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Transitional justice and liberal post-conflict governance: Synergies and symmetries, frictions and contradictions

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Propositions Relating to the Dissertation:

TRANSITIONAL JUSTICE AND LIBERAL POST-CONFLICT GOVERNANCE: SYNERGIES AND SYMMETRIES, FRICTIONS AND CONTRADICTIONS by *Dustin Nachise Sharp*

1. Viewing transitional justice as an apolitical “toolbox” or simple set of “best practices,” a notion implicit in UN and other definitions, is a mistake as it fails to account for the important historical, cultural and ideological underpinnings of the field.
2. Failure to rigorously interrogate and seriously re-consider at least some of the historical, cultural and ideological underpinnings of transitional justice theory and praxis hinders the emergence of a more pluralistic global project reflective of the diversity of humanity and its many peace and justice traditions.
3. The liberal and legalistic optics of mainstream transitional justice practice, policy and study have served to narrow our sense of what it means to “do justice” in times of transition, helping to push certain questions and modalities of justice into the foreground, while relegating others to the background of transitional justice concern.
4. Transitional justice’s engagement with questions of “the local” and the “non-Western” has been both complex and clumsy, fraught with frictions and contradictions. In their present state, fashionable policy prescriptions such as “participation” and “local ownership” are unlikely to sooth these tensions.
5. In seeking better engagement with “the local” or the “non-Western,” the choice is not a simple one between vigorous localism and strongly assertive liberal internationalism. Rather, the dilemmas of “the local” reveal competing liberal principles and commitments that need to be balanced.
6. Principles of pluralism and concepts like the “margin of appreciation” worked out in historically liberal societies can be useful constructs in generating new transitional justice practice reflective of greater contextual openness and adaptability. Thus, if an arrogant, aggressive and narrow liberalism has historically been part of the problem in transitional justice, some of the solutions to modern-day transitional justice dilemmas might also be recovered from the broader liberal tradition.
7. The scope of transitional justice concern should not be based on arbitrary distinctions between civil and political rights, on the one hand, and economic and social rights, on the other. Rather, it should be based on a careful analysis of the drivers of conflict and the social, political, and financial capital that can be

marshaled to effect change via the various mechanisms of transitional justice in the wake of conflict.

8. There is a misconception in some of the transitional justice literature that addressing questions of economic and social rights and other economic crimes will of itself over-stretch the resources and intellectual coherency of the field. Yet there are potentially narrow and broad approaches to questions of economic violence just as there are narrow and broad approaches to violations of civil and political rights.
9. While underappreciated, African truth commissions have begun to deviate from the dominant transitional justice script forged in Latin America by addressing questions of economic crimes and economic justice more squarely. Their emerging work helps to illustrate both the feasibility of attempting to address violations beyond civil and political rights, while also highlighting some of the dangers created by the need for additional expertise.
10. In recent years, the view of transitional justice as handmaiden to liberal political transitions has begun to give way to a somewhat looser view of transitional justice as a component of post-conflict peacebuilding more generally. Given the parallel critiques that have been leveled against both peacebuilding and transitional justice since the end of the Cold War, there are reasons to be wary of this increasing association.
11. Historically narrow assumptions about peace and peacebuilding are an inadequate foundation on which to ground innovative transitional justice practice; yet there are also emancipatory concepts of peace and peacebuilding that carry with them the potential to challenge longstanding blindspots and assumptions and to increase the possibility of a transitional-justice-as-peacebuilding narrative that is true to human rights ideals while becoming more open-textured and attuned to local needs and context.