Understanding Resistance and its Implications for Hybridity

Briony Jones, Research Fellow, swisspeace and University of Basel
briony.jones@swisspeace.ch

Abstract

This paper focuses on one aspect of hybridity: resistance. Described as one factor which shapes hybridity in peacebuilding contexts there is in fact very little in-depth conceptual work on resistance in the peace and conflict literature. This paper speaks to this gap with a focus on transitional justice, as part of the liberal peacebuilding project, and highlights the ways in which it is a political and thus necessarily contested process containing elements of hybridity in its practice. Attention in transitional justice scholarship has turned towards the nature of ‘the local’ and how it interacts with international norms, bringing to the fore a concern with context, culture and power. The argument presented here states that not only must we seek to understand the nature of resistance as a part of hybridity, but we must do so by analysing the relational process through which acts come to be defined as resistance. This builds on, and contributes to, literature on hybridity which tends towards observing and describing what it takes to be ‘resistance’ – observable, knowable and from one viewpoint – rather than explaining it as a relational concept. If we are able to do the latter then we are also able to find an entry point into learning about the alternative visions of peace and justice which inform the kinds of hybridity we can see in different contexts.

Introduction

Scholarship on hybrid peace responds to a critical turn in peace and conflict studies towards questioning the ways in which external actors intervene in post conflict contexts as part of a liberal peacebuilding agenda. Such critiques are well established and include the imposition of western norms of liberalism, a lack of understanding of the contexts in which violence and peace occur, a top-down approach which favours external ‘expertise’ rather than local ‘knowledge’ and a one-size-fits all approach in the face of diverse and meaningful local cultures (see for example Leeuwen, Verkoren and Boedeltje 2012 for a summary). From these critiques has emerged the use of the term ‘hybridity’ by a number of scholars who propose a new taxonomy of peacebuilding (Heathershaw, forthcoming). Hybridity as a term has its origins in critical analysis of colonialism, its form and its aftermath (Young 2001). In relation to peacebuilding it is described in a multitude of ways according to varied perspectives and priorities, but in general and simplified terms it is used to refer to the mixing and transformation of the liberal (read international or external) and the local when they meet in peacebuilding contexts. Hybridity is at once an analytical category or framework which can act as a lens through which to view societies which are the subject of peacebuilding interventions, and at the same time a descriptive term for what scholars of hybridity believe exists as a reality on the ground.

The scope of this paper is limited to the concept of ‘resistance’ which features in work on hybridity both as a necessary condition, integral part and/or an indicator of hybridity itself. This paper argues that the nature of this resistance and its place within hybridity has not been fully explored or elucidated. Furthermore, this paper seeks to make its own contribution by presenting...
the case for a particular approach to resistance which can capture its relational and subjective nature and thus provide a more fertile ground for the development of ideas on hybridity. In order to do so resistance and formal transitional justice processes will provide the entry point. Thus this paper will address one aspect of hybridity through one empirical phenomenon in the hope that this detailed focus will also be able to contribute more generally to the growing body of scholarship on liberal-local hybrids.

The paper is split into the following sections: the first will reflect briefly on a selection of recent work on hybridity and the ways in which the concept of resistance is used; the second will elaborate a particular conceptual approach to resistance which it is argued is more illuminating for understanding and interrogating ideas of hybrid peace; the third applies this approach to resistance to the case of transitional justice and its hybridity; and the final section will draw out the possibilities of and potential ways forward of this approach.

Hybridity and the Role of Resistance

When reviewing the literature on hybrid peace one can observe that where resistance as a term is used or implied it is rarely comprehensively defined or theoretically explored. This is a shame because it is a rich concept which is useful for the types of subtle and important critiques of contemporary peacebuilding interventions which can be seen in much of the literature on hybridity. Where resistance does feature in work on hybridity it broadly falls into two interconnected roles (a) as a pre-requisite for the existence of hybridity and (b) as an integral part of what can be described as hybridity.

Much of the hybridity literature begins from a point of criticism of liberal peacebuilding interventions (Laffey and Nadarajah 2012), or at least observations that they are not always locally relevant, contextually informed or consultative. The idea that the worldview and norms promoted by liberal peace are not necessarily locally meaningful, or even acceptable, leads authors to suggest that resistance to such interventions will (inevitably) follow. Leeuwen, Verkoren and Boedeltje point to the individualist and secularist worldview of the European Enlightenment which forms the basis of liberal peacebuilding and assert that “As a consequence, liberal interventions may face resistance” (2012: 303) in local contexts which have, for example, a more communitarian view of society, rights and obligations. Importantly, resistance in such contexts results not only from a disjunct between two or more worldviews, but also from geopolitical power imbalances which make possible the attempted imposition of one over the other. Resistance is thereby an action of those who are oppressed against those who oppress: “distinct local realities disturb and resist the hegemonic visions of policymakers” (Ibid: 311). When local realities come face to face with liberal interventionism the resulting resistance is one possible pre-condition for the emergence of hybridity. Referring to the case of the Solomon Islands, Richmond describes the mutual misunderstanding by internationals and locals of each other’s actions and values, which “shows how little they are able to understand each other – echoing mutual resistance and through these emerging agencies, the hints of hybridities to come” (2011: 126).

According to Richmond “Peacebuilding-as-resistance appears, at least from the local level, to offer the main avenue through which to shape the emerging political environment, though this is predicated on the ability to resist overwhelming technical superiority, and to modify it marginally, or only to mimic it” (2011: 116). Here we come to the second connected role which resistance plays in hybridity, as an ongoing and integral part of that which can be described and observed as hybridity on the ground. MacGinty in his model of hybridity wishes to “capture the dynamism associated with peace, conflict, and the interaction between local and international actors in seeking to bring conflict to an end” in what he sees as “the constant processes of social negotiation, coalescence, cooperation, and conflict that are associated with the creation of hybrid forms of peace and processes of peacemaking” (2011: 208). MacGinty features resistance as one of the four key elements of hybrid peace: ability of liberal peace agents to enforce acceptance of the liberal peace; ability of liberal peace agents to incentivise local engagement with the liberal peace; ability of local...
actors to ignore, resist, and subvert the liberal peace; and ability of local actors to present alternatives to the liberal peace. Resistance is a relational dynamic here between locals who hold the agency and have the opportunity structure to resist, and liberal peacebuilding actors who may respond to perceived local resistance and seek to engage with local actors and their practices. The response of liberal actors, particularly with regard to the selection of local partners and choices over how to engage, can affect the type of hybridity which emerges. This can be seen in the work of Jarstad and Olsson on Afghanistan (2012) in their reflection on the relative stability of different forms of hybrid peace vis-a-vis different forms of local ownership, and in the work of Wallis on Timor-Leste (2012) regarding the importance of making space for cultural agency and thus a hybrid peace which is meaningful for people on the ground.

Resistance, however, is not always a given in every situation of hybridity. Locals may also support or be co-opted by liberal peacebuilding. Thus there is a spectrum of actions on which we may find subversion (a purposive attempt to circumvent liberal peace), cooperation and agonism (MacGinty 2011: pp.77 & 86). This prompts us to ask: in which situations does resistance become the preferred action of choice? And how do we know resistance when we see it? It is only through engaging with questions such as these that we are able to fully understand the relevance of such a dynamic at the liberal-local interface. However, the literature on resistance and hybridity makes some limiting assumptions or perhaps omissions. Laffey and Nadarajah criticise recent scholarship in liberal-local hybrid peace for rendering “hybridity as a problem-solving social-scientific concept equated with mixing or interaction” (2012: 404). In this way, we can see how resistance itself comes to be understood more instrumentally as a precondition of hybridity; one piece in the puzzle with its role to play. The way in which resistance is referred to as one pre-condition of hybridity also implies that there is an action or an object of enquiry which can be labelled ‘resistance’. These actions can be identified either as visible, concerted and public action, or in their more everyday forms (Richmond 2010). In addition, resistance is often evoked as the preserve of the ‘local’ in the interface. The logic follows that the liberal peace seeks to impose a certain set of norms and practices onto societies where they may not be meaningful or considered legitimate. This leads to resistance by those who are marginalised by the attempt to impose such a liberal peace. In turn resistance brings the liberal and local face to face in a negotiation which results in a hybrid form of peace which is challenged and shaped over time. In this logic resistance is an action undertaken by a particular set of actors in response to the hegemony of another set of actors and the norms they promote. In the following section this paper will address the way in which such a static view of resistance limits its analytical potential and will outline an approach to resistance which has the potential to capture more nuances of the relationship between the local and liberal which is at the core of thinking on hybrid peace.

Asking What Counts as Resistance

Scholarship on resistance has undergone some significant developments since the 1980s. Previously resistance was primarily understood as organised group action against states (Fletcher 2001: 44). However, influenced by the well known work of academics such as Scott (see for example 1985) resistance has been re-conceptualised and is now understood by many anthropologists, sociologists and political philosophers as something present in the everyday. Thus there has been a turn towards trying to understand the subtlety of resistance and the sites and moments where it may be found. In these more recent approaches resistance is also conceptualised as the result of the agency of an individual in an everyday encounter far beyond the public spaces where resistance had previously been assumed to be enacted. Such an approach is valuable for its movement beyond the limits of a narrow definition of resistance which cannot capture the multi-faceted nature of power or agency. However, it creates a methodological trap in which contestations inherent in daily life may be caught by the gaze of the researcher and labelled ‘everyday resistance’. The challenge becomes one of how to retain a clear delineation around the concept of resistance which means it can have analytical traction, while at the same time remaining attendant to the danger of simplifying power
relations or of labelling acts as resistance which may not even be conceived as such by the actors themselves.

One approach to this tension may be to think more sociologically about the nature of resistance and ask ‘what counts as resistance?’ from the vantage points of different actors. To clarify it is helpful to draw on theoretical work on resistance from the discipline of geography. In the edited collection *Geographies of Resistance* (1997) both Pile and Keith’s contributions argue that resistance should not be assumed to arise from innate political subjectivities, but can only be understood in relation to local power relations, and intended and received meanings. Resistance itself as a label of action is defined through the creation of these subjectivities. Where the term resistance departs from other words we may use, such as contestation or negotiation, is in the social context in which the motivation and legitimacy of the action is judged. Actions which resist are by their very nature deviant, either in terms of norms or material projects of organising society. They are ‘against’ that which is being resisted, either through a direct attack or through attempts to alter the intended outcomes of the avowed target of resistance. What is vital to highlight here is that the process by which an act comes to be labelled as ‘resistance’ is a subjective one. If we agree that this is the case, then it stands to reason that any given act can be labelled as ‘resistance’ in one particular context from one particular vantage point, but may not be subject to the same act of labelling in another context from another vantage point. Here the distinction between oppressor and oppressed which is so important in many studies of resistance becomes less clear. Writing on resistance and international law Rajagopal asserts that resistance must always work, to some extent, within the parameters set by that which is being resisted, thereby risking cooption. This work rejects an 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).

MacGinty elaborates his understanding of resistance as visible or subtle and everyday, of it coming from places of marginality or power, and its nature as multi-sited (2011). Building on this nuance, and drawing from the work of other scholars on resistance, we can go further to look at how it is constructed and how certain acts come to be defined as resistance. It is the opinion of the author that this process by which certain acts come to be defined as resistance and others do not, can provide a fruitful avenue for exploring the nature of the relationships between different actors which lead to, or themselves constitute, hybridity. We need to understand the nuances of the dynamics between that which makes up hybrid peace – the liberal and the local – in order to be able to judge how useful it is as a taxonomy of peace and justice which may be present in any given society. This will tell us about power relations between actors, how certain visions of peace and justice come to be seen as more legitimate than others and what alternative visions might look like. In the following section this approach will be applied to transitional justice as part of liberal peacebuilding in order to suggest some ways in which it can be analytically helpful.

**Resistance, Transitional Justice and Hybridity**

This paper accepts the assertion that transitional justice – as the sum of mechanisms designed to address human rights violations committed as part of a conflict, authoritarian rule or occupation – is part of liberal peacebuilding (Sriram 2009). As such it has also been accused of imposing externally validated norms in a technocratic, instrumentalist way (Rubli 2012) designed to transform societies not only in terms of institutional reform but also in terms of attitudes and behaviours. As befits an area of scholarship which has been strengthening since the 1980s a recent critical turn has been reflecting on these critiques with a concurrent series of debates, all of which revolve around a core discussion over whether it is the way of doing transitional justice which is the problem, or whether as a normative project it should be abandoned (see for example Rabkin 2005).
These debates have been sharpened by a lack of ‘evidence’ on the positive impact of transitional justice. As with peacebuilding more generally, transitional justice has also been subject to calls for greater attention to be placed on the local, and for transitional processes themselves to reflect this in managed hybrid approaches which contain something of the international and the local. This reflects ambivalence within practice of transitional justice: a desire to apply and support international law and norms on human rights and their violations, while at the same time acknowledging that the longer-term processes which transitional justice is supposed to support, such as reconciliation, must become locally embedded in order to affect the kinds of social transformation required for a sustainable and just peace. Beyond such hybridity by design transitional contexts are themselves “frequent sites of hybridity, in which the interaction of local, national and international actors shape decisions about accountability in ways that evolve over time” (Sriram 2012: 58). This can be seen as an inevitable result of the nature of transitional justice as a “contested space” (McEvoy and McGregor 2008) in which negotiations and compromises over political, legal and moral dilemmas take place (Sriram 2009).

Ojara has written that “as 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 language used within transition contexts tends towards demanding consensus; a consensus which some have described as silencing (Campbell and Turner 2008), disciplining (Iliff 2012) and constraining of debate (Meister 2002). In the realities on the ground there have been examples of dissatisfaction, frustration, refusal to participate and the continuation of justice practices which may be termed ‘local’ or ‘traditional’ and which do not necessarily coincide with liberal norms of justice. This reflects alienation from, and dissatisfaction with, the process in reaction to the promotion of certain values over others (Van de Merwe, Baxter and Chapman 2009); values which are held to be ‘good’ for transition such as the rule of law, individual human rights and liberal democracy. In turn, international transitional justice actors have designed processes which include hybrid courts, as in the case of the Extraordinary Chambers in the Courts of Cambodia, and have supported processes which draw on localised forms of justice, as in the case of the Gacaca courts in Rwanda. Thus hybridity appears in two main forms: by design; and through the ‘messiness’ of ‘reality’ on the ground.

In the case of managed hybridity, hybrid courts combine a mix of international law, domestic law, international staff and/or domestic staff. It was hoped that such hybridity would be able to overcome the problems of high cost and geographical distance of the international ad hoc tribunals such as the International Criminal Tribunal for the Former Yugoslavia by ensuring greater legitimacy and local ownership (Mendez 2009). There is also hybridity through holism in cases where different mechanisms are deliberately intended to complement each other, such as combining the work of an international criminal tribunal with a locally led truth commission and/or traditional justice. The arguments given in support for designing such hybridity into a formal transitional justice process are that it can draw on the benefits of the international and the local at the same time, and thereby maximise the possible positive impacts as well as gain greater legitimacy on the ground with the people who have experienced the crimes to which a transitional justice process addresses itself (Clark 2007).

The turn towards the local in transitional justice is also part of a desire to understand the ways in which people in different places and historical moments select strategies themselves which will best allow them to survive and reconstruct their lives (Shaw and Waldorf 2010). We can see this in detailed empirical work which illustrates the ways in which hybridity may occur through the ‘messiness’ of realities on the ground: in Israel teachers at integrated Palestinian-Jewish schools negotiate and transform education policies as part of their coping strategies in tense classroom contexts (2009); in Nepal Bhutanese refugee children attend human rights education classes while at

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the same time engaging in political violence (2008); and in Guatemala locals mobilise transitional justice recommendations to use as their own and to serve their own goals in ways not intended by transitional justice ‘experts’ (2007). These everyday practices certainly transform the type of peace and justice which is present in these places, leading to an everyday hybridity where policies designed with certain purposes in mind are re-shaped in ways which make sense on the ground. As Sriram notes, “it is seldom the case that a mixture of local, national, and international justice mechanisms is designed – it rather emerges in response to demands at all three levels over time, and it may involve a changing mixture of legal, non-legal, and quasi-legal processes” (2012: 67-68). What is interesting here is that the everyday practices of local actors in such ‘spontaneous’ hybridity can be defined as ‘resistance’ by some actors and not others, depending on their positionality.

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. In reference to Australia, Jacobs highlights how reconciliatory gestures towards the Aboriginal peoples “far from settling the nation down into a state of calm co-habitation, can activate a range of unexpected refusals and resistances” (1997: 205), resistance which does not necessarily come from those who have been historically oppressed but from those in positions of power. In each case the construction of the act as ‘resistance’ comes from a particular positionality. For example, state actors who ‘resist’ cooperation with international courts may not view themselves as ‘resistors’ but instead politicians who are negotiating political stability, and the support of constituencies. Little writes of the case of Northern Ireland that practices of democracy may in fact be more ‘normal’ the further they move away from the liberal ideal-type of the Belfast Agreement, despite criticisms of local politicians for obstructing the democratic process (2009). If we take the case of Colombia, Diaz (2008) has highlighted how particular non-governmental organisations oppose certain transitional justice measures, such as paramilitary demobilisation, not because they are opposed to transitional justice, but because they conceive of it in a more radical way, as “real political transformation”, rather than an instrument of the most powerful. These are the kinds of political debates which represent the working out of political questions in a contested space. In Diaz’s work we see not only differences in the types of transitional justice policies being supported, but how these are representative of deeper conflicts between different conceptions of justice, some of which become more dominant and are seen as more legitimate in a given context.

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 Jacobs’ work (1997) on Australia those who resist may not be the most marginalised seeking a more progressive politics. Sriram also cautions against assuming a positive role for resistance against activities of international actors, even if the critiques against such actors may stand. For Sriram “this resistance and the hybridity that results are not unproblematic” (2012: 59). Finally, one cannot assume or take at face value that certain acts are indeed 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 peacebuilding (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.

**Possibilities and Potential Ways Forward**

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). 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.

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 and on hybrid peace. However, it is more likely to elaborate the multiple positions of any given actor in terms of identity formation, level of analysis and insider/outside 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). Perceptions of what counts as resistance are also informed by perceptions of the legitimacy of that which is being resisted. Sriram writes, in reference to Sudan’s state response to the International Criminal Court’s indictment of President Omar al-Bashir, that “He and his government have also engaged in what might be termed acts of resistance, albeit quite cynical ones, through the creation of special criminal courts for Darfur, which have to date not handled any high-level cases involving serious crimes” (2012: 63). Two points can be made here. Firstly, that the use of the words “what might be termed acts of resistance” is exactly the point of this paper. We need to know how such an act comes to be understood as resistance, from which vantage point and with what effect. This is what will tell us about the relations between different actors, their mutual perceptions of legitimacy, and the differences in their normative positions and visions for peace and justice. The positionality of the actors who names resistance is key. Secondly, if we reflect again on MacGinty’s typology of hybrid peace in which there is a distinction made between local actors engaging with liberal peace or, in contrast, ignoring, resisting or subverting liberal peace we can see that perhaps such a neat distinction does not always hold. In Sriram’s case, and in others such as victim participation in the Extraordinary Chambers of the Courts of Cambodia⁴, we can see that it is possible for local actors to engage fully in the liberal peace, on the liberal peace’s terms, but in ways not envisaged, predicted or desired by liberal peace advocates.

The approach to resistance outlined here can also perhaps help to re-contextualise and historicise hybridity. Laffey and Nadarajah criticise “shallow” understandings of resistance where it is conceptualised as “a domestic phenomenon referring to external relations with local communities deploying non-liberal forms of decisionmaking or conflict resolution” and as a “newly positive engagement between liberal and non-liberal worlds” (2012: 406). However, if we understand resistance as subjectively constructed from a social context in which legitimacy and

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⁴ Thanks got to Julie Bernath for this raising this valuable point and illustrating it with informal examples from her field stays in Cambodia.
deviancy are constantly negotiated and perceived differently from different postionalities, rather than instrumentally, then we can bring back in the importance of struggle. McEvoy and McGregor remind us of the importance, as researchers, of understanding the politicised nature of transitional justice and of bearing in mind the political and social struggles which place dealing with the past on the political agenda in the first place (2008: 4-6). With this in mind it is vital to see resistance not only as a response to liberal peacebuilding and thus a pre-condition of hybridity, but as something which is part of a longer history of struggle over the terms of social and political life. This in turn helps us to understand the broader context in which transitional justice processes are embedded and the limits of the contributions which a formal transitional justice process can make to dealing with the past and creating a sustainable and justice peace. 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.

Reference List


