specific country contexts or the phenomenon in general; and practitioners who work for nongovernmental organizations (NGOs) that consult on the possible manner of transition” (Miller, 2018: 271).<sup>3</sup>**

<sup>3</sup> Miller, Zinaida (2008) ‘Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice’, *The International Journal of Transitional Justice* 2: 266-291.

considered worthy of funding, how partnerships (especially [North-South partnerships](#)) are designed and what impact this has on all partners in terms of their ability to contribute to global and local debates.

However, transitional justice knowledge is also produced through interactions between people. For example, consultations often claim to produce insights into people's preferences and priorities regarding transitional justice processes, i.e. they aim to produce knowledge relevant for transitional justice policy making. However, in practice these same consultations often serve to inform or train people on [specific ideas of and approaches to transitional justice](#). This calls into question the ability and intention of consultations – with citizens, victims, and other stakeholders groups that ought to participate – as a means of producing insights rather than a means to [disseminate preconceived ideas](#).

## Who produces knowledge in transitional justice?

Current debates, be they academic, at a policy level or among practitioners, focus largely on international actors as those who produce and disseminate knowledge that is relevant for the field's meta-debates and in specific contexts. This is based on an assumption that this knowledge is somewhat universally applicable and can be transferred from one context to another, despite clear variations in the nature of violence, the nature of transition, the actors implicated, and the local preferences regarding the post-transition dispensation of power. Several scholars in our project have described the challenges as well as ethical associations implicated with this, including [knowledge asymmetry](#), [knowledge imperialism](#), and the [coloniality of knowledge production](#).

Besides the power imbalances, the invisibility of certain voices and the unequal access to the means of knowledge production and dissemination, this speaks to the very limited conceptualization of who is an expert in transitional justice and who is not. It largely includes academics, and particularly Western academics, and specifically legal scholars, and staff of international organization and INGOs. This limited scope of who is considered an expert is particularly worrisome considering the huge amount of influence experts hold in transitional justice. In contrast to these limited conceptions our research points to a more complex picture.

There are other actors and other forms of relevant and useful knowledge – i.e. expertise – that have been highlighted in

our work. Trainings and consultations show that those with lived experience of conflict and transition also hold relevant and authoritative knowledge, but it is too often overwritten by the agenda and pre-conceived ideas of [international and technical experts](#). Even when dealing with 'experts', who exactly is considered an expert may change over time or in response to political need and circumstances. For example, [the selection of truth commissioners](#) is connected, among other things, to which knowledge needs to be emphasized for a particular set of required outcomes. We have also seen how political networks come to the fore in determining the relative influence of different experts working in and on the [African Union transitional justice policy framework](#). Importantly, our work finds that authority and expertise are not static, are often political contingent, and are re-shaped and re-conceived in order to ensure maximum policy and practice impact.

The category of experts then involves a much broader range of stakeholders, experiences and expertise than is often assumed when we talk about 'transitional justice experts' as they include [context experts](#), actors who are invited for their political savvy and networks, specific experiences or even political orientation. However, even this expanded understanding of expertise underdelivers on one of transitional justice's core promises: to put victims at the center. By working with narrow definitions of who is an expert – those professionals working in specific national and international NGOs, scholars and researchers, etc. – they exclude those that are generally not considered to be experts: victims, traditional, community or religious authorities, or the general population.<sup>4</sup>

## The research-practice nexus

The dynamic of policy and practice facing knowledge is particularly significant for the field of transitional justice. Debate about the research-policy-practice nexus in transitional justice assumes that some actors conduct research, some engage in practice, and some operate in the realm of policy-making. All three are seen to have distinct ways of producing knowledge and are thus also assumed to be producing (and consuming) distinct types of knowledges. For example, journal articles are assumed to be written by academics whilst practitioners are assumed to write concept notes and project reports.

Our research has shown that [these categories are at best blurred](#), and at worst inadequate for making sense of who

4 Briony Jones, "Stories of "Success": Narrative, Expertise, and Claims to Knowledge," Canadian Journal of Law and Society 30, no. 02 (2015).

produces knowledge, how and with what purposes, and how it is published. This takes several dimensions. Firstly, many experts act in all three spheres of activity, be it simultaneously or sequentially. Some are academics before going into intergovernmental organizations where they are perceived to be policymakers; others are academics who do a considerable amount of consultancy work and write policy briefs as well as project reports. Secondly, individuals' ways of thinking about specific issues are always shaped by different knowledges, irrespective of whether this comes from academic articles, project reports, legislative texts, or even news reports and blog posts. The distinction between research, policy and practice is not only based on artificial boundaries that are empirically untenable, but it also seems to serve primarily as a way of [ordering different types of knowledge into hierarchies](#). Considering the amount of authority that is assigned to academia and research, this can have distorting consequences in terms of who we assume has something relevant to say and the authority to speak. This does not even account for the resource implications that are at times attached to these distinctions.

## Unpacking the politics of knowledge use

Transitional justice requires 'useful' knowledge in order to operate and ensure the impact of interventions. International and local non-governmental organizations are often focused on generating evidence to lobby policy makers and inform practice, filling abstract concepts such as 'reconciliation', 'truth' or 'justice' with concrete lessons and approaches. Academics, while intertwined in policy and practice worlds, have also questioned the evidence-base of transitional justice, highlighting that much decision making and debate has a strong normative orientation and showing that the existing evidence is often insufficient or unclear in terms of its results.<sup>5</sup> Nonetheless, an assumption persists that with better knowledge we will be able to design better policies and do transitional justice better. This knowledge logic, as we have shown, determines who produces knowledge and under what conditions. It is also important to reflect on how knowledge is used.

Several cases in our project have shown that even when knowledge is produced it is selectively used. This can be because it is withheld, inaccessible, or purposefully ignored – often for political reasons but also for ethical, conflict sensitivity, normative, or professional reasons. [Logo's work](#) has shown how, in South Sudan, the timing and use of reports on

the violence and justice responses is intricately connected to the political machinations of party alliances, international coalitions, and the stage of diplomatic negotiations. This means that often knowledge cannot be used to inform and nuance discussion over the conflict, its root causes, and how it can be addressed. [In other cases](#), certain experts, sources and bodies of literature are preferred over others because they are a better fit for the normative and political commitments and agendas of those who shape debates and policies. In yet other cases the knowledge of certain actors may be acknowledged but their expertise is not perceived as legitimate or appropriate in a given [context](#).

These constellations of knowledge use are, like its production, dynamic. Whether certain knowledge is used in a given moment is context specific, but as these contexts change so too may views on whether and how a given knowledge product can be used. This shines light on the dynamics of both knowledge production and knowledge use: In addition to the politics of research (funding) it is political, transition-related contexts and decisions that shape what knowledge can be produced, how and by whom. But both of these politics also shape whose and which knowledge get to be influential. The politics of transition, the politics of research, and the politics of international relations thus shape all stages of a knowledge process: from production over dissemination to use.

## Recommendations

A number of recommendations emerge from the analysis above which are aimed at local, national, regional and international policy makers, practitioners and research funding institutions in the field of transitional justice.

### **Recognize the variety of stakeholders that produce knowledge and have expertise.**

- **Acknowledge and work with a greater variety of actors and their expertise.** Too often categories of actors such as 'international' and 'local' bear little resemblance to who is actually fluent in the language of international expertise. Identifying actors to work with should be done on a context-by-context basis and include a range of actors.
- **Include a more diverse range of actors in transitional justice decision-making.** When deciding who has a seat at the table it is important to look beyond the usual suspects of 'transitional justice experts' and to think through issues

<sup>5</sup> van der Merwe, Baxter and Chapman, Assessing the Impact of Transitional Justice.

of representation, closeness and distance to context, and different forms of experience. This may require language interpretation, moving meetings outside of capital cities, and funding participation.

**Support those stakeholders that produce relevant knowledge but who struggle to be given a platform** (be it nationally, regionally or internationally).

- **Where this is due to the current funding structures, provide funding** to those actors that rarely have funding for producing knowledge and knowledge products, such as analysis papers, policy briefs or journal articles.
- **Where this is due to limited access to channels for distribution, facilitate those channels**, e.g. by providing specific support to publish in international journals, or through writing workshops, or facilitating contact to editors and publishers or conference organizers.
- **Where this is due to perceptions of the quality or relevance of knowledge, provide visibility to new forms of knowledge and knowledge producers**. E.g. often academic knowledge is valued over practitioner knowledge or legal texts are given preference over sociological analyses. These forms and formats that are less visible can be given visibility e.g. by referencing them in funding proposals (both for research and practice projects) and publications, including them in a course curriculum, posting them on social media or sharing them in relevant networks and listservs.

**Recognize and make transparent that knowledge production and knowledge dissemination/validation are not the same and require different processes.** In other words, processes that are aimed at producing knowledge about preferences for transitional justice require different approaches than processes that are aimed at disseminating pre-conceived preferences. In this regard consultations should be clearly conceptualized and planned differently from trainings, for example. This would benefit from new and innovative methodologies to ensure consultations in fact consult rather than train participants.

**Use the knowledge that is available.** This can be procedural, contextual, thematic or political knowledge: It can relate to knowledge about the causes and nature of a conflict and a transition, knowledge about the severity and scope of human rights violations that is a basis for advocacy, or knowledge

on comparative contexts and lessons that can be drawn on in designing transitional justice processes in challenging and still under-researched contexts, such as in the absence of transition.

**Advance our idea of what it means to conduct conflict-sensitive research, the tools at our disposal for doing so, and the means necessary for doing so.** This can ensure that a) researchers, research funding institutions and those commissioning research understand the political nature of research which is in itself an intervention into context and, b) the necessary financial means are provided and tools are developed to implement this in practice. This also requires a frank conversation about the ethics of transitional justice research, its methodologies and modus operandi.

Understand better the impact that the politics of transition has on the knowledge that is produced in transitional justice (research). Whilst there have been some inquiries into the way global inequalities in terms of power and resources affect transitional justice and its politics of knowledge production, the impact of the politics of transition itself is rarely acknowledged or unpacked. It requires an understanding of how the transition process itself interacts with and affects research on transitional justice.

Overall, these recommendations call on academics, NGOs, INGOs, policymakers, practitioners, research funders, international and regional organizations and all other stakeholders who are involved in producing and disseminating knowledge on and for transitional justice to critically question their assumptions about what knowledge and whose voice we consider relevant, useful and authoritative and why. Implementing the acknowledgement that experts are a social construct and reflecting on this in our day-to-day work can go a long way in initiating change to enable a more level playing field in the production, authorization, validation, dissemination and use of knowledge in the transitional justice field.

## About the authors

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## About this Brief

This policy brief summarises the key findings and implications of the project Knowledge for Peace. Understanding Research, Policy, Practice Synergies and the main output of the project which is the open access book [Knowledge for Peace: Transitional Justice and the Politics of Knowledge in Theory and Practice](#) published by Edward Elgar in 2021.

The views expressed in this publication are those of the author only.

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