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Moving beyond binary identities in transitional justice: recognising the complexity of agency in agonistic spaces

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ABSTRACT

Transitional justice (TJ) has historically struggled with understanding actors in their full complexity. Part of the underlying problem centres around the insistence within dominant TJ approaches on exclusive binary oppositions: agent vs. subject, victim vs. perpetrator, etc. These binaries make it difficult for groups experiencing marginalisation and oppression to also achieve recognition of their complexity. This paper offers an alternative conceptualisation of agency. Our argument is twofold: first, that focussing on relational autonomy rather than a liberal conception of agency offers a more holistic picture of the constraints and opportunities affecting agents' actions in social networks; and second, that creating agonistic spaces, which centre around contestation and multiplicity, in turn fosters opportunities for an increased exercise and recognition of relational autonomy. Using interview data and archival analysis from Northern Ireland and Turkey, we demonstrate how these agonistic spaces can facilitate relational autonomy in a range of less traditional TJ arenas. In their embrace of multiplicity and rejection of a single truth, agonistic spaces are better equipped to recognise the ways in which actors can be both victims and perpetrators, marginalised and empowered. This approach offers a path for fostering new approaches to justice that move beyond a focus on punishment.

Introduction

The origins of transitional justice (TJ) in Western legal practice have created enduring legacies in the design and implementation of contemporary TJ programmes. TJ, which now encompasses a wide range of mechanisms, began with a firm focus on criminal prosecutions. This early focus on prosecutions has led to a lingering preoccupation in TJ practice with classifying actors as either victims or perpetrators; the focus on binaries has also taken hold more widely in TJ practice and become a hallmark of TJ debates (Turner, 2017). While these classifications have purported utility, including in identifying targets for reparations measures, the strong emphasis on binary identities also has

deleterious effects on engaging with the true complexity of actors and recognising the possibility for their simultaneous holding of multiple identities (including both victim and perpetrator or victim and active agent) (Weber, 2021, pp. 264–283). Recent research on women ex-combatants (Akenroye & Clarke, 2022) and child soldiers (Akenroye & Clarke, 2022) highlights the incapacity of dominant TJ mechanisms to take on the reality of identity and complex political victimhood and to capture the nuanced ways in which agency operates.

Moving beyond this binary classification system, we argue, requires a reconceptualisation of agency. Whereas traditional understandings of agency focus mainly on the individual, whose essential characteristics are 'given independently of their social context' (Jaggar, 1983, p. 29), we argue that all identity and therefore agency is relational and cannot be understood independently of context. We demonstrate that the exaggerated focus on the individual within a liberal conception of agency at the expense of attention to relational patterns of oppression and opportunity leads to a reductive understanding of lived experience. This reductive understanding, in turn, limits the efficacy of TJ initiatives rooted in liberal peacebuilding principles, as they are unable to engage with the complexity of identity and ultimately foster simplistic, unsatisfactory forms of justice. In addition to providing weaker and less satisfactory forms of justice, we argue that failing to recognise complexity in itself leads to harm for individuals and groups in 'post'-conflict societies. To move towards addressing these shortcomings in mainstream TJ, this paper contributes to the conceptualisation and realisation of a deeper engagement with actor complexity and a recognition of these actors' agency in two key ways. First, the paper demonstrates that a focus on relational autonomy, which emphasises the ways in which actions are shaped by and shift in the context of social relations, rather than the adoption of a traditional liberal conception of agency allows for a more holistic engagement with the constraints and opportunities shaping actors' actions and values. Second, the paper shows that creating agonistic spaces, which embrace contestation and multiplicity over forced consensus, leads to opportunities for the exercise of relational autonomy. Rethinking agency in agonistic spaces in TJ landscapes, in turn, shows the need for a move beyond a narrow and legalistic form of justice and towards justice as recognition and transformation. The combination of a shift to relational autonomy and a focus on agonistic spaces allows for TJ initiatives that: (1) better align with the empirical experiences of individuals and (2) create alternative spaces for new forms of justice based around a recognition of complexity rather than assignation of blame and punishment. Ultimately, the paper contributes to the emerging sub-field of victim engagement in TJ by combining relational agency and an agonistic lens to recognise multiple identities and avoid the homogenisation of narratives.

Based on original interview data and archival analysis from Northern Ireland and Turkey, we demonstrate the ways in which agonistic spaces can take shape and explore their relationship with relational autonomy. We show that, by facilitating opportunities for exercising relational autonomy through the contestation and deconstruction of essentialist conceptions of identity, agonistic spaces in a range of non-traditional TJ arenas can offer deeper engagement with actors' multiplicity of identities rather than attempting to force them into reductive or binary classifications. Engagement with these complex identities is critical to taking into account a full range of lived realities and allowing individuals and groups to work towards justice that acknowledges the

interplay of a full range of dynamics (rather than siloing these dynamics into discrete categories that have little to no bearing on each other). This deeper engagement, in turn, calls into question the foundations of 'justice' espoused by TJ mechanisms and suggests the need for a reimagining of how justice and responsibility for conflict-related harms are conceptualised in TJ strategies.

Relational autonomy

The social dimension of self and agency has been widely discussed in moral and legal philosophy. Both communitarian and feminist scholars emphasise the relational aspect of agency, challenging an individualistic understanding of the concept. However, according to the reductionist view existing in the conventional TJ landscape, victims involved in civil society activism or those who publicise their complex stories and different perceptions of justice are framed as not innocent enough in their departure from 'ideal victim[hood]' (Weber, 2021). Recent research on complex victim agency challenges these reductionist views on political agency (Bernath, 2016, pp. 46–66; Madlingozi, 2010, pp. 208–228; McEvoy & McConnachie, 2012, pp. 527–538) and highlighted the importance of relationality. Kreft and Schulz's work highlights this under-conceptualized dimension of political agency in the context of sexual violence in conflict, showing a need to move beyond a neoliberal view of agency as posed in opposition to victimhood (Kreft & Schulz, 2022, pp. 1–11). However, the relational aspect of agency is still underdeveloped in analyses of conflict contexts; Baines, 2015, highlights the need to deepen these analyses, noting that conceiving the political as relational requires us to go beyond the problematic and static political victimhood in which vulnerable people are seen as incapable of acting politically (Baines, 2015, pp. 316–332). This paper engages with relationality to (re)conceptualise political agency, centring social relations and the ways in which these relations constitute autonomy.

According to the concept of relational autonomy, people learn, imagine, develop, and create their capacities, values, norms, and ideas within relationships. This feminist interpretation of agency does not deny the individualistic part of agency, but also recognises the ways in which social networks shape people's capacities. It rejects a conceptualisation of individuals that is isolated from their position within their social networks – including families, communities or nations – and that frames these individuals as independent, self-sufficient, and self-oriented. We focus our analysis on social relationships created within civil society initiatives or informal TJ practices. This scope links individual agency and collective action, which is deeply relational and related to collective agency (Cleaver, 2007, pp. 223–244). The relational model of agency adopted in this paper rejects a strict dichotomy between individual and collective agency and instead explores the ways in which people's personalities are potentially nourished in their social relations, where they perform relational values. This exploration of the multiple, changeable, and intersecting dynamics contributes to a more holistic vision of justice (Mackenzie & Stoljar, 2000). In his germinal work on liberalism, Rawls formulated his principles of justice through a thought experiment isolating individuals from the social circumstances in which they are embedded (Sen, 2009). This view is individualistic and abstract in its acceptance of the possibility of articulating preferences divorced from contextual factors, leading to a formulation of justice based on self-sufficiency (a concept contested by the feminist idea of social self) (Stoljar, 2022).

Feminist scholars also show the utility of shifting to a relational understanding of agency; whereas values such as care, loyalty, and friendship are framed as feminine values and devalued in liberal thinking (Mackenzie & Stoljar, 2000), Krystalli & Schulz, 2022, illustrate that the practices of love and harm happen simultaneously in politically violent contexts and draw attention to the ways in which relations of love and care allow people to make sense of violence and cope with the harm (Krystalli & Schulz, 2022, pp. 1–25). Similarly, the concept of relational autonomy demonstrates that relational values can enhance one's capacity and that dependency is not ontologically inimical to agency. Social networks serve as arenas in which people can renegotiate their values and identities in order to find meaning and purpose. For instance, in victim groups, victims create peer-groups in the form of social networks in which they cope with isolation, advance their imaginations of justice, and become political actors in addition to their victim identities through multiple social exchanges (Daşlı, 2024, pp. 1–16). Understanding this simultaneous holding of multiple identities (whose salience may change according to contextual factors) allows for a new conception of identity that moves beyond the traditional dichotomous view of, for example, victim-perpetrator identity in TJ.

Agonistic spaces

Agonism has recently emerged as a focal point of peace and conflict research. In contrast to dominant approaches to TJ, which often focus on working towards commonality in an effort to move beyond conflict (Murphy & Walsh, 2022, pp. 1380–1398), agonistic approaches to peacebuilding focus on embracing multiplicity and actively fostering institutional opportunities for contestation rather than working towards consensus. The dominant liberal approach is defined by a belief in the existence of an objectivity: while moving beyond our biases to see truth objectively may be challenging, there is a 'true' reality that exists beyond our biased perception. While the liberal approach accepts difference, it tends to focus on areas of agreement; a core tenet of liberalism is that 'political decisions must be, so far as is possible, independent of any particular conception of the good life' (Dworkin, 1985, p. 191). Decisions made through consensus are therefore most likely to be isolated from particular conceptions of the good, which in turn increases their likelihood of being closer to objectivity and therefore their legitimacy from a liberal standpoint. In the peacebuilding and TJ arenas, this emphasis on consensus also results in a focus on the formation of a new national identity to take the place of more discrete identities, which place a 'dangerous strain' on a political system in their perpetuation of 'subcultural pluralism' (Dahl, 1971, p. 108). Little (2007), describes the unwillingness to engage deeply with dissent in liberal regimes, noting that even when liberal theorists espouse the virtues of dissent, the embrace is limited (Little, 2007, pp. 143–159). Liberal theorists have acknowledged this limitation, stating that 'what we want to encourage is not dissent as such but reasonable dissent, or dissent of the right kind'.[1] This limitation leads to an emphasis on points of commonality, a pattern easily identifiable in the language of many peace agreements which focus on 'national unity'[2], a 'common national identity'[3], or 'strengthen[ing] national cohesion'.[4] The language of these provisions shows the pervasive focus on cohesion and an unwillingness to meaningfully engage with group identities and differences in the dominant liberal approach. The focus on cohesion, in turn, tends to privilege a 'neutral' commonality that upholds specific power structures and patterns of domination.[5]

Agonistic peacebuilding stands in sharp contrast to this liberal approach. The agonistic foundation of multiplicity and multiple truths is key to moving beyond a definitive categorisation of individuals in the post-conflict space as either victim *or* perpetrator, for example; both can be true. In agonistic approaches, identity is always defined in opposition to an Other (Mouffe, 2013). Identity and power are therefore mutually constitutive, though neither are fixed and are instead constantly in flux. Unlike their liberal counterparts, agonists do not expect or require the erasure of identities; instead, as discussed below, they allow for both the perpetuation and transformation of a wide variety of identity facets. The second distinct element of agonistic approaches is their rejection of consensus as a possible or desirable goal, as achieving consensus would require glossing over very real differences between groups (Murphy, 2023, pp. 260–277). Agonists also focus on the importance of fostering contestation. For agonists, though power cannot be eradicated, it can be transformed; by engaging with, contesting, and deconstructing the boundaries of identities, agonists argue, we can allow for their transformation into forms more compatible with peace. Instead of demanding that these identities be subsumed to a new, unified national identity, agonistic approaches contest the boundaries of identity facets to uncover the ways in which they are overlapping and mutable; engaging in contestation creates space for understanding the multiplicity of experiences falling under the heading of given identity facets, thereby breaking down the idea of these identity facets as bound by strict parameters. By contesting these boundaries, moreover, we become able to see the ways in which identity facets are overlapping and porous; we become aware of the ways in which they have been *constructed* rather than reifying them as *natural* and immutable. Little, 2003, describes the importance of pursuing approaches embracing contestation and multiplicity in his analysis of Northern Ireland, noting that the liberal model and its lack of engagement with diversity and complexity has led to a prolonged failure to deal with issues such as the Drumcree marches (Little, 2003, pp. 373–392). The exploration of this empirical case highlights the shortcomings of liberal approaches, such as resolving issues through rational debate, which 'tend to assume certain agreed principles or procedures that simply do not prevail in Northern Ireland' (Little, 2003, p. 385).

A critical way to implement agonistic approaches involves the creation of agonistic spaces (Bull et al., 2019, pp. 611–625; Dijkema, 2022, pp. 475–494; Murphy & Walsh, 2022; Strömbom et al., 2022, pp. 689–704). These spaces can vary in design: they could be virtual or physical, for example, and either permanent or temporary. As we show through our cases, moreover, they can span the spectrum of formality, appearing in formal TJ institutions as well as more informal settings. In outlining criteria for agonistic spaces, scholars have outlined several parameters: Dijkema, 2022, suggests that these spaces must be publicly accessible and 'belong to the public sphere' (Dijkema, 2022, p. 408; Strömbom et al., 2022), argue that these spaces should be dialogical and create arenas for opposition voices to interact with the political elite (Murphy & Walsh, 2022; Strömbom et al., 2022, p. 694), state that these spaces must offer opportunities for contestation between both conflict party groups and other identities found within the post-conflict society (Murphy & Walsh, 2022, p. 1387). We therefore conceptualise agonistic spaces as spaces in which sustained contestation is a core feature (either by design or through regular practice) and which have some element of publicness. While spaces need not take place entirely in the public arena, the spaces should have at least some degree of public accessibility.

Given this understanding of agonistic spaces, we now turn to their relationship with relational autonomy. Agonism shares critical ontological and epistemological foundations with relational autonomy. Both place a strong emphasis on the ways in which identity and action are defined by relations to an Other or Others; they both acknowledge that identity is not simply an additional element in considering how power operates, but that power and identity shape one another. This relational aspect of both differentiates them from a liberal ontology and epistemology, which accepts the existence of a self independent of relations to others. While we do not advocate here for an abandonment of the liberal model, the paper shows the ways in which the relational-agonistic ontology better matches the lived reality of actors. Existing scholarship has highlighted the importance of relationality to an agonistic approach to dialogue, which 'focuses not just on issues or topics of disagreement, but is concerned with the dynamics of relationships underlying those issues' (Maddison, 2015, p. 1025). As the case studies demonstrate, this understanding of the role of relationality in shaping actions has implications for conceptualising responsibility in TJ mechanisms; the focus shifts from identifying and punishing deviant individuals to recognising the social and contextual relations that shape actions and outcomes. The embrace of contestation is also particularly relevant in considering the relationship with relational autonomy in the post-conflict sphere; by contesting the ways in which identity and power take shape, agonistic spaces allow for a recognition and increased exercise of relational autonomy by facilitating the transformation of relations between groups. These spaces are critical sites for contesting monolithic narratives of identity, creating the impetus for individuals and groups to demand a justice that takes into account their lived realities. We explore these dynamics in practice in the following case studies.

Case studies: Turkey and Northern Ireland

The cases of Northern Ireland and Turkey represent very different TJ landscapes. While Northern Ireland has had a formal peace process and has official TJ initiatives set up through agreements such as the Good Friday/Belfast Agreement, Turkey has not adopted a peace agreement or an overarching formal TJ strategy. The two cases, however, share similarities. Neither case has carried out comprehensive initiatives to deal with the past or address the legacy of conflict specifically. Both cases centre around identity-based conflict, in which the relations between identity groups and the corresponding patterns of oppression and domination are a core feature of the conflict outbreak. Both cases also showcase similar patterns of TJ efforts by non-traditional bodies; in addition to (in the case of Northern Ireland) or in lieu of (in the case of Turkey) formal TJ bodies, such as state-backed tribunals or amnesty laws, both cases include organisations and institutions working in TJ realms such as truth-seeking, memorialisation, commemoration, and reconciliation. The case studies below focus on these non-traditional TJ efforts, highlighting the ways in which these efforts offer opportunities for the increased exercise of relational autonomy by creating agonistic spaces.

We selected these case studies based on our experience living, working, and studying in or near Northern Ireland and Turkey. Emma completed her PhD in Dublin, allowing for access to interviewees and data as well as a deeper knowledge of regional dynamics in the Northern Ireland case. Emma is a native English speaker, but is not originally from

Ireland or the UK; this combination of doctoral placement and foreign nationality created what Bayeck, 2022, refers to as an 'in–out-sider' positionality (Bayeck, 2022, pp. 1–9). Güneş conducted thirty-one interviews with grassroots actors including Kurdish victim-activists, lawyers, local politicians as well as activists in human rights organisations. Güneş had a long-term engagement with civil society organisations operating in TJ and peacebuilding spheres. She was a founder of a peace association based in Ankara, worked in the consulting team of the pro-Kurdish party for the peace process between 2013 and 2015 in the parliament, and has been involved in feminist peace activism for years. Her ethnic identity as Turkish and close work with the Kurdish victims and politicians also positions her as an 'involved outsider' due to her 'extensive knowledge of, experience with, and links to the context' (Moss et al., 2019, p. 5).

The case studies are based on archival analysis as well as original interviews conducted by the authors with actors working in these non-traditional TJ efforts.[6] Archival data included analysis of approximately 110 documents for the Northern Ireland case, including reports from non-governmental organisations (NGOs) and civil society groups such as the Commission for Victims and Survivors; outputs from previous TJ efforts, including the report of the Consultative Group on the Past; and all agreements and laws related to the peace process, including those that were not implemented. We also conducted original semi-structured interviews with nineteen officials working on the Northern Ireland peace process through government institutions, independent commissions, or NGOs; with the exception of one in-person interview, interviews were all conducted remotely during the Covid-19 pandemic and ranged from thirty to seventy-five minutes. All interviews were transcribed and coded qualitatively using a combination of inductive and deductive coding in NVivo. The deductive codes included TJ mechanisms and approaches (such as truth-telling, reconciliation, etc.) to deepen our understanding of the ways in which TJ was approached in these cases. We compared the interview coding with coding for the archival documents to find emergent themes and compare patterns in the discourse around TJ, agency, and other relevant topics. Inductive codes included, for example, references to complexity and gender-related harms. For the Turkey case, we focus on two initiatives' documentations, including the Diyarbakır Prison Truth Commission's final report, their public statements, media news, the Coordinator Center's exhibition video covering a virtual sightseeing, an article published by the Coordinator, and media documents. We benefited from the interviews with the ex-prisoners and initiators from two informal mechanisms in Gulsen's, 2022, PhD thesis (Mutlu, 2022). Based on these data, the following sections showcase the ways in which the creation of agonistic spaces lead to a greater recognition of individuals' complexity and to new visions of how justice in the wake of conflict should take shape.

Truth recovery in Turkey

Turkey has created a range of initiatives relevant to TJ to confront its violent past. The Kurdish conflict between the armed group PKK (Kurdistan Workers' Party) and the Turkish state started in 1984. The armed conflict reached its peak during the 1990s, resulting in dire consequences including 35,576 deaths,[7] over two million forcibly displaced Kurds (Kurban & Yeğen, 2012), and 1,388 enforced disappearance cases (Human Rights Association, 2021). There was a peace process between 2013 and 2015

to end the political exclusion of Kurds and the lack of recognition of their ethnic identity and cultural rights, but it did not succeed. The case of Turkey presents within the aparadigmatic contexts in TJ as an ongoing conflict (Destrooper et al., 2023). By the 2000s, Turkey adopted some ad-hoc practices of TJ such as the compensation law issued in 2004 to deal with the conflict-related violations. However, those practices did not foster a genuine process for engaging with the past. Since the collapse of the peace talks in 2015, the state's political will for a peaceful resolution has vanished, and militaristic and authoritarian responses have increased. Despite the failed formal mechanisms and the lack of legal accountability, civil society has carried out tremendous work of memorialisation and truth-recovery and voiced their demands for justice in the public sphere.

The Diyarbakır Prison Truth Investigation and Justice Commission (Diyarbakır Cezaevi Gerçekleri Araştırma ve Adalet Komisyonu, 'the Prison Commission'), established by civil society actors, is the first informal truth commission in Turkey. In 2007, a group of public intellectuals came together with the lead of 78ers Foundation and declared the establishment of the commission in front of the Diyarbakır Military Prison (DMP) with thousands of victims, their families, and allied groups. They collected 517 testimonies of victims who were tortured and harassed, as well as witnesses of the extreme violence and death in the prison, and wrote a 7000-page report based on the interviews (Alıcı, 2023). Before the Prison Commission's work, the DMP was already infamous for tortures and dehumanising and arbitrary treatments of political prisoners after the September 12 military coup in 1980. Particularly in the early 1980s, many Kurdish politicians, unionists, and leftists experienced a range of human rights violations. Due to the work of former prisoners and activists, in the 2000s, political actors started to discuss the violations, particularly during the peace process period in 2013 and 2015. Ex-prisoners' voicing of the large-scale violations in the prison escalated the ongoing conflict between the PKK and Turkish army. The Diyarbakır Commission has advocated for the conversion of the prison into a human rights museum by organising peace petitions, exhibitions, and public conferences. This conversion into a museum would represent a significant step for dealing with the past in the Kurdish conflict context (Alıcı, 2024, pp. 250–266).

The Diyarbakır Commission organised a symposium in Istanbul to publicise their report's findings and to share their demands for justice in 2011 (Alıcı, 2023). In the symposium, victims and activists in the initiative articulated their demands for justice and advocated for: the establishment of a formal truth commission, the conversion of the prison to a museum, a full disclosure of the perpetrators' identities, a state apology, and material and non-material reparations for victims (Final Report of the Diyarbakır Prison Truth Investigation and Justice Commission, 2011). This public event was organised in collaboration with more than ten NGOs, including human rights organisations in which a famous novelist and other well-known public figures participated. The symposium was welcomed by victims as an opportunity to exercise a social form of recognition. This eventually created a healing effect for victims (Mutlu, 2022, p. 161).

Gültan Kışanak, who was also one of the ex-prisoners in Diyarbakır Prison, was elected as the mayor of Diyarbakır in 2014. During her duty time, she initiated a project team for the 'Diyarbakır Prison No. 5 Museum Coordination Center' ('the Coordination Center') in 2015, which started projects for publicising stories of ex-

prisoners. One of the projects was an exhibition related to former women prisoners that caught public attention. In this event, twenty-two women ex-prisoners' stories and witnesses were presented through photographs, videos and texts (Mutlu, 2022, p. 151).

The exhibition of the Women and Diyarbakır Prison Nr 5 launched on 8 March 2016, illustrates the connection between relational autonomy and agonistic spaces. Firstly, it was organised in line with the above-mentioned informal truth commission and coordinated by grassroots organisations in which ex-prisoner victims were involved. In addition, the civil society-led exhibition was built from a participatory perspective which allowed victims to have a sense of self-determination by being involved in the decision-making process. It created an agonistic space temporarily in which unseen and contested truths were publicised, challenging the concept of static victimhood by applying a relational and bottom-up method which covered complex stories of women ex-prisoners and recognised their multiple identities by using a relational method with artists and victims.

The Coordination Center visited different cities to collect the stories with local artists. Each artist was matched with one woman ex-prisoner to create a collage of photographs and a video. The secretary team explained that they used the power of art to publicise the difficult feelings and stories (Şafak, 2016). In mainstream TJ mechanisms, there is often a limitation imposed on women's stories; women are either conceived as passive victims or their truths are hidden from the broader picture of what happened during the conflict (Björkdahl & Selimovic, 2015, pp. 165–182). However, art projects such as films and exhibitions provide a space for women to build a multidimensional understanding of their identity, incorporating both the harms they experienced and their roles as active agents (Björkdahl & Selimovic, 2018, p. 86). Stories emerging from the exhibition challenged misogynist or stereotypical views of gender roles for the ex-prisoners. From a relational perspective, the connection created between local artists and ex-prisoners expanded victims' agency by enabling them to find an authentic way of expressing their narratives publicly. Local women artists also applied a gender lens to shed light on the women ex-prisoners' gendered experiences without stereotyping them as passive individuals who are incapable of action. In the letters written by the women ex-prisoners, they voiced their solidarity and resistance for better prison conditions and struggle for human rights at that time. Using art to enhance victims' agency with a participatory method fostered a connection between the artists and victims and increased victims' control in directing the framing of their narratives.

The exhibition demonstrated the snapshots of ex-prisoners in their homes in images that can be symbolically associated with femininity in the liberal conception of agency. In the photographs, we see women ex-prisoners in their daily lives while they are laughing, chatting with their friends or families, and reading books (Şafak, 2016). This visual space captured relational values such as care and friendship, which are devalued in a traditional masculinist conception of agency (Mackenzie & Stoljar, 2000, p. 9). Women also spoke about their political activism in the prison through letters and videos.[8] The exhibition created an agonistic space in which victims performed different roles, contesting hegemonic ideas of identity. The expression of multiple identities as ex-prisoners, women, mothers, victims, writers, and political activists through creative tools – photographers, videos, texts – increases their sense of recognition.

Unlike Northern Ireland, Turkey has never implemented an overarching national TJ programme. The local authority governed by a woman ex-prisoner of the Diyarbakır Prison provided an agonistic space by contesting the state's dominant, masculine and standardising discourse which emphasised only the stories of prisoners with Islamic backgrounds (Mutlu, 2022, pp. 152–153). The formal commission was built in 2015 within the space that was opened by the informal initiatives (Mutlu, 2022); unlike the informal commission, it did not cover the political and social contexts of victimhood, thus limiting the political agency of ex-prisoners and completely ignoring gendered experiences of women ex-prisoners.

Conversely, the art project innovatively pushes the boundaries of the prison's male-dominated memory space by unveiling the silent stories of the women ex-prisoners. It could be seen as a complementary initiative to the truth-recovery process initiated by the Diyarbakır Commission, which covered only five women ex-prisoners in its report (Final Report of the Diyarbakır Prison Truth Investigation and Justice Commission, 2011). Beyond including women victims in projects as numbers, the project also focuses on *how* they are portrayed. In many previous art and book projects in Turkey, the women ex-prisoners' memories have often been sidestepped and the initiatives which covered women's stories usually constructed them as 'victims', connoting passive groups without capacity of acting (Şafak, 2016). In the leftist arena, including the Kurdish political movement, the male ex-prisoners' narratives are usually framed as heroic, but women and their gendered experiences and resistances in the prison are less honoured (Sarikaya, 2021). In contrast to this existing approach, the exhibition showcased photographs and videos of twenty-two women ex-prisoners who expressed their stories by themselves. This included, for instance, what they faced during their imprisoned time, such as torture, rape, and other gender-based harms, thereby breaking a general silence and shame about what women experienced in the prison. Halide Dündar, one of the ex-prisoners, shared that she had an operation without her consent; years later she noticed that her ovary was removed.[9] For Kurdish women, it is still difficult to speak about conflict-based sexual violence due to the fear of stigmatisation in their community or of retaliation from local security forces.[10] The exhibition provided women ex-prisoners with a safe space to air these gendered experiences without silencing their political identity.

In contrast to the evident engagement with diverse gendered narratives, the extent to which truth recovery processes allowed for the contestation of perspectives *within* leftist Kurdish and Turkish organisations is unclear. We do not know if the Diyarbakır Commission led by 78ers Foundation reproduced narratives agonistically in terms of contested political backgrounds, because they did not share the full report. However, we know that 78ers Foundation only represents one fragment of leftist movement who led leftist mobilisation in the 1970s. Further informal initiatives might engage in the contested backgrounds of ex-prisoners, exploring their multiple political motivations. Likewise, the Coordination Center was initiated by the Pro-Kurdish party in Diyarbakır where the Kurdish political movement is dominant. The video of the exhibition includes one woman ex-prisoner who was a member of TKP (Turkish Communist Party), showing that the initiative engaged with other narratives at some level.[11] However, one ex-prisoner in the exhibition, for instance, said that the Coordination Center did not put an active effort to engage in political diversity of ex-prisoners and to reach out the victims in the diaspora.[12]

The two informal initiatives present a truth-recovery process based on witnesses of the ex-prisoners in the DMP. Both initiatives shaped and publicised their demands for justice despite the lack of state acknowledgement. Although there was an attempt to recover harm done to ex-prisoners by state actors, the parliamentary commission failed to provide formal recognition. On the contrary, the Diyarbakır Commission and the Coordination Center opened a space by (re)connecting victims with human rights defenders, academics, artists and other civil society actors to express their contesting, multiple stories and demands in an autonomy-enhancing way. Ultimately, these approaches showcase how operating within informal spaces can offer opportunities and challenges. The lack of broad dissemination of the report of the 78ers Foundation resulted in a much more limited impact and potential for deep transformation of approaches to identity in Turkey. The parliamentary commission also did not publish its final report, which ultimately restricts confrontation between two discourses in the public sphere. The lack of publicisation of two reports and the weak working connection between the two commissions limited the contestation of narratives, leading to an incomplete agonistic encounter.

Memorialisation and reconciliation in Northern Ireland

The conflict in Northern Ireland, often referred to as 'The Troubles', spanned several decades and led to the deaths of over 3,500 individuals. The conflict reached its official conclusion with the signing of the Agreement Reached in the Multi-Party Negotiations and the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, commonly known as the Good Friday/Belfast Agreement, in 1998. The conflict itself centred around an ethnonational divide and disagreement over the constitutional status of Northern Ireland. While the conflict parties are often framed as neatly divided into the Catholic/nationalist/republication (CNR) community and the Protestant/unionist/loyalist (PUL) community, these communities themselves were and are internally heterogeneous and diverse. In recent years, additional agreements and legislation have added to the peacebuilding and TJ measures set out in the Good Friday Agreement; some of these measures were implemented, while others, such as many of the institutions set out in the 2014 Stormont House Agreement, were never realised. The most recent of these initiatives is the controversial Northern Ireland Troubles (Legacy and Reconciliation) Act of 2023 ('Legacy Act'), which faced widespread criticism from civil society groups over its creation of a *de facto* amnesty for offences committed during the Troubles.

As in the case of Turkey, the Northern Ireland TJ arena demonstrates the creation of agonistic spaces and a subsequent increase in relational autonomy in non-traditional TJ arenas. These include examples from the Parades Commission, which was set up through formal legislation but was not part of the Good Friday Agreement itself, and the work of NGOs such as Relatives for Justice and Training for Women network in the arenas of memorialisation and reconciliation. In line with Maddison's suggestion that 'agonistic approaches also have a role to play in smaller-scale civil society contexts aimed at relational transformation' (Maddison, 2015, p. 1015), Northern Ireland shows the ways in which non-traditional TJ work can contribute to a more inclusive peace. The examples from Northern Ireland highlight a range of additional non-traditional TJ efforts that

created agonistic spaces and facilitated opportunities for the exercise of increased relational autonomy.

The Parades Commission was established in 1997 as a 'quasi-judicial body' (FAQs – Northern Ireland Parades Commission, n.d.) designed to promote public understanding of the issues around parading and to mediate in disputes surrounding parades (*UK Parliament* 1998). The Commission solely considers parades it deems 'contentious' (FAQs – Northern Ireland Parades Commission, n.d.). While the structure of the Commission was designed to be both independent and representative (Hamilton & Bryan, 2006, p. 155), it has faced opposition from the PUL community in particular for the restrictions placed on parading.[13] Despite this opposition, the Commission has also had success in facilitating intergroup contact and localised agreements on parading (Jarman, 2003, pp. 92–105; Jarman et al., 2009). The Parades Commission creates two forms of agonistic spaces: first, it creates spaces for contestation within the Commission's hearings; and second, it creates opportunities for agonistic spaces in broader public spaces, including parades themselves, by encouraging parade organisers to engage in dialogue with local communities.

The first type of agonistic space is found in the institutional workings of the Commission itself. A member of the Commission notes that the Commission engages with a wide range of actors to understand the dynamics of the parades under consideration, including members of the police, academics, mediators, and politicians.[14] The space created for contestation and engagement with the Commission also includes a public element, as 'anyone who wishes to submit evidence, information or advice to the Commission can do so in writing or by telephone or through face-to-face meetings with the Commission, its staff or its Authorised Officers' (FAQs - Northern Ireland Parades Commission). These institutional design features create opportunities for contestation where members of the public are free to express their understanding of their own identities and the relationship of these identities to events such as parades; the Commission also takes into account the perspectives of a wide variety of actors, ensuring that the decision-making process is shaped by multiple narratives and a clearer grasp of relational networks.

On the wider engagement side, the Commission actively encourages dialogue between groups. This commitment to creating dialogic spaces for engaging with concerns illustrates the agonistic nature of the Commission's work. The Commission explicitly notes the need for groups to '"listen to" and "address" the concerns of those with whom they differ' (FAQs - Northern Ireland Parades Commission, p. 3). The Commission also requires engagement between parade organisers and local communities, stating that

> if people want to parade or protest in a space shared with the public then they must take these responsibilities seriously. This may include communicating the objectives of parades, and ways in which perceptions and concerns may be addressed to the whole community, residents and protest groups. (FAQs - Northern Ireland Parades Commission, p. 4)

Although the Commission is limited in its role as a quasi-judicial body, it uses its platform to facilitate space for encounters between groups outside of its own offices. Jarman et al., 2009, find that the Commission's work has led to various forms of local engagement and initiatives, including examples of formal public engagement,

exploratory engagement, and dispute resolution between local groups (Jarman et al., 2009, pp. 19–22). Part of this work is carried out by 'Authorised Officers' (AOs), who collaborate with the Commission to 'secure local accommodation in relation to parade disputes, including the more long term approach of community development which seeks to promote and support community activity to build the potential for local accommodation' (Hamilton & Bryan, 2006, p. 164). The Commission also encourages communities to go beyond a binary form of decision-making; while the rulings of the Commission itself must ultimately follow a binary legislative framework, the Commission works to 'empower communities to see the role that they can play [through] face-to-face engagement with parties here in dispute about a parade'; they recognise that 'a binary decision isn't often the solution to the complex problems that are in relationships and these [questions] are issues about community relationships'.[15] This active fostering of opportunities for engagement with the Other to allow for identity renegotiation illustrate the ways in which the Commission contributes to a more complex understanding of identity and its connection to relationality. The Parades Commission contributes to a restorative, relational approach to justice that centres on community relations rather than doling out punishment. The previous model for making determinations surrounding parading left decisions in the hands of the police, leading to criticism that 'a premium was placed on the potential for disorder and there was insufficient attention paid to the impact of parading on community relations' (Walsh, 2015, p. 33); the involvement of the Parades Commission, in contrast, has allowed for a consideration of all aspects of parading related to community impact (Walsh, 2015, p. 33).

In addition to the agonistic space created through formal TJ-affiliated institutions such as the Parades Commission, Northern Ireland offers examples of organisations working in the TJ sphere in a less formal manner. NGOs such as Relatives for Justice (RFJ), an organisation providing support to those injured and bereaved by the Troubles, and Training for Women Network (TWN), a network dedicated to women's development in Northern Ireland, contribute to memorialisation practice and reconciliation through their work (though not at the direct mandate of a peace agreement or legislation, as in the case of the Parades Commission). One of the goals of these organisations is to contribute to sharing and recognising the multiplicity of experiences that individuals and groups underwent during the Troubles, particularly gendered experiences. Representatives from RFJ and TWN mentioned the ways in which the TJ process has failed to engage with these experiences to date; Andrée Murphy, deputy director of RFJ, notes that there has been 'no consideration' of gender in many of the TJ initiatives to date and that the only narratives of women that tend to be included are those of women as 'peace-making victim[s]'.[16] A representative from TWN echoed this statement, arguing that the role of women in the conflict has been 'downplayed' and 'brushed under the carpet'.[17] Whenever processes are designed to be neutral or not gendered, moreover, 'they're designed for the male […] they're designed to fix the problems associated with the male'.[18] This issue illustrates the problems caused by the valorisation of neutrality and objectivity within the liberal approach: measures that purport to serve the universal often end up serving a very particularistic group (largely white, heterosexual, cismen).

Victimhood is a critical identity facet for many in the post-conflict space, but it often becomes the only narrative associated with women's experience of conflict (Shepherd,

2016, pp. 121–135). The spaces created by organisations such as RFJ and TWN, conversely, do not deny women's experiences of victimhood, but also allow for the simultaneous holding of other identities. RFJ recognises the unique trauma experienced by bereaved women in the wake of the Troubles, for example,[19] but also draws attention to the multiple, overlapping roles served by these women. As part of a project focused on transitional legacies, RFJ ran a series of participatory activities including 'art therapy sessions, creative writing programmes, photographic projects and specific residential workshops' (Dealing with the Past in Northern Ireland, 2015, p. 8). Participants in the project used the space to draw attention to the idea that their own identities are 'far less monolithic' than the public perceptions of them (Dealing with the Past in Northern Ireland, 2015, p. 8); while women end up 'categorised, and therefore treated, as victims or perpetrators […] these women do not see themselves this way' (Dealing with the Past in Northern Ireland, 2015, p. 9). The report emerging from the project notes that 'how [women] live out their multiple identities and roles as mothers, daughters, sisters, friends, educators, employees, activists, protestors, and community workers reveals the multiple and contradictory forces that shape their beliefs and actions' (Dealing with the Past in Northern Ireland, 2015, p. 8).

In addition, the workshops highlighted shifts in relational dynamics throughout the course of the project: the activities were marked by 'long, informative, challenging, and sometimes disturbing discussions that were essential in providing the women with occasions to see that their feelings, beliefs, experiences, and concerns were heard and taken seriously by the group' (Dealing with the Past in Northern Ireland, 2015, p. 6). Encountering women from the other community, moreover, showed the women that 'they were not alone in their suffering, trauma, grief, and resilience' (Dealing with the Past in Northern Ireland, 2015, p. 6). The peer-group sharing spaces created during the workshops allowed women victims to be heard and recognised in ways which fostered a sense of relief and helped them to cope with loneliness. The space ultimately allowed for a recognition of many shared experiences of isolation, creating points of confluence around harms suffered, while also resisting the tendency to reduce gendered experiences to a monolithic narrative of victimhood. The participants experienced a sense of micro-level justice through relational engagement and transformation despite the failure of the formal TJ mechanisms to recognise the complexity of their gendered experiences. In one of the series of workshops run during the project, the women reflected on the loss of family members during the conflict; they shared experiences of the harm they felt directly as well as 'the impact on other family members and the unresolved nature of the loss which necessitated a search for the truth' (Dealing with the Past in Northern Ireland, 2015, p. 16). This explicit recognition of multiplicity and the ways in which relational identities shape the experiences of these women illustrate the creation of a discursive agonistic space in which identities are multiple, overlapping, changeable, and complex. These self-identifications resist the simplistic binary categorisations often ascribed to them. The engagement with the Other offered through these workshops, moreover, created opportunities for relational shifts between groups and allowed for the possibility of renegotiating underlying dynamics and redefining their own identities.

In the case of TWN, the contribution to memorialisation involves a similar challenging and deconstructing of essentialist narratives of conflict actors, particularly women. The common perception of PUL women, for example, is that they played no

active role in the conflict; TWN has contributed to a deconstruction of the idea of women as passive victims by disseminating narratives of women's active roles in paramilitary organisations,[20] including in carrying and concealing weapons and assisting in escapes of paramilitary members (Potter & MacMillan, n.d.). While the breakdown of women political prisoners would suggest low involvement from PUL women (Potter & MacMillan, n.d., p. 8), these narratives contest the idea that these women had no active involvement in the conflict. These narratives are critical to challenging the idea of unionism as 'a lot more conservative' with an emphasis on 'protecting the status quo and part of the status quo is the role of the traditional gender role of women'.[21] By contesting essentialist ideas of gender and the relationship between gender and unionism, TWN's work creates a space for women to share the diversity of their lived experiences and have these experiences recognised. In this example, the space itself is virtual; the organisation shares this report publicly and creates room for interaction and engagement with this wider range of narratives.

The work of organisations such as RFJ and TWN illustrate the ways in which institutions can continue to create agonistic spaces for increased relational autonomy even when the official TJ process is stalled, as is currently the case in Northern Ireland. In combination with the Parades Commission, these examples from Northern Ireland highlight the ways in which agonistic spaces can increase relational autonomy and that addressing conflict dynamics requires a justice that would engage with these actors in their full complexity.

As in Turkey, however, the impact of these efforts in non-traditional spaces is limited. The work of RFJ and TWN, for example, offered opportunities for a recognition of the ways in which identity facets are multiple, overlapping, and open to continuous renegotiation, but this recognition was ultimately conferred by an NGO and not by the broader state. While state recognition may not be important to some actors, scholars such as Strömbom have suggested that recognition (particularly in its 'thicker' forms, which centre around acknowledgement of and empathy towards the Other's identity) can be critical to working towards conflict transformation (Strömbom, 2014, pp. 168–191). In addition to the restrictions on benefits provided when recognition is conferred by non-state entities, non-traditional TJ efforts may also lack the resources to engage in the sustained agonistic dialogue necessary to facilitate transformation (Maddison, 2015). While state initiatives are not guaranteed to be better funded, formal TJ initiatives often have access to a wider funding pool. As the continuation of contestation and engagement is a core element of agonistic spaces, a lack of funding and support can stunt the potential for the creation of agonistic spaces and a corresponding TJ response that recognises and transforms relational dynamics.

Conclusion

The non-traditional TJ efforts in Northern Ireland and Turkey showcase the possibilities for a new approach to identity and responsibility in TJ, one that allows for a recognition of both the ways in which actions are shaped by relational identity facets and the multiple identities that actors can hold simultaneously. The two cases highlight the possibilities for a more transformative approach fostered by an exercise of relational autonomy within agonistic spaces. Rather than attempting to sort actors into exclusive categories, the

relational-agonistic model discussed in the cases instead engages with individuals and groups in their full complexity, backed by an understanding of identity as intersectional and fluid. The question for TJ practice then becomes how to allow for a transformation of the *relations between* actors rather than simply focusing on the adequate compensation or punishment for distinct groups. Whereas dominant approaches to TJ focus on identifying 'guilty' parties and constructing appropriate forms of punishment in response, a relational view facilitates a nuanced understanding of the relations and social positions influencing decisions. Rather than viewing complicity in a crime as an individual failing and pursuing retributive justice, then, the relational-agonistic model works towards a new model of justice focused on transforming the relationships between individuals and groups that led to violence and harm.

Although the examples discussed in the cases focus largely on the ways in which non-traditional TJ efforts can deconstruct the artificially constructed binary between victim and agent, this model has critical implications for conceptualising approaches to broader peacebuilding practice as well as more formal TJ initiatives and their treatment of the victim-perpetrator binary. The traditional logic of peacebuilding often includes practices designed to find and focus on points of commonality; the cases above show that this approach may not address deeper causes of conflict. While much liberal TJ practice to date has been unable to engage with the idea of an agent as inhabiting both roles (Weber, 2021), moreover, the examples from Northern Ireland and Turkey indicate the potential benefits of engaging more deeply with actors' complexity. The examples from the two countries, in which the agonistic-relational model captures women's gendered experiences without reducing them to traditional roles, offers a creative approach to recognising other marginalised experiences. The conceptualising of complex political agency in this paper considers socialisation, in contrast to mainstream scholarship of TJ which shows little attention to the relational aspect of victim agency and conceives victimhood by abstracting from its social conditions. A holistic recognition of victims' political agency aids in shifting the focus after a period of violence from retributive justice towards creating alternative spaces for restorative justice (Daşlı, 2024).

While the approach offers possibilities for change, the examples from the two cases also showcase the limitations of these non-traditional TJ efforts. Unlike formal initiatives, which come with the resources and legitimacy afforded by official state backing, the examples discussed have a more limited impact. Both cases show that a thickening understanding of justice in TJ and varying forms of recognition (not only a state recognition but also social recognition) potentially fosters a process-led conflict transformation. More research is needed, however, to understand the potential of agonistic spaces to foster increased relational autonomy at higher levels of formality.

Notes

1. Sunstein (2003, p. 91), as quoted in Little (2007, p. 147).
2. 'Accord Pour La Paix et La Reconciliation Au Mali – Issu Du Processus d'Alger' (2015), 4, https://peacemaker.un.org/node/2681.
3. 'The Nationwide Ceasefire Agreement (NCA) between The Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations (EAO)' (2015), 2, https://www.peaceagreements.org/viewmasterdocument/1436.

4. 'Project de Charte Pour La Paix et La Réconciliation Nationale' (2005), 5–6, https://www.peaceagreements.org/viewmasterdocument/1595.
5. Catherine MacKinnon, for example, has noted that the foundation for liberal neutrality is 'the pervasive assumption that pertain to men on the basis of gender apply to women as well' (see MacKinnon, 2010, p. 295).
6. The research conducted by the authors received ethics approval from University College Dublin's Human Research Ethics Committee – Humanities (HREC-HS) under Research Ethics Exemption Reference Number (REERN) HS-E-19-113-Murphy-Walsh and from Friedrich Schiller Universitat Jena, Ethikkommission der Fakultät für Sozial- und Verhaltenswissenschaften with reference number FSV 21/045.
7. 'Terör ve Şiddet Olayları Kapsamında Yaşam Hakkı İhlallerini İnceleme Raporu' (Grand National Assemby of Turkey [TBMM], 2013).
8. Exhibition of Women Ex-Prisionars in the Diyarbakır Prison, 2016, https://www.youtube.com/watch?v=Feaf-qKsjvY.
9. 'The Women of Prison No.5', accessed 27 June 2024, https://www.simruhazalcivan.com/blank.
10. Kurdish researcher, interview with the author, 2020.
11. Exhibition of Women Ex-Prisoners in the Diyarbakır Prison.
12. Dr Esin Gülsen Mutlu, in discussion with the author, 8 February 2023.
13. Recent estimates of parading figures indicate that 90 percent are Loyalist-run (see Walsh, 2015), suggesting that restrictions on parading have a much higher impact on the PUL community.
14. Parades Commission Member, interview with the author, 2020.
15. Parades Commission member, interview with the author, 2020.
16. Andrée Murphy, interview with the author, 2020.
17. TWN member, interview with the author, 2020.
18. TWN member, interview with the author, 2020.
19. Andrée Murphy, interview with the author, 2020.
20. TWN member, interview with author, 2020.
21. TWN member, interview with the author, 2020.

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