

Book Review

***Searching for Truth in the Transitional Justice Movement: A Grounded Theory of Transitional Justice's Instrumentalisation* by Jamie Rowen
(Cambridge: Cambridge University Press, 2017),
192 pages.**

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Commissions to produce a historical account of the causes and consequences of armed conflicts abound; they have been implemented in contexts as diverse as South Africa, Canada, Chile, Guatemala, East Timor, and Sierra Leone, just to provide a few examples. Even though the impact and benefit of the recommendations produced through these instruments are often not clear, it is not unusual for truth commissions to be promoted as a transitional justice standard, a benchmark beneficial to a broad range of contexts to foster reconciliation in the aftermath of armed conflicts. In *Searching for Truth in the Transitional Justice Movement*, Jamie Rowen takes the reader on a journey through different countries and their quest for truth, to question why truth commissions are being promoted around the world. Rowen uses grounded theory to examine transitional justice's malleability, while arguing that this characteristic is both an asset and a liability for actors that mobilise around it.

The book is structured in six chapters. In the first chapter, the author introduces the thesis, methodology, main concepts, and theoretical perspectives of the book. Using a constructivist approach, Rowen defines transitional justice as an evolving idea about how to redress mass violence and ensure democratic social and political change. This idea, Rowen claims, is constantly instrumentalised: adapted, used by, and of use for different actors and political realities and interests in different contexts, employing judicial, quasi-judicial and non-judicial mechanisms that often include special tribunals, truth commissions or reparation programmes. In this context, truth commissions usually focus on producing a record of what happened during the conflict, enabling survivors to share their stories and providing recommendations for social and political change.

Rowen's research involved the analysis of copious empirical data collected during a period of seven years, including more than 200 interviews, participant observation, a web-based survey in the Africa Transitional Justice Research Network, and documental and archival texts. She used process tracing techniques, and engaged

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in fieldwork in Bosnia and Herzegovina, Colombia, and the United States. Overall, her empirical study helps to understand who is promoting and appropriating transitional justice, who mobilises around truth commissions, and why they do it, using three case studies to discuss the power of legal ideas and their malleability.

The second chapter asserts that transitional justice is a professionalised transnational movement, emphasising the complex shared identity and loosely structured collective action around the idea. To support her argument, Rowen tracks the origins of transitional justice and organisations that have contributed significantly to the movement's professionalisation, such as the International Center for Transitional Justice, making this chapter beneficial not only for the reader interested in truth commissions, but also in how legal ideas emerge, travel through different contexts and scholars, and are shaped and evolve with time.

Rowen's process tracing of the origins and development of transitional justice and the use of truth commissions as one of its signature interventions, provides grounded bases from which to demonstrate its malleability or capacity to be adapted to a variety of places, even by actors with opposing interests. This flexibility of transitional justice, and its combination with practices of standardisation in certain contexts, creates a complex shared identity within the movement, whereby actors "have different opinions about what transitional justice means, does, or should do."² For instance, Rowen reveals that, in certain cases, broad understandings of transitional justice are useful both for actors who prioritise prosecution to address mass violence, and those who prefer other strategies. Yet, Rowen warns that transitional justice's malleability is a double-edged sword: while some actors may use transitional justice to frame their work due to its adaptability, others with similar goals may be unsure of the idea and sceptical of its use.

In the next three chapters, Rowen develops further the idea of transitional justice's malleability. Instead of focusing on truth commissions that had already been established, the case studies in these chapters examine instances in which truth commissions were being promoted in ambiguous transitions prior to 2009. In this vein, the third chapter studies the mobilisation around the creation of a truth commission in the Balkans, including consultations with an extensive range of actors and a multimillion-dollar investment. However, under the label of *disruptive instrumentalisation*, the author claims that the intervention's flexibility was so appealing to local and international actors that they proposed an ambitious model that ended up reproducing social and political divisions, given that it attracted actors with complementary, competing, and even contradictory goals. Hence, in Rowen's words, the establishment of a "regional truth commission was easy to suggest, difficult to promote, and nearly impossible to create."³ The Balkans case study also exemplifies the twofold attribute of transitional justice's malleability. On the one hand, it was an asset since the adaptability of truth commissions to diverse contexts satisfied

² Jamie Rowen, *Searching for Truth in the Transitional Justice Movement*, (Cambridge University Press, 2017) at 56.

³ *Ibid*, at 87.

different stakeholders. On the other hand, this ductility also condemned the effort to fail, as actors with competing objectives wanted the commission to do too many things, reflecting the social and political dynamics instead of changing them, and deceiving many people's expectations.

The fourth chapter examines the idea of *transformative instrumentalisation* by studying the case of the evolving understandings of transitional justice in Colombia. Accordingly, Rowen characterises the Colombian scenario as transformative given that, even though there is not a clear political transition, for more than a decade transitional justice constructions in the country have translated into diverse political actions and shifted parameters, bringing possibilities to create peace accords with illegal armed groups as diverse as paramilitaries and guerrillas. This *transformative instrumentalisation* was feasible, Rowen argues, due to transitional justice's malleability, which made it possible for actors with opposing political agendas and interests to utilise transitional justice politically to incentivise demobilisation processes, while advancing victims' rights to truth, justice, reparation and non-recurrence. Still, as in the case of the Balkans, transitional justice's flexibility also proved to be a liability in Colombia. For instance, commenting on the opposition to the peace negotiation with the FARC guerrillas, which led a marginal majority of citizens to reject the final accord in a plebiscite, Rowen claims that "all could agree that transitional justice was necessary, but they could not agree on what the idea means for Colombia"⁴

The fifth chapter analyses a non-usual suspect in transitional justice studies: the mobilisation around a truth commission in the United States to redress abuses and state-sponsored torture during the War on Terror. Drawing on empirical evidence, Rowen illustrates that some actors in the United States viewed transitional justice as a lesser form of justice that was not necessary if a judicial system could address violence, and categorises this case as *decoupled instrumentalisation*. Hence, the author argues that, though stakeholders who mobilised for a truth commission promoted a strategy that was similar to transitional justice, they dissociated their claims from the transitional justice discourse. From this perspective, Rowen examines the limits of transitional justice's malleability, by highlighting the scepticism of some actors around transitional justice.

Finally, the sixth chapter sets out concluding remarks that discuss further crosscutting themes of the empirical findings. To name a few, all three cases show how actors mobilise law to achieve different goals, at the same time nurturing a professionalisation of the movement, and fostering legal elites at both national and international levels. Likewise, this section digs deeper into how transitional justice acts "as a placeholder for actors to articulate their hopes and desires for the future, and for actors with contradictory agendas to make claims against one another."⁵

⁴ Ibid, at 120.

⁵ Ibid, at 21.

Overall, *Searching for Truth in the Transitional Justice Movement* serves as a starting point for a broader dialogue in the transitional justice arena, around three issues that could be critical for the development of the idea in the years to come. First, the often deceived expectations around reconciliation, truth, justice, and reparation, at the core of transitional justice's malleability, which frequently leads to the repetition of the conflicts and, as Rowen points out, an echo of divisions and violence. Secondly, the resilience of ideas of transitional justice that are exported from foreign contexts and sometimes perceived as standards and benchmarks, thus transplanting language and discourse into different realities without encouraging meaningful, authentic and transparent dialogues that could create and shape new legal ideas truly reflective of the desires and hopes of a variety of actors. Lastly, the notion of transitional justice as a professionalised movement fed by national and international elites, and its effects on the efforts to bring new voices, especially those of the people directly affected by the conflicts, to dialogues about how to guarantee truth, justice, reparation and non-recurrence.

In the manner of a truth commission, Rowen examines the causes and consequences of using transitional justice as a malleable legal idea in order to provide guidance regarding issues and conflicts that could emerge in settings where truth commissions are promoted. In this vein, the study is a thorough example of socio-legal research that provides an empirical comparative examination of how legal ideas shape and are shaped by the actors and social and political contexts in which they are implemented. At the same time, the book invites a wider conversation about how to redress mass violence in the aftermath of conflict, and the role of legal ideas in doing so.