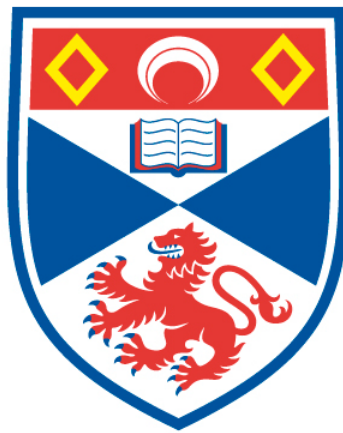# PRACTICING PEACEBUILDING DIFFERENTLY: A LEGAL EMPOWERMENT PROJECT, A RANDOMISED CONTROL TRIAL AND PRACTICAL HYBRIDITY IN LIBERIA

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A Thesis Submitted for the Degree of PhD
at the
University of St Andrews

2014

Practicing Peacebuilding Differently

A Legal Empowerment Project, a Randomised Control Trial and Practical Hybridity in Liberia

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Thesis submitted for the degree of Doctorate of Philosophy

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University of St. Andrews

June 2014

Abstract

Hybridity, as it is currently understood in the Peace and Conflict Studies (PCS) and International Relations (IR) literature, is defined by the complex interactions between 'the liberal peace' and 'the local'. However, under this theoretical liberal-local rubric, the ways in which power is practiced has already been determined; how resistance is expressed and the forms it assumes have already been established. While it has yielded numerous important insights into how power circulates and resistance manifests in peacebuilding operations, the theoretical approach conceals other significant dynamics which escape detection by 'the liberal peace' and 'the local'. However, these undetected dimensions of hybridity comprise the very processes that emerge in ways which destabilise the boundaries between 'the liberal peace' and 'the local' and reshape the contours of the emerging post-liberal peace.

Instead of accepting the liberal-local distinction which defines this theoretical hybridity, this thesis advances an alternative methodological approach to exploring the tensions at play in peacebuilding projects. Rather than deploying theoretical distinctions in order to explain or understand complex hybrid processes, this thesis develops a methodological strategy for exploring the tensions between how actors design a peacebuilding project and how that project changes as actors work to translate that project into complex, everyday living sites (Callon, 1986; Law, 1997; Akrich, 1992). This tension is expressed as practical hybridity. The process of practical hybridity unfolds as the concrete material changes, modifications, and adaptations that emerge as actors appropriate and contingently translate organised practices in new ways and for different purposes. Through an ongoing process of practical hybridity, the boundaries and distinction which define the distinction between 'the liberal peace' and 'the local' become increasingly unstable. Amidst this instability, the practices which characterised 'the liberal peace' are becoming stretched into a post-liberal peace.

Drawing on the work of Richmond (2011a; Richmond & Mitchell, 2012), Latour (1987b; 1988; 2004), and Schatzki (2002), and based on over five months of field research, this this thesis traces the process of practical hybridity at play during the implementation and evaluation of a peacebuilding project in Liberia. I participated as a research assistant on a Randomised Control Trial (RCT), implemented by a small research team under the auspices of the Oxford University's Centre for the Study of African Economies (CSAE). The team was assessing the impact of a legal empowerment programme managed by The Carter Center: the Community Justice Advisor (CJA) programme. As the CSAE's evaluation of the CJA programme unfolded, many dynamics associated with theoretical liberal-local hybridity surfaced; however, it also became apparent that this theoretical formulation obscured important dimensions which were reshaping what peacebuilding practice is in the process of becoming in the emerging post-liberal world.

Acknowledgements

This thesis would not have been possible without the support of a number incredible people and outstanding organizations.

First, I would like to thank Bilal Siddiqi and Justin Sandefur. Had they not been willing to bring me on as a Research Assistant, I would have never had the academically and personally transformational experience of being part of their extraordinary project. I'm great very grateful for their patience with my lack of practical skill and their willingness to help me fill in the blanks. Equally, The Carter Center extended every courtesy to me while in Liberia. My informal conversations with Pewee Flomoku, Peter Chapman, and Rob Pittman were essential to gaining a deep sense of The Carter Center's work in Liberia. For their guidance, I am very thankful. Additionally, the JPC was very open to working with me and helping me to understanding the nature of their work.

I would also like to extend my gratitude to my supervisors, Professor Oliver P. Richmond and Professor Ian Taylor. Their assistance was instrumental in bringing my ideas to fruition. Additionally, their patience and support through a difficult period of life enabled this to be possible. The Centre of Peace and Conflict Studies at St. Andrews along with the Russell Trust provided valuable support for conducting the field work which shaped this project. Also, the International Relations Department and the University of St. Andrews have been overwhelmingly supportive of my work despite the setbacks.

Lastly, I would like to thank my safety net. Without the unwavering support of a few family and friends, this project gone off the rails long ago. Thank you to my father, Stephen H. Graef; we didn't miss a beat – I love you. Thank you to his wonderful partner Martha Davenport for providing a careful and patient eye, help with dropped modifiers, and a safe harbour from the storm. Thank you to my dear aunt Jackie Jones (auntie sis); without your presence, humour and support I wouldn't have made it through. And to my uncle Robert Graef, (uncle Bob): there is no one on earth who would have taken the time and interest to proofread and engage this material so thoroughly – thank you for being there in a pinch! Thank you to Travis and Shawna Kelso for being my surrogate family – your support in Germany was immeasurably important. Finally, thank you to my mother, Mary Gale Garth (March 6, 1950 – February 11, 2010), to whom this work is dedicated – I love you and miss you every day.

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List of Acronyms

A2J	Access to Justice
AAA	American Anthropological Association
ABA	American Bar Association
ACS	American Colonial Society
ADR	Alternative Dispute Resolution
ANT	Actor Network Theory
BIN	Bureau of Immigration and Naturalization
CEP	Community Empowerment Programme
CJA	Community Justice Advisor
CSAE	Centre for the Study of African Economies
CSO	Civil Society Organizations
DFID	Department for International Development
EM	Ethnomethodology
HTS	Human Terrain System
ICG	International Crisis Group
IDLO	International Development Law Organization
IO	International Organization
IPA	Innovations for Poverty Action
IR	International Relations
J-PAL	Abdul Latif Jamil Poverty Action Lab
JPC	Justice and Peace Commission
JSJP	Justice and Security Joint Programme
L4J	Looking For Justice (USIP Report)
LJSSD	Legal and Judicial System Support Division (United Nations)
LNP	Liberian National Police
LPP	Liberian Peacebuilding Programme
LR	Lightning Round
LWG	Liberia Legal Working Group
MoIA	Ministry of Internal Affairs

MoJ	Ministry of Justice
MOU	Memorandum of Understanding
NTC	National Traditional Council
NGO	Non-Governmental Organization
PBC	Peacebuilding Commission (United Nations)
PBF	Peacebuilding Fund (United Nations)
PCS	Peace and Conflict Studies
PDA	Personal Digital Assistant
PPP	Peacebuilding Priority Plan
PRS	Poverty Reduction Strategy
PSO	Public Support Office
QAS	Quick Assessment Survey
RA	Research Assistant
RCT	Randomised Control Trials
SMC	Statement of Mutual Commitment
TCC	The Carter Center
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNTAET	United Nations Transitional Administration in East Timore
USAID	United States Agency for International Development
USIP	United States Institute for Peace

Introduction
Hybridity as Practice

Designing, implementing, and evaluating a peacebuilding project is a complex and dynamic process. The contingent process that unfolded in the course of launching the Community Justice Advisor programme illustrates this uncertainty. The Community Justice Advisor (CJA) programme is a new legal empowerment project in rural Liberia. It involves dispatching Liberians on motorbikes to assigned rural Liberian communities where they are tasked with raising the general level of formal legal awareness in the community and assisting community members whose justice needs go unmet by existing formal or customary mechanisms. To this end, CJAs receive general training on formal legal system and basic conflict resolution and mediation techniques. The CJA programme is organised and coordinated by The Carter Center (TCC), an international NGO specializing in human rights and health in post-conflict and developing countries. Their local implementing partners, the Catholic Justice and Peace Commission (JPC), staffs and oversees the daily operations of the CJA programme. This project involved training 14 CJAs in legal empowerment methods and deploying them in 88 different communities across five different Liberian counties. It is a unique and highly complex peacebuilding project.

In January 2011, I applied and was accepted as a research assistant (RA) position on a small team organised to assess the impact of the CJA's legal empowerment practices. The survey was organised under the auspices of Oxford University's Center for the Study of African Economies (CSAE). The team was led by two development economists, Bilal Siddiqi and Justin Sandefur. [1] The survey was designed as a Randomised Control Trial (RCT). Under this RCT-based methodological framework, the 88 'treatment' communities in which the CJAs had been operating for over two years would be compared to 88 'control' communities where no CJA had visited. By measuring the differences between treatment and control communities, the survey could assess impact of the CJA programme over time. This thesis explores the contingency, dynamism and change at play in this process from an insider position (Dwyer & Buckle, 2009; Brigg & Bleiker, 2010) as actors grappled with implementing this and evaluating the complex CJA project amidst and between a diverse array of Liberian communities.

In order to retell this complicated story, I make use of the concept of hybridity. At its core, hybridity is concerned with change; it is a heuristic for understanding the constant flow of indeterminate complexity

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[1] Bilal Siddiqi is a postdoctoral scholar affiliated with the Empirical Studies of Conflict project (esoc.princeton.edu). His research focuses on micro-institutions, formal and informal legal systems, peace-building and state accountability in post-conflict settings. He is currently involved in several field experiments in Sierra Leone and Liberia related to public health and community-based paralegal programs. Justin Sandefur is a research fellow at the Center for Global Development. His research focuses on the interface of law and development in sub-Saharan Africa. From 2008 to 2010, he served as an adviser to the Tanzanian government to set up the country's National Panel Survey to monitor poverty dynamics and agricultural production. He has also worked on a project with the Kenyan Ministry of Education to bring rigorous impact evaluation into the Ministry's policymaking process by scaling up proven small-scale reforms.

which escapes the attempts to order it. Change is the essential characteristic cutting across the wide range of hybridity literature from biology to colonial policy, post-colonial theory, anthropology, and now to International Relations (IR) and Peace by way of Peace and Conflict Studies (PCS) (Mac Ginty, 2011, pp.68–77). When applied to post-conflict settings in which myriad international peacebuilding projects are being implemented across an array of local sites, hybrid processes become particularly dynamic. Attempting to describe changes at play in peacebuilding contexts, Mac Ginty presents hybridity as "a constantly moving piece of variable geometry. It operates on many levels, through multiple mediums, and impacts multiple (if not all) aspects of life" (2011, p.77).

Ultimately, it is the on-going process of emerging hybridity – of contested social, cultural, political and economic change – which has confounded heads of state, policy makers, political theorists and sociologists for millennia. To this point, Mac Ginty observes that hybridity is a "social process of such complexity and longevity [that it] is very difficult to capture"(2011, p.77). Following Mac Ginty's reading, hybridity should first be defined as ontological in nature. In other words hybridity is an ontological phenomenon which can be observed in the world; it is the real, concrete, ever-emerging process of social change unfolding in new and different ways across a multitude of everyday living sites (Richmond, 2011a). This highly complex process of ontological hybridity, the change, the contingency, the disorder at play in and between living sites, is referred to throughout the following chapters simply as *emerging hybridity*. It is this ontological emergent and uncertain process of change which is the subject of the present study.

A number of theoretical approaches have been developed to explain and understand these complex emerging hybrid processes. Consequently, *how* theoretical explanations and understandings should be developed remains a matter of on-going debate in the International Relations and Peace and Conflict Studies (PCS) literature (Newman, 2009; Paris, 2010; Richmond, 2011a). In an attempt to make sense of the theoretical debate concerning hybridity, Newman invoked the distinction between problem-solving and critical approaches (Newman, 2009, p.38; Cox, 1981). As implied by the distinction between problem-solving and critical approaches, the nature of this controversy is theoretical; it is rooted in different theoretical approaches. To this end, a range of analytical frameworks, models, typologies and heuristics have been developed for the purpose of explaining and/or understanding emerging hybrid processes (Hollis & Smith, 1991). However, despite their differences, the theoretical distinction between 'the liberal peace' and 'the local' is central to both approaches.

Attempting to point to areas of consensus between these approaches, 'the liberal peace' is generally taken as the international peacebuilding and development architecture of donors, IOs international NGOs. These international organizations work to shape post-conflict states and societies in ways which institutionalise human rights, democracy, a free-market and the rule of law. 'The local', meanwhile, encapsulates the post-conflict society being shaped by 'the liberal peace'. In this way, 'the local' assumes an antagonistic relationship vis-à-vis 'the liberal peace'. On one hand, 'the local' is made to be object of 'the liberal peace' through notions such as 'local ownership' 'building local capacity' and 'local empowerment'. On the other hand, the subjectivity of 'the local' problematises and frustrates 'the liberal peace'. According to this theoretical reading, the attempts to implement a 'the liberal peace' interact with the various manifestations of local agency interact in complex ways to generate a process

of emerging hybridity. However, the theoretical debate between critical and problem-solving approaches has become trapped by the very theories developed to explain and understand emerging hybrid processes. As a result, important dynamics at play in emerging hybrid processes can be obscured.

The objective of this thesis is to present a methodological alternative to theoretical approaches for exploring those unaccounted for hybrid phenomena without deferring to the 'the liberal peace' or the 'local'. In order to engage these concealed dimensions of hybridity, I follow Richmond and Mitchell's turn to 'the site' (Richmond & Mitchell, 2012; see also Schatzki, 2002). Using a site-based approach, they attempt to decouple the processes of emerging hybridity from the theoretical boundaries used to explain and understand them. In this way emerging hybridity can be explored through the emerging *practices* constituting the material relations circulating through and between sites. Looking to how practices are enacted amidst and across many different living sites exposes the contingencies, the dynamism, and play in hybrid processes which escape detection by theoretical approaches. In order to engage these emerging hybrid tensions and processes, I attempt to trace the concrete material changes, modifications, adjustments and adaptations that emerge as the CJA impact evaluation moves through and between the sites it is designed to engage. These changes in peacebuilding practices should be understood as *practical hybridity*. As such, practical hybridity becomes defined simply as *practicing peacebuilding differently*. The emerging process of practical hybridity is the social phenomenon addressed over the following chapters. The outline of the argument presented in this thesis can be seen in Figure 1.
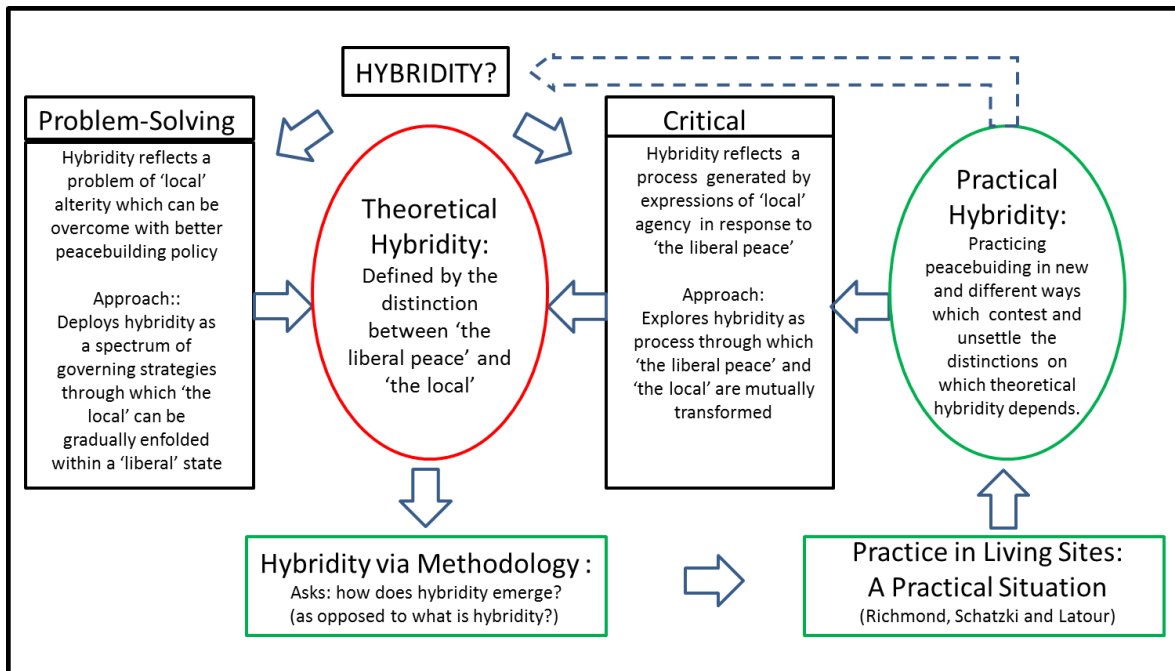
Figure 1: Thesis Outline

This introductory chapter develops and frames these ideas. The first section reviews the theoretical approaches to exploring emerging hybrid processes and discusses how theoretical hybridity can obscure and limit engagements with hybridity. The second section introduces the methodological approach

adopted for exploring the CJA impact evaluation. Here, the distinction between theoretical and methodological approaches is clarified. In the final section, I shift to practical hybridity and introduce the practical situation as the methodological strategy used to explore the hybrid processes at play in the CJA impact evaluation. In order to engage the important hybrid dynamics which elude detection by theoretical hybridity, the aim of this thesis is to develop a methodological alternative for exploring expressions of resistance, critical agency, and emancipatory capacity which unsettle the theoretical distinction between 'the liberal peace' and 'the local'.

Theoretical Hybridity

In order to make sense of the theoretical debate in the PCS literature, I borrow from Newman's distinction between problem-solving and critical theory. He describes the problem-solving approach as "… [accepting] the assumptions that underpin existing policy and [focusing] upon optimum effectiveness and performance," while a critical approach "…questions – and if necessary challenges – prevailing discourses or ways of thinking, and the interests they serve" (Newman, 2009, p.38). While the following chapter presents a more detailed genealogical treatment of how hybridity emerged in the PCS literature, the aim here is to introduce and quickly frame the 'problem' this thesis engages. Though both problem-solving critical approaches are deeply grounded in empirical, field-based research, the debate between them is defined by a theoretical (epistemological) distinction separating 'the liberal peace' from 'the local'. According to Mac Ginty, such distinctions are always "an abstraction and [therefore are] unable to capture the full extent and dynamism of a complex social process. Yet it does allow us to visualise the main axes along which hybridization may be projected or resisted in contexts experiencing liberal peace interventions" (2011, p.77). Although pursued through different means and purposes, it is this theoretical imperative which both critical and problem-solving approaches are engaged in attempting to make sense of the complex processes of emerging hybridity.

According to problem-solving theories, emerging hybridity is "a condition where liberal and illiberal norms institutions, and actors coexist, interact, and even clash" (Belloni & Jarstad, 2012, p.1). Consequently, the theoretical model Belloni and Jarstad advance for explaining and understanding emergent hybridity places 'the liberal' at one end of a continuum represented "rightly or wrongly" as a an advanced, democratic, Westphalian state. The liberal state is defined in terms of human rights, democracy, and the rule of law on one hand, while 'the local' is presented as indigenous culture subjected to the human rights violations of traditional institutions and customary justice. In this formulation, 'the local' stretches out along a theoretical continuum extending away from the liberal Westphalian ideal in the direction of "illiberal" (2012). Drawing from the liberal IR canon which identifies the liberal state as inherently prone to peace (Keohane, 2005; Doyle, 1986a), problem-solving approaches embrace a state-building as the best conduit for peace (Paris & Sisk, 2009). Paris and Sisk justify a state-building approach on the grounds that "…[r]etreating from the post-war statebuilding project would be tantamount to abandoning tens of millions of people to lawlessness, predation, disease and fear" (2009, p.14). Accordingly, problem-solving theories approach hybridity as a challenge for governance in which local agency, local ownership, local institutions, and local resistance are treated as potentially destabilizing forces (Donais, 2009). In this view, the governance problem posed by local

agency, demands more flexible and nuanced governing strategies. Therefore, the strategy proposed by problem-solving approaches to theory is hybrid governance (Belloni & Jarstad, 2012). The development of hybrid forms of governance is an attempt to 'solve the problem' of 'the local'. The problem-solving imperative is to explore how customary institutions may be harmonised *within* liberal ones (Paris, 2010). Hybridity is therefore understood as a governing strategy, a process of 'accommodating' traditional cultures within the formal institutional structure of a liberal state.

Critical engagements with hybridity, however, have developed a wide-ranging critique of problem-solving approaches to building peace, arguing that they deploy the concept of hybridity instrumentally (Richmond & Mitchell, 2012, p.13). Contrary to developing governing strategies for enfolding everyday local life into the formal liberal state, these critical approaches explore hybridity through the theoretical concept of 'the local'. In doing so, they point to tactics of local resistance and critical agency that emerge in response to 'the liberal peace' (Mac Ginty, 2011; Richmond, 2011b; Kappler & Richmond, 2011). Therefore, critical approaches are guided by different theoretical imperatives. Critical engagements with hybridity use theory (analytical frameworks, typologies, models, heuristics, tools etc.) for excavating and exploring the play between 'liberal' peacebuilding and the various expression of local resistance which result. From this perspective, critical approaches explore hybridity as a process of emancipation *from* 'the liberal peace'. To this end, critical engagements with 'the local' have produced a broad conceptual repertoire for engaging with hybrid processes. Nevertheless, 'the liberal peace' and 'the local' define the terms of the theoretical debate. Both problem-solving and critical approaches make use of the distinction between 'the liberal peace' and 'the local' and draw upon this distinction in order to explore different phenomena. While it is used in varied ways and for different purposes, this liberal-local distinction constitutes the central tension at play in both theoretical understandings of hybridity.

However, the position of the liberal-local distinction is becoming increasingly precarious in critical PCS. Both Mac Ginty and Richmond have identified the essential tension this thesis addresses: the tension between the emerging ontological hybrid processes on the one hand and the inherent limitations of the theoretical repertoire developed to understand them. Attempting to address the gap between theory and practice, I look to how peacebuilding practices emerge in ways which unsettle and reshape this theoretical distinction. Speaking to this tension between emergent and theoretical hybridity, Mac Ginty states "it is crucial that hybridity is not understood as the grafting together of two separate entities to make a third entity" (2011, p.89). Therefore, his aim is to move hybridity "beyond two-dimension notions" of hybridity grounded in liberal and local, structure and agency, power and resistance (2011, p.69). Richmond has also become attentive to the shortcomings of 'the liberal peace' and 'the local' as theoretical reference points for understanding hybridity. He notes a weariness of "the simplifications and dichotomies of thinking in terms of local and international, liberal and non-liberal…"(2011a, p.20). As both Richmond and Mac Ginty imply, an understanding of emerging hybridity that starts with a theoretical distinction between the international and the local, power and resistance, structure and agency, top-down' and 'bottom up' obscures important dynamics. It is this problem which is at stake in this thesis; my aim is to propose an *alternative* methodological strategy for exploring those hybrid dynamics which escape detection by theories derived from 'the liberal peace' and 'the local'.

A Brief Critique:

Bruno Latour offers a way to circumvent such binaries using Actor Network Theory (ANT). His ANT-based approach is suspicious of the theoretical imperative to circumscribe complex social phenomena with explanatory theoretical boundaries. According to Latour, this theoretical approach is shaped by the 'politics of explanation' (1988).[2] In describing the politics of explanation, Latour distinguishes between the 'elements to be explained' (which tend to be confusing, new, different, messy, incoherent, and thus the imperative to explain them) and the 'elements providing an explanation' (1988, pp.157–159). Defined as such, explanation becomes a "one-to-many ratio between the elements providing an explanation and the complex, messy 'elements to being explained'(1988, p.161). This 'one-to-many' explanatory relationship is where "the same social factors are used to explain many natural or objective elements" (1988, p.156). Latour treats this explanatory theoretical formulation as an exercise of power: the ability of one 'social factor' to 'hold' various, contingent, concrete, inchoate, messy social phenomena to as few social factors as possible. Powerful explanations, Latour notes, allow "…one element [to] 'replace', 'represent', 'stand for' all the others, which are, in effect. made secondary…" (1988, p.158).

On Latour's reading, 'the liberal peace' and 'the local' represent powerful explanations. 'The local' *replaces* vast and differentiated patterns of activities and practices across many sites through multiplicity of individual actors while 'the liberal peace' *stands in* for a wide spectrum of projects, organizations and actors, organised by their varying mandates. Latour observes that "this is why so much work has been dedicated to notions such as society, norms, values, culture, structure, social context – all terms that aim at designating what gives shape to micro-interaction" (1999a, pp.16–17). However, once micro-interactions have been given a shape, that shape has to be named. According to ANT proponent John Law, 'naming' indicates that the center of a theoretical social entity or 'shape' "…has been fixed, pinned down, rendered definite" (1999, p.3). However, through this theoretical process of naming, complex social phenomena become theoretically seized, hostages to the very shapes developed to understand them. As a consequence, these complex, dynamic, micro-interactions become reduced to nouns; life, motion, subjectivities and contingencies is replaced with the names that explain them, their boundaries secured. Theoretical hybridity is a process shaped and named by 'the liberal peace' and 'the local'.

Latour points to a problematic implication which results when ontological complexity becomes theoretically arrested by its explanations: cause becomes confused with effect; the phenomena requiring an explanation are mistaken for the explanation (2004, p.63). As mentioned above, when activity is replaced with the shape given to it, then the activity becomes secondary; the activities unfolding inside can be understood and explained by the theoretical shape produced to make sense of them. In this way, complex webs of interlacing micro-interactions become the byproduct or the outcome generated by interactions between entities named 'the liberal peace' and 'the local'. Yet, it is

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[2] Latour's definition of explanation should not be confused with Hollis and Smith's distinction between explaining and understanding. For Latour, the politics of explanation is the attempt to 'hold' complex ontological heterogeneous social phenomena to their epistemological explanation, i.e. 'culture' 'globalization' or 'the liberal peace'

not the process of hybridity which is contingent upon interactions between 'the liberal peace' and 'the local'. Instead, this theoretical distinction is contingent on complex hybrid processes; hybridity is the ontological process which shapes and defines the boundaries between and therefore the nature of these contingent theoretical entities.

Importantly, this argument does not lead ANT proponents to the position that systems of domination do not exist. According to Law, it is not the "… [ANT] world-view that there are not divisions. It is rather that such divisions or distinctions are understood as *effects or outcomes*. They are not given in the order of things" (1999, p.3). In other words, while the asymmetries in power, the systems of domination, and the manifestations of resistance signified by 'the liberal peace' and 'the local' exist, they are effects, a byproduct, the consequence of hybrid processes unfolding in and between many sites. The theoretical boundary on which this distinction depends is conditional on the activities and practices unfolding in and across a multitude of everyday living sites in which 'the liberal peace' and 'the local' are perpetually becoming destabilised. On this reading, hybridity is the independent ontological variable to which the theoretical distinction between 'the liberal peace' and 'the local' becomes dependent.

However, when effects stand in for explanations, the very dynamics which challenge and upset them cannot be detected. When locked into a liberal-local theoretical frame, the boundaries between power and resistance, structure and agency, top-down and bottom-up, are already circumscribed by 'the liberal peace' and 'the local'. On a theoretical reading, the terms of hybridity are set, the main axis along which it unfolds has been determined, the expressions of agency and demonstrations of power have been preauthorised. Consequently, important ontological tensions at play in the hybrid processes emerging in living sites are partially obscured by the very boundaries developed to explain them. The present aim is to offer an alternative to the theoretical liberal-local tent-poles, one which maps complex hybrid processes. In order to investigate the dynamics obscured by theoretical hybridity, the CJA programme is explored using a *methodological approach* rather than a theoretical approach.

But before continuing, some clarifications are necessary. While this thesis represents an attempt to move beyond the theoretical distinction between 'the liberal peace' and 'the local', it should not be confused with a blanket critique of the critical approach in PCS. Given that the critical theory attempts to challenge established theoretical assumptions, this should be considered a continuation of the critical project and perhaps an extension into critical methodology in PCS. Indeed, insights derived from critical PCS are useful in attempting to bypass entrenched theoretical distinctions. The present work draws heavily from these insights in order to explore the contestation and disruption at play in hybrid processes which destabilises and transforms power. The literature on 'the everyday' (Richmond, 2011a) is a central influence in this work, particularly the site-based approach developed by Richmond and Mitchell (2012). When complex hybrid processes are explored as they emerge in living everyday sites, 'the liberal peace' and 'the local' can be problematised and the expressions of agency which elude theoretical hybridity can be explored methodologically.

A Methodological Approach

So what is the difference between the critical theoretical approach used in PCS and the methodological orientation adopted here? As it is, a number of useful, yet unstable distinctions already separate IR into two ways of practicing theory. Whether positivism or post-positivism, rationalist versus reflectivist (Keohane, 1988) or explaining and understanding (Hollis & Smith, 1991), these distinctions represent alternative ways of practicing international relations underwritten by different methodologies. In Hollis and Smith's iteration, 'explaining' connotes the use of scientific approaches which attempt to stand outside social phenomena and use quantitative techniques in order to reduce ontological complexities and identify causal relations and social patterns. 'Understanding', on the contrary, is an approach wary of claims to scientific objectivism. These theories employ reflective, descriptive, hermeneutic, and normative approaches in order to explore social phenomena inter-subjectively, from the inside (Hollis & Smith, 1991). The 'understanding' approach is underwritten by post-positivist methodologies, such as discourse analysis (Hansen, 2006), genealogy (Vucetic, 2010), particularly ethnography (Vrasti, 2008; Brigg & Bleiker, 2010; Cohn, 1987). These approaches also inform critical PCS which is deeply rooted in in the complex realities of hybrid processes and firmly grounded in empirical, ethnographic research undertaken across a multitude of sites. In this way, the methodologies used in critical PCS theories are very similar to the general ethno-methodological approach of the ANT-based orientation adopted here (Latour, 1999a, p.19; Lynch, 2001; Pollner & Emerson, 2001). The following account of the CJA impact evaluation draws on the same general descriptive, insider, ethnomethological (EM) approach to exploring complex hybrid processes.

Although interrelated, theoretical and methodological approaches differ in important though subtle ways which, until now, have mostly been implicitly subsumed within or under the auspices of critical theory. This subtle difference is captured by Pollner and Emerson's distinction between ethnomethodology and ethnography, in which the former accuses the latter project of over-emphasizing group rule, social order, "shared internalised norms" and "theoretical 'top-down' solutions" (2001, p.119). Ethnomethodology instead looks to the "actual 'bottom-up' or lived ordering," focusing instead on "participants' methods, definitions of order, explanations and assessments, [directing] attention to what has variously been referred to as the 'indigenous', 'endogenous' or 'lived order'" (2001, p.119). Rather than emphasizing the order and coherence of a social whole or organism, EM "proposes [that] society consists of the ceaseless, ever-unfolding transactions through which members engage one another and the objects, topics and concerns that they find relevant" (2001, p.120). While ethnographers may not agree with this generalization, it does frame the subtle but consequential difference between theoretical and methodological engagements with hybridity. ANT-influenced ethnomethodological approaches do not fix-by-naming; they do not superimpose *a priori* theoretical shapes upon the complex living social phenomena circulating through and between sites, reshaping and renaming as they move. Instead they attempt to account for this contingent process of reshaping.

Theoretical hybridity deploys concepts, shapes, names, and boundaries in order to explain/understand complex ontological phenomena. In critical PCS this manifests as 'the liberal peace' and/or 'the local'. Methodological approaches, on the contrary, deploy *methodological strategies* to explore those expressions of agency which escape the theoretical shapes designed to explain them. In other words,

rather than using theories to understand hybridity, this methodological approach advances a strategy for investigating the way in which hybrid processes unsettle and preclude a clear theoretical understanding from emerging. The ANT-influenced methodological strategy developed for exploring the CJA impact evaluation begins with the principle, do "… not tell anyone the shape that is to be drawn – circles, cubes or lines – [instead] go about systematically recording the world-building abilities of the sites to be documented and registered" (Latour, 1999a, p.21).

From this position the 'distinction' between theoretical and methodological approaches can be rendered more explicit. The theoretical literature invokes hybridity interchangeably as both a noun and a verb. Used as noun, hybridity is treated as form, an outcome, an effect generated by interactions between international 'liberal' peacebuilding and 'local' agency. However, when treated as a verb, hybridity is a process, it is action, movement, it is the condition of dynamic change which upsets and reshapes the very theoretical distinctions used to explain and understand their complexities. Through this process, 'the liberal peace' and 'the local' are continually becoming destabilised. Treated as a verb, as action and motion, practical hybridity drives the on-going process of reshaping what peacebuilding is *becoming*.

This is a subtle but important distinction which frames the following pages and chapters. Contrary to deploying academic capacities for theoretical purposes, I use methodological capacities for the purpose of foregrounding how actors define their own problems, how they identify the desired change they wish to bring about, and how they deploy their world-building capacities accordingly. The task is therefore to develop *a methodological strategy* for tracing and exploring how actors make sense of their own projects, the purpose and meaning they ascribe to them, the reasons and imperatives and priorities which they identify as significant, and then accounting for what changes.

For this purpose I appropriate the insights of Actor Network Theory (ANT). Latour explains that ANT is "a very crude method to learn from the actors without imposing on them an *a priori* definition of their world-building capacities"(1999a, p.20). Drawing on this approach, the imperative shaping the exploration of the CJA impact evaluation becomes concerned with developing a methodological strategy for accounting for *how actors themselves* explain and understand their own situation. The aim here is to account for how actors deploy their own peace-building capacities amidst living sites. As Latour explains, "actors know what they do and we have to learn from them not only what they do, but how and why they do it. It is us, the social scientist, who lacks knowledge of what they do, and not they who are missing the explanation of why they are unwittingly manipulated by forces exterior to themselves and known to the social scientist's powerful gaze and methods" (Latour, 1999a, p.19). Therefore, rather than attempting to explain or understand hybridity in theoretical terms, the methodological task is to account for how actors deploy their own capacities, how they organise their own activities and attempt to bring them forth amidst the complex play of living sites; the goal is to traced the changes, modifications, adaptations, course-corrections, and overhauls that emerge along the way. The methodological approach offered here exposes the 'play' in the theoretical relationship between 'the liberal peace' and 'the local'. It unsettles their pre-designated capacities of power and resistance, structure and agency, instrumentality and emancipation, and tests the theoretical boundaries erected to preserve the essential differences necessary for being theoretically useful.

The Site

For this purpose, I make use of Richmond and Mitchell's notion of 'the everyday', particularly their use of 'the site' as an alternative, materially-grounded approach to engaging with hybrid processes. Using 'the site', they circumvent the reductive effects of theoretical hybridity by uprooting 'the local' from its misappropriated understanding as being "narrow and parochial" (2012, p.11). In other words, 'the site' represents an attempt to re-appropriate 'the local', to reclaim it from the reductive effects of theoretical hybridity in which 'the local' is used to "…impose a relatively arbitrary set of spatial, cultural economic or other constraints upon the dynamic shifting context of a specific locale"(2012, p.11).'The site', according to Richmond and Mitchell, provides a way to engage with emerging hybrid processes which does not suffer the essentializing effects of theoretical approaches.

Instead, Richmond and Mitchell define the site as the locale, the local space for "…carrying out the daily business of an organization, using services or consuming goods, or providing for individuals injured in violent conflict […] spaces of contestation, acceptance, resistance and other outgrowths of creative agency (2012, p.11). "Crucially," they note that "the space created around peacebuilding interventions is not a dichotomy that divides 'local' from 'international' actors; [instead] the local is the terrain through which post-Cold War peacebuilding interventions are increasingly carried out". In this way, 'the local' can then be understood ontologically (as opposed to epistemologically) as "a site of various forms of power, resistance, and agency, many of which overlap and conflict" (2012, p.11).Therefore, 'the site' redirects the critical approach away from the theoretical project of explaining and understanding hybridity, and toward the sites in which everyday hybrid processes are materially grounded in the encounters of actors situated in space and time.

However, while the move to the site challenges the theoretical appropriation of 'the local' in order to capture essential attributes across many actors and activities, 'the liberal peace' remains theoretically intact in order to account for *how* power circulates through sites. In identifying what tensions are at play in emerging hybrid processes, Richmond and Mitchell argue that "[p]eacebuilding may now be seen as a site of encounter between international interventions – via, social political and economic engineering – and local acquiescence, co-option or local resistance" (2012, p.12). This definition exposes an important nuance in the way 'the liberal peace' is treated: when grounded in the site, Richmond and Mitchell argue that power exercised through international 'social engineering' projects should be considered as a particular way of *organizing* peace in sites. According to this reading, such international interventions (social engineering projects) are increasingly deployed in both urban and rural sites and include human rights education, gender equality programmes, and micro-lending projects, and indeed, legal empowerment programme such as the CJA impact evaluation presently being discussed. However, by preserving these theoretical distinctions and projecting them into the complex motion of living sites, certain expressions of agency which are important in shaping emerging hybrid processes may again go undetected.

To this point, John Law offers another critical distinction between theoretical hybridity grounded in 'the liberal peace' and a methodological approach: "if we want to understand the mechanics of power and organization it is important not to start out assuming whatever we wish to explain" (1992, p.380). While 'the liberal peace' provides a useful theoretical tool for understanding how power works across highly

varied projects, it is less effective at revealing the shifting assumptions and discontinuities at play in emergent hybrid processes which reshape its contours. However, by preserving these theoretical distinctions and projecting them into the complex motion of living sites, the ways in which power is enacted and how resistance can be expressed remains constrained by the theoretical shapes named 'the liberal peace' and 'the 'local'. It is this distinction which circumscribes the boundaries between power and resistance, structure and agency, and therefore designates who is the subject and what is the object of power, how domination manifests and how emancipation is embodied. As such, the relationship between power and resistance is already implied by the theoretical designation separating 'the liberal peace' from 'the local' rather than being determined by the material expression of agency in living sites. The effect is that acts of resistance and critical agency expressed by international actors can be reduced to the mere tactical adaptability of 'power' or the flexibility of structures. However these activities remain an important dimension of emerging hybrid processes, shaping what peacebuilding is becoming.

As Latour cautions "[no] explanation, no matter how abstract the science, no matter how powerful the regime, has ever consisted of anything more than a disproportionate amount of heterogeneous, historical, contingent elements" (1988, p.163). Understood this way, 'the liberal peace' functions as a theoretical black box, concealing the expressions of agency and the enactment of resistances emerging inside (Latour, 1999b). Richmond and Mitchell's work to deessentialise and reclaim 'the local' through 'the site' provides the point of departure for the following exploration of the CJA impact evaluation. However, according to their formulation, the exercise of power in the sites remains theoretically bound to 'the liberal peace'. As such, a multitude of important actors, sites, materials and controversies are omitted from view. The methodological approach adopted here is designed to 'play' with 'the liberal peace', to expose the movement of agency, resistance and emancipatory potential that its theoretical boundaries conceal.

When approached from a methodological position and grounded in practice, the central question shifts from 'how do we explain and understand complex processes called hybridity' to one which asks, how does hybridity emerge? How are these complex and dynamic processes brought about and enacted in sites? Grappling with this question, the site-based methodological imperative adopted here is to explore how power is *used*, how structure is *enacted*, how actors attempt to bring a complex peacebuilding project about in and between living sites. The objective here is to use Richmond and Mitchell's site-based approach to trace the CJA impact evaluation through and between sites and attempt to account for the actual material changes, modifications, and adaptations that emerge as peacebuilding practitioners attempt to implement the CJA programme amidst dozens of complex everyday sites. The name I use to describe this uncertain process is *practical hybridity*.

Which brings up the need for a brief clarification: just as theoretical approaches attach names to processes and use various heuristics and distinctions to understand them, so does a methodological approach. However, the difference between them is how these names are used, how they are *practiced.* While theoretical approaches affix names in order to give shape social entities, a methodological approach ascribes names to the uncertain processes through which social entities become displaced and reshaped. For this purpose, Michel Callon's ANT-based sociology of translation is useful (1986). For Callon, translation, is "…the mechanism by which the social and natural worlds progressively take form

(1986, p.19). Callon's methodological technique calls for tracing the process of translation at play as actors attempt to bring a project to fruition. According to Callon "[t]o translate is to displace" (1986, p.18). It is this on-going process of translation at play in practical hybridity through which the theoretical distinction between 'the liberal peace' and 'the local' becomes destabilised. Amidst this instability, peacebuilding practices can emerge in new and different ways and for different purposes, giving way to a uncertain process of practical hybridity.

Practical Hybridity

The present aim is to illustrate the methodological strategy developed for exploring practical hybridity. However, before getting to how this strategy is used, it will be useful to define what practical hybridity is. Practical hybridity is the process, the actual, concrete, ontological changes that unfold as actors attempt to translate their practices into often complex living, everyday sites. While practice will be covered more thoroughly in Chapter 2, I will only briefly sketch the contours of this approach here.

Attempting to extend Richmond and Mitchell's turn to the site, I draw from Theodore Schatzki's site ontology (2002). For him, sites are more than locations, they are *social* sites; they are ontologically defined by the practices emerging there. Schatzki sees practices as the doings and sayings that constitute everyday life. Meanwhile Mattern treats practices as "doing human being"(2011, p.73). Together they understand that practices are related to what Richmond may refer to as 'the everyday' (2011a). A practice-approach generally adopts 'what people do' together with the organization of this 'doing' as its primary unit of analysis. Incorporating these insights, I treat practices simply as organised activities. It is the organised nature of practice that distinguishes it from mere activity (Schatzki, 2002). Yet this is hardly a restrictive characteristic; practices can range from selecting and arranging ingredients for a meal or conducting one's managerial duties at work (Certeau, 1984), to disciplining the bodies of prisoners (Foucault, 1978), to social engineering projects (Richmond & Mitchell, 2012, p.12). Practice is the purposeful organization of human action in sites. The definition adopted here is that practices are organised to do something, to bring something about, to address some problem, to enact some change.

Importantly, however, this purpose is embedded in practices themselves rather than in some abstract structure or norm. Purpose is reflected in the desired outcome, the methods, in the strategies that are materially enacted by practitioners in sites. One need not turn to power, to structure, or to 'the liberal peace' in order to give shape to a practice. On the contrary, emerging practices manage to slip through the theoretical boundaries designed to make sense of them. Indeed, practice approaches tend to eschew the theoretical imperative to explain or understand emergent site-based phenomena by deferring to abstract power, extra-material structures, transcendental norms, international regimes, and the binary opposite constructions they imply. According to practice-approach proponent Joseph Rouse, practice "replaces what earlier wholist theorists would have described as 'culture' or 'social structure'" (2007, p.505).

Schatzki concurs; he argues that while practices may "resemble macro phenomena in containing individual activity and organizing the contexts in which people act, they never possess the *sui generis* existence and near omnipotence sometimes attributed to structural and wholist phenomena," (Schatzki,

2001, p.5). Yet, he stops short, cautioning that while practices may be closely tied to individual actors, a practice-approach nevertheless "tends to reduce the scope and ordering power of reason – abandoning the traditional concept of reason as an innate [individual] mental faculty" (Schatzki, 2001, p.5). Attempting to circumvent persistent theoretical binaries (such as 'the liberal peace' and 'the local') by way of practice, Schatzki extends this principle beyond social structures to agency as well. He observes that "[h]uman agency must [be] understood as something contained in practices [as] occurring under the aegis of practice…" (Schatzki, 2002, p.240). Understood this way, both agency and social structures are effects, not causes of practice. In this sense practice approaches claim to offer a point of entry into the social world which can move "beyond current problematic dualisms and ways of thinking" (Schatzki, 2001, p.1).

Therefore, according to a practice-based approach, hybrid processes are not generated by an oppositional relationship between different theoretical entities such as 'the liberal peace' and 'the local' in which certain capacities, objectives and characteristics have been theoretically distributed. A practice-based approach allows for the theoretical limitations placed on power and resistance, structure and agency, instrumentality and emancipation to be decoupled from 'the liberal peace' and 'the local' and instead to be grounded materially, in the site. The tensions at play in practical hybridity are not theoretical tensions between different entities with different characteristics and capacities assigned to them, but an ontological tension grounded in practice itself as actors move from site to site attempting to enact the changes a given peacebuilding project was designed to bring about. However, if hybridity is not animated by the oppositional relationships of power and resistance, the outcome of top-down and bottom-up interactions or the push-and-pull of structure and agency, then what is the engine driving practical hybridity? What forces give shape to practical hybridity? What is the ontological tension generating this practical hybrid process?

The essential ontological tension at play in practical hybridity is the fluctuation between the *order* and *change* constantly being managed in sites. To be clear, the tension between order and changes is not derived from forces or structures outside the site; nor is this distinction a reformulation of the binary relationship between power and resistance. Contrary to theoretical boundaries drawn between different entities, order and change are essential performative functions of enacting practice in sites. Phrased another way, practical hybridity is the on-going attempt to translate the order embedded in a given practice, into living sites where the nature of order is always contested. On this reading, power must be used (Latour, 1987b), structures must be enacted (atrib. Büger, 2011a), gender must be performed (Butler, 1989), culture must be practiced (Geertz, 1988), and order must be translated (Callon, 1986). The substance and meaning assigned to these phenomena depends on how practice emerges in and between many different sites. The tension between order and change oscillates between stability and instability, organization and disorganization, continuity and discontinuity; it is the on-going creative and often ad hoc management of this ever-unfolding situation. Therefore, practical hybridity should be understood as contingency that opens up as actors must translate the order embedded in their given practices into and across a range of living sites. In this way, power becomes open to being enacted differently, structure becomes contingent, and 'the liberal peace' becomes an unstable byproduct of practical hybridity emerging in and between sites.

In order to explore the ordering effects of practical hybridity in a way which does not invoke *a priori* theoretical boundaries, I borrow from Theodore Schatzki's notion of *practical understanding* (2002, p.78). I define 'practical understanding' as the order inherently embedded in a practice. As mentioned, practices are organised activities. Usually, practices are bundled together and arranged into specific tasks, duties, projects, a contract, or a job, such as the CJA impact evaluation. These projects are constrained by budgets, schedules, deadlines, etc. Practical understanding also manifests as rules, principles, methodologies, guide-lines, ethical standards, codes of conduct, norms of professionalism, as know-how, tacit and background knowledge; they emerge as demonstrations of proficiency, competence, or mastery (see Bourdieu, 1990; Collins, 2001; Adler & Pouliot, 2011; Mattern, 2011). However, projects and the practices enfolded within them are organised to do something, to bring something about, to address some problem or to effect some change amidst a particular pattern of practices circulating through a specific set of sites. Yet at the same time, the purpose for which a practice is organised does not ensure how a given practice emerges. Order is expressed through practical understanding as what 'should' be enacted or how a practice was designed to emerge in a site. However, while these ordering dimensions of practical understanding channel, shape, and direct where, how, and why practices should or ought to emerge, they do not necessarily translate into *how* practices may emerge.

In other words, organised practical understanding does not automatically translate into order. Instead it slips into change. To this point, Law remarks, "…there is no social order. Rather there are endless attempts of ordering" (1994, p.101). Indeed, amidst the churning, swirling movement expressed in and across many living sites, the order embedded in practices gives way to the ceaseless process of *becoming* ordered in which the nature of social order is never settled (Schatzki, 2002). This is the condition characterizing a *practical situation*. It is a natural contingency that emerges through the process of translation. A practical situation should be understood as the imminently unfolding material condition actors confront as they work to translate their practical understanding into and across many living sites. In the disrupted continuum of a practical situation, what 'should' be done can give way to what is done, and practices can emerge in new and different ways.

Crucially, the management of a practical situation often demands active, creative, impromptu innovations, modifications and adjustments resulting in new ways of practicing. The practical situation generated by the CJA impact evaluation demanded the constant enactment of order amidst movement, the ad hoc translations, the trade-offs between the objectives of the project on one hand and the demand for realizing those objectives in between complex living sites on the other. Understood as such, the order embedded in a given practical understanding is not only a restriction on practitioners or a limitation on how practices can emerge, but order (practical understanding) is also a resource which can be drawn upon to extend those limitations. Read this way, the order that shapes and channels practices also functions as a source of know-how which can be drawn upon in creative, innovative ways. Practical understanding is an enactable understanding of order which may emerge differently, perhaps even disruptively. Practitioners can draw upon practical understanding in order to adapt, modify, adjust, tweak, bend, and change practices. The order of practical understanding must be *used* and can be used differently by practitioners as they, for example, attempt to translate legal empowerment practices into

and across many rural Liberian communities. These changes add up to an on-going process of *practical hybridity*.

To be clear, this is not to say that power does not exist, or that norms are not important, or that culture does not shape action; these are important dynamics which the critical PCS literature has engaged. While these theoretical frames represent significant social dimensions which may be implicated in a given site and practice, the meaning they signify and the practices which sustain them are ultimately arbitrated by actors attempting to *use* them for the purpose of bringing something about in sites. Indeed, the practical situation provides a way to explore how actors themselves identify and negotiate what becomes important as they move through sites, as opposed to deferring to theoretical distinctions to determine what is significant. The point is not to theoretically explain the complex process of hybridity, fixing its dynamic tension to an elegant few shapes, but to look inside those shapes, to pry those theoretical black-boxes open and expose how actors explain and understand their own practical situation while creatively enacting practices to manage it. The tension between order and change at play in sites should be understood not as a theoretical, opposition binary, but as unfolding, unstable tension embedded in the action of practi*cing*. On the one hand, practices function to gather, to organise, to shape, mobilise, and stabilise. Practices are organised for a purpose; they are designed to bring something about, to address some problem, to shape, to order and to change. On the other hand, the order embedded in practices must be materialised and actualized; t must be enacted, actors must translate order via practice – an uncertain and contested process which unfolds amidst complex living sites.

However, before continuing, I want to pause to offer some important notes. This research project was approved by the Teaching and Research Ethics Committee at the University of St. Andrews (UTREC). Under this framework, I received consent for this project in the form of a Memorandum of Understanding (MOU) between The Centre for the Study of African Economies (CSAE) and The Carter Center and myself (See Appendix I).[3] Within the framework of the MOU, I am obligated to protect the identities of the CJA's clients. Therefore, in order to conceal any client connections between the CJA program and the CSAE survey, the names and specific identities of the clients, the CJAs, and the survey enumerators are also anonymised. However, the names of the communities are real in addition to the identities of the individuals holding official positions with the CSAE, the JPC, or The Carter Center who are covered under the terms of the MOU.

The following chapters are arranged in two parts. The first is the theoretical section (I use the term loosely), the second is the empirical section. Chapter one presents a genealogy of the PCS literature which plots how hybridity became trapped in the theoretical difference between 'the liberal peace' and 'the local' and frames the problem this thesis is designed to address. The second chapter introduces the practice approach in more detail. Here, the ordering effects of practice are emphasised, while chapter three pivots to change. This chapter introduces the practical situation as the ontological dynamic at play in sites and reviews the ways in which order can give way to change in these situations. The fourth

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[3] The original MOU is being currently being restructured into separate and direct agreements: one between The Carter Center and I; another between the CSAE and I. However, the basic parameters outlined in the initial joint MOU presented in Appendix I are still in effect.

chapter turns to the issues of positionality which accompany insider research and reviews the ANT-based methodological strategy developed to account for practical hybridity.

Part two of the thesis moves to Liberia and the CJA impact evaluation. First, however, chapter five briefly reviews some of the relevant Liberian legal history, as well as identifies the problems that the programme was designed to address. Chapter six introduces the CJA programme. Here the background of the programme is discussed in the context of the Liberian justices system. This chapter points out how bringing the CJA programme to fruition destabilised the formal and customary justice system in Liberia. Legal empowerment is the topic of chapter seven; it reviews a two-week CJA training exercise in which they were familiarised with the legal empowerment practices they would be practicing in their communities. The training suggests a tension between the light-footprint characterizing legal empowerment practices and the imperative to generate new cases using those practices. In chapter eight, this tension surfaces as the CSAE survey team attempts to pilot the survey using a Randomised Control Trial (RCT). The piloting results indicated that the CJAs were making different impacts from those intended by the programme designers. Piloting suggested that the CJA's practices reflected their translations of legal empowerment rather than the intentions of the programme designers. Chapter nine explores the CSAE survey team's attempt to adapt the RCT survey design to detect the impacts the CJA were actually making in their communities. This re-design was termed 'The Lightning Round' (LR); this re-translation entailed overhauling both the legal empowerment practices of the CJAs and the RCT-based practices of the CSAE survey team. These chapters reveal a highly contingent process of practical hybridity in which the process of translation precludes legal empowerment, and therefore the practice of justice, from becoming stable.

I conclude where I began: when theoretically framed by 'the liberal peace' and 'the local', certain essential dynamics are obscured from view. Looking instead to the process of practical hybridity (animated by the tension between order and change at play in a practical situation), hybridity can be explored outside the theoretical boundaries imposed on it by 'the liberal peace' and 'the local'. From this view, hybridity surfaces as the actual material changes, modifications, adjustments, tweaks, and adaptations that emerge as peacebuilding practitioners attempt to implement projects amidst a range of complex living, everyday sites. In this way, the use of power and the manifestation of resistance, the extension of structure and the expression of agency, instrumental policy and emancipatory movement, can be disentangled from the theoretical and epistemological distinctions imposed on them and can instead be grounded in the movement of practices through and between sites. Ultimately, this thesis attempts the perhaps controversial, critical task of exploring the expressions of resistance, the manifestations of critical agency, and the emancipatory potential at play in a 'liberal' peacebuilding project; the goal is to account for important dimensions of hybridity which go unaccounted for by 'the liberal peace'. The argument presented here is that the CJA program represents a different way of practicing peacebuilding which is stretching and deforming 'the liberal peace' into what Richmond terms a post-liberal peace (Richmond, 2009a; 2011a; 2013b). The process of practical hybridity at play in this international peacebuilding project is reshaping what justice and peacebuilding practices are becoming in Liberia.

Part One
Theory: a Practical Situation

Chapter One:
A Genealogy of Hybridity in Peace and Conflict Studies

As outlined in the introductory chapter, the problem being addressed over the following pages and chapters are the expressions of reflexivity, subjectivity, agency, innovation, and resistance which slip through the theoretical readings of hybridity tied to 'the liberal peace' and 'the local'. This chapter traces the emergence and evolution of hybridity in Peace and Conflict Studies (PCS) and International Relations literature, pointing out how hybridity became trapped by the theoretical distinctions used to explain it. Following the theoretical debate between critical and problem-solving approaches, this genealogy investigates how this debate manifested in ways which hardened the theoretical boundaries between 'the liberal peace' and 'the local'. It traces how the liberal-local binary functioned to reinforce the very differences which hybrid processes are supposed to contest, upset, and redefine.

This genealogy is organised into three sections. The first traces the emergence of 'the liberal peace' and 'the local' in the PCS and IR literature. The second reviews how hybridity emerged from critical and problem-solving literature in a way which had the effect of reifying the liberal-local distinction. Lastly I follow the emergence of the post-liberal peace literature introduced by Richmond (2011a). As a genealogy, this chapter reviews the evolution of PCS literature over time and traces the *effects* of the problem-solving-critical debate. As was mentioned in the introduction, these theoretical approaches use the liberal-local distinction in different ways and for different purposes; critical approaches deploy 'the liberal peace' and 'the local' to explore local emancipatory agency while problem-solving approaches deploy them in order to develop hybrid governance strategies. Nevertheless, the distinction between 'the liberal peace' and 'the local' is essential to both these theoretical readings of hybridity. As such, important dimensions of this process remain obscured from view. To reiterate: this is not to say that such theoretical distinctions are not useful or do not continue to be useful for the theoretical purpose of explaining and understanding complex hybrid processes – they are. Instead the aim here is to develop ways to explore the aspects which theoretical approaches can obfuscate.

The Liberal Peace and the Local

Presently, peacebuilding is treated as a hybrid phenomenon. Peace, as it emerges, is not a 'liberal' peace or a 'local' peace but a hybrid peace. This is the hybrid paradigm. However, prior to the ascendency of the hybrid paradigm, it was 'the liberal peace' which shaped theoretical engagement with peacebuilding. The following section briefly reviews the emergence of hybridity from its origins in 'the liberal peace' thesis, and the post-colonial turn to 'the local' which culminated in the present hybrid paradigm. In the interest of brevity, this section is divided into the presently accepted classification of problem-solving and critical approaches – if only to then challenge them in the following pages and chapters (Newman, 2009).

In its current invocation, the term 'the liberal peace' emerged in the early 2000s. The thesis was developed to grapple with the vast international peacebuilding and development architecture that emerged in the aftermath of the Cold War (Ghali, 1992; Ghali, 1994; Ghali, 1995). Citing the conflicts of

the early 1990s in the Balkans, West Africa and the Great Lakes region, policy makers began to develop more robust techniques for international peacebuilding and development interventions (Ghali, 1995). This imperative was also reflected in academic the literature. One example is the "peace maintenance" approach championed by Chopra. He argued for more robust UN involvement and oversight; Chopra advocated the position that the "UN claims jurisdiction over the entire territory and deploy throughout if it can. It establishes a direct relationship with the local people who will eventually, participate in the reconstitution of authority and *inherit the newly established institutions"* (Chopra, 1998, p.8 emphasis added). Echoing this position, Adibe argues that "…UN authority must seriously embark on social engineering on a scale large enough and deep enough to ensure its acceptance by successive generations of a population,"(Adibe, 1998, p.113). While the moniker 'peace maintenance' never caught on, the practice did as peacebuilding missions of the late 1990's were characterised by the 'transitional administrations' in the case of Kosovo (UNMIK) and East Timor (UNTAET).

In describing 'the liberal peace', Roland Paris, for example, notes that it involves "a diverse array of international actors performing a wide range of functions – from writing and rewriting national constitutions to drafting criminal laws, organizing and administering elections, tutoring policemen, lawyers, and judges, formulating economic policies and temporarily taking over the administration of entire territories"(2005, p.4). Duffield observed that this range of new practices emphasise "conflict resolution and prevention, reconstructing social networks, strengthening civil and representative institutions, promoting the rule of law, and security sector reform in the context of a functioning market economy (2001, p.11) . For Duffield 'the liberal peace' was "part of the complex, mutating and stratified networks that make up global liberal governance"(2001, p.12). Richmond, meanwhile described the liberal peace less concretely, as discourse which organises peace in liberal ways (2007, p.6) This structure, he argued involves 'deep' peacebuilding interventions "whereby social, political, economic and cultural frameworks are altered or introduced to contribute to the creation of the liberal peace" (2007, p.130). However, in the early 2000s, it appeared that many of the liberal peacebuilding missions of the early period remained dependent on international life-support to keep latent conflicts at bay and many others had relapsed into violent conflict (Call & Cousens, 2008; Berdal, 2009; Fortna, 2008). In short, liberal peacebuilding was not producing self-sustaining liberal states. This generated a significant debate concerning the 'crisis of liberal peacebuilding' (Cooper, 2007).

The literature reflects two lines of critique concerning this apparent 'crisis' which Newman classifies as the 'problem solving' and 'critical' approaches (Newman et al., 2009, p.23). One example of the 'problem solving' approach was Krasner who argued for yet greater international involvement in managing the peacebuilding project. Citing post-9/11 security concerns, he concluded that transitional administrations established by the UN in Kosovo and Timor Leste were "weak" (2004, p.119). Instead, he proposed "shared sovereignty", a framework in which the international community would "assume control over local functions for an indefinite period of time," (2004, p.119). Another example was Roland Paris who cautioned that liberal peacebuilding is a "modern rendering of the *mission civilisatrice*"(2002, p.638). For Paris it involves "the globalisation of a particular model of domestic governance—liberal market democracy—from the core to the periphery of the international system" (2002, p.638). Paris notes that "[w]ithout exception, peacebuilding missions in the post-Cold War period have attempted to 'transplant' the values and institutions of the liberal democratic core into the

domestic affairs of peripheral host states" (2002, p.638). Yet the conclusion he draws from his analysis is that that the crisis is one of "technique" rather than one of mandate or objective (Paris, 2005, p.179). Instead of attempting to liberalise societies too quickly, Paris offers 'institutionalization before liberalization' (IBL) as an alternative Wilsonianism which "[constructs] the foundations of effective political institutions before the introduction of electoral democracy and market-oriented adjustment policies," (2005, p.179).

After resigning his post as a district administrator of the UNTEAT transitional administration, Jarat Chopra became critical of the top-down model then characterizing peacebuilding. He observed that "the tension created by UNTAET's preoccupation with control [over peacebuilding] at the expense of the local community's involvement" was undermining the legitimacy of the peace that was being built, (2000, p.30). Calling for a "predeployment" of anthropologists, Chopra and Hohe argue that locally "specialised knowledge is one tool to help tackle the dilemma about the scope of social engineering by identifying objectives according to what is possible (2004, p.298). Chopra concludes that if the UN is to be successful in the peacebuilding, then it would have to take a much more "gradual" approach which allows "time for an indigenous paradigm to coexist with or to gradually transform during the creation of, modern institutions," (2004, p.289). Like Paris, Chopra and Hohe are critical of peacebuilding techniques but wish to preserve their objectives. These problem-solving approaches maintain that the nature of the liberal peace crisis was one of policy which could be overcome by more international oversight and better technique.

However, another body of literature emerged which understood the crisis to be 'the liberal peace' itself. The so-called critical approach called into question the central assumptions embedded in 'the liberal peace' and was suspicious of the notion that market democracies could or should be the basis for peace. For example, the so-called 'democratic peace thesis' (Doyle, 1986b; Diamond, 1992), was famously cited as being "the closest thing we have to an empirical law in international relations" (Levy, 1989, p.88). As such, the thesis was a central assumption guiding 'the liberal peace' and underpinning a universal democratization policy in post-conflict settings. However, Chandler found that "in the case of Bosnia, democratization has undermined autonomy and self-government on the assumption that external assistance is necessary for building an alternative that will more effectively bridge segmented political divisions," (2000, p.194). He concluded that "[i]nstead of strengthening the central institutions of the new state, and facilitating compromise and negotiation, the democratization process has removed policy making capacity from both the state and the entities," (2000, p.194).

Similarly, economic liberalization was assumed to result in a liberal peace. Following the so-called 'Washington consensus', this economic meta-narrative was organised around a number of market liberalization policies which included wholesale economic reforms including, tax reform, reforming public expenditures, trade liberalization, privatization, and deregulation (Maxwell, 2005, pp.3–9). However, Pugh indicated that market liberalization was undermining the sustainability of peacebuilding by opening vulnerable post-conflict markets to volatile international fluctuations (Pugh, 2005; Pugh et al., 2008). 'The liberal peace' was also assumed to lead to a more secure peace. Duffield describes the logic of a liberal peace as flowing from the view that "underdevelopment, while dangerous, is open to remedy and demands engagement" (2001, p.114). He argues that 'the liberal peace' seeks to "transform

the dysfunctional and war-affected societies that it encounters on its borders into cooperative, representative and, especially, stable entities" (2001, p.11). Yet as mentioned, a self-sustaining peace eluded donors and security remained largely dependent on continued international presence. Richmond's critique of 'the liberal peace' was more sweeping. Given the arguments above, he concludes 'the liberal peace' is a universal, orientalist, discursive-structural formation which legitimates a multidimensional transformative project (2007, pp.204–206) This project, Richmond argues is "sometimes colonial and racist in that it implies the transference of enlightened knowledge to those who lack the capacity of the morality to attain such knowledge themselves" (2007, p.204).

Responding to this critique of 'liberal' peacebuilding projects, Paris argued that they "[verge] on unfounded skepticism and even cynicism," (2010, p.338). Newman, for example argued that critiques of the liberal peace tend to over-estimate the capacity of the liberal peace to actually transform entire societies. He suggests that led some critics of 'the liberal peace' to view it as "dominated by a single coherent hegemonic agenda", reducing the agency of liberal peacebuilders to that of mere instruments of "a global conspiracy," (2009, p.46). He concludes that "the critical approach to peacebuilding suffers from the analytical weakness of meta-theorizing, (2009, p.45). Chandler agreed, citing the "radical" critical literature for misinterpreting the liberal peace 'crisis' to be the result of "too much liberalism". Following a line similar to Newman, Chandler cites a concern with "the way that the term 'liberal' appears to have become an easy and unproblematic assertion of critical intent." Instead, he argues for critical engagement with "the policy practices and discourses themselves," (2010b, p.155; 2010a).

Attempting to pivot away, critiques of the 'liberal' approach to peacebuilding Richmond turned attempting to find a more "emancipatory model," one more connected with, and legitimated through bottom-up, local processes as opposed to the largely top-down models precipitating the liberal peace crisis (Richmond, 2007, p.215 see also ; Burton, 1993; Bush, 1996; Lederach, 1997; Pouligny, 2006; Fry, 2007). Critical Peace and Conflict Studies began looking for existing local capacities and alternatives. While critical PCS warns against inclinations to romanticise 'the local' (Richmond, 2009b), this area of research explored "ways in which internationally supported peace-making interventions can be improved by their inclusion of traditional and indigenous approaches to peace-making," (Mac Ginty, 2008, p.140). This 'local' turn in the peacebuilding literature signalled a shift away from a structural critique of 'the liberal peace' in favour of engagements with agency, contingency, and emergence (see Richmond & Mitchell, 2012). This literature opened up new space for engaging with the relationship between agency and emerging hybrid trends in peacebuilding and introduced new voices to the peace debate. To the end, it emphasises the specifically 'local' nature of the agency at play in these hybrid processes.

However, in the context of the mid 2000s 'the local' was viewed with suspicion from the international community. In fact it was local custom, norms, culture and social structures that were deemed as causal factors in the outbreak of the conflict. In the case of Sierra Leone, the customary institution of the chieftaincy was determined to be a threat to sustainable peace (Fanthorpe, 2005, pp.33–34). According to the critical approach, such an interpretation excuses the international aspect of the conflict and shortcoming of the peacebuilding approach. Problem-solving approaches meanwhile concluded that 'the local' was "no panacea," pointing out that "… if the post-conflict society could organise its own

governance arrangements without international assistance, there would have been no need or demand for peacebuidling in the first place" (Paris, 2010, p.359). Belloni, echoes this sentiment. He argues relying too much on 'the local' generates a problematic self-determining "dilemma of civil society" in which "people organize not only around democratic and liberal values, but also around values that can be seen as 'uncivil,'" (2008, p.182). He concludes that the risk of a locally rooted and locally situated civil society is too great: "the best avenue to favour the emergence and development of a domestic civil society […] is to strengthen the state…," (2008, p.208).

Nevertheless, 'local ownership' and 'civil society' emerged as essential to the success of liberal peacebuilding. Indeed, the central problem of peacebuilding became a problem of 'the local': how to foster local ownership of an internationally initiated liberal peacebuilding enterprise (Andersen & Sending, 2010; Jarstad & Olsson, 2012). This shift was also reflected in the problem-solving literature. Caveating for "naïve assumptions about locals [and internationals] knowing best," Donais cautions against the possibility that "activist civil society organizations may not necessarily be pro-peace, but might just as easily engage in the type of factionalised, zero-sum politics that stand in the way of sustainable peacebuilding" (2009, p.14). Yet, Doinas concludes that peacebuilding "must be based on the realistic conclusion that [it] can only succeed with the sustained contributions and commitment of both internationals and locals (2009, p.22). To this end, Sisk envisions a fundamental revaluation of peacebuilding policy which moves toward "a seamless set of phases of international involvement that may begin with heavy-handed deployments, but that changes over time into a deeper, generations-long commitment to democratization" (2008, pp.256–7). To sum up, from the problem-solving perspective, local ownership, local participation and local civil society while necessary, remained potentially risky propositions and therefore required carefully managed international oversight. By the late 2000s, academic peacebuilding literature was characterised by an essential tension pulling between the theoretical distinction between 'the liberal peace' and 'the local' (Newman et al., 2009, p.14). However, at the same time that the liberal-local binary hardened, a consensus began to emerge across both problem-solving and critical approaches that that local participation in the peacebuilding process was essential to its ultimate success. Despite significant debate pertaining to its nature, shape and normative commitments, the literature began to shift away from 'the liberal peace' paradigm and toward a more hybrid paradigm rooted in 'the liberal' *and* 'the local'.

Hybridity: Between 'the Liberal Peace' and 'the Local'

To be sure, the critical and problem-solving debate carried over into the hybrid paradigm. While so-called problem-solvers remained skeptical of local inputs into hybrid processes, critical approaches suggested that 'the liberal peace' crisis was more than a problem of international management of the process. Instead everyday local agency, culture, norms, and institutions should, and ultimately would shape whatever forms of peace would emerge. Foremost amongst these scholars was Richmond. Following the work of Spivak (1988), Bhabha (2004), Scott (2009) and de Certeau (1984), his postcolonial turn drew attention to the often subtle ways that local agency manifests in the face of domination (2011b; 2012). Richmond also draws from Scott's anthropological insights, who, following Foucault's formulation "where there is power there is resistance," invokes a power-resistance dialectic as the basis

for 'infrapolitics' (Scott, 1990; 2009). For Scott, infrapolitics is manifested in "*everyday* forms of peasant resistance"; he notes that "[m]ost of the forms this struggle takes stop well short of collective outright defiance [but consist of] the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage and so forth," (1985, p.29). Behind these infra-political projections, autonomous spaces for everyday life are created and maintained.

The post-colonial turn in the critical literature opened space for the exploration of local agency outside of its visible, 'liberal' modes of expression through a 'civil society' for example. With these insights, Richmond introduced alternative manifestations of local agency into the peacebuilding debate. He argued that resistance is often "aimed at changing the nature of external intervention, preserving or engaging with everyday life, culture, needs, or maintaining spaces away from the liberal gaze," (2012, p.118). In Bosnia Herzegovina, Kappler and Richmond find resistance manifesting in "hidden spaces provided by cultural or customary frameworks," (Kappler & Richmond, 2011, p.274). They see this resistance expressed in the creation of "small civil society advocacy organizations for identity, needs or rights purposes; vocal and physical resistance; discursive deconstruction or co-option of institutional frameworks for governance; and through a process of negotiation over the nature of the peace that is being laid down," (2011, p.274). From this basis the critical literature argued that local forms of resistance functioned as a potent factor in challenging 'the liberal peace' project, forcing a 'negotiation', and influencing outcomes. The critical PCS literature has styled this process, 'hybridity'.

However, while the nature of hybridity was being debated in PCS and IR, hybrid processes continued to unfold everyday across a range of peacebuilding sites. Indeed during the late-2000s, peacebuilding projects increasingly involved both a heavy emphasis on building the capacities of state institutions favoured by Paris and Sisk (Paris & Sisk, 2009) while also working along the lines advocated by Chopra (and increasingly Richmond) in calling for a much deeper understanding of and involvement with 'the local'. According to the literature, these top-down and bottom-up processes were combining in various ways to generate 'hybrid *forms* of peace'. Observing these effects, Boege et al. remark that the "only way to make state institutions work is through utilizing kin-based and other traditional networks " (2009, p. 603). Therefore, they argue that approaching peacebuilding through the legitimacy these local institutions enjoy can eventually emerge into a more traditional Weberian state (Boege et al., 2008, p.10). In this sense they do not view hybrid political orders as a concrete model for an alternative state but rather as an,

> "*uneasy and vulnerable coexistence [of] diverse, sometimes competing, sometimes complementary authority structures, logics of order and claims to power [which] interact and pull against each other, combining elements of introduced Western models of governance and elements stemming from local indigenous traditions of governance and politics…"(Brown et al., 2010, p.100).*

Mac Ginty defines hybridity similarly: "processes that are a composite of exogenous and indigenous forces" (2010, p.392). He observes that the "peculiar pressures" exerted through the liberal peace "accelerate" and "distort" actors and institutions in ways which "may be far reaching and profound," noting that "[n]o actor is likely to experience a liberal peace intervention and remain unchanged," (2011, pp.74–5). Given the unique pressures exerted through 'the liberal peace' along with 'local'

manifestations of agency, 'the local' may adopt, modify, co-opt, or resist various aspects of liberal peacebuilding resulting in hybrid forms of peace (2011, p.75). For Richmond, hybridity is also defined constitutively: "local agencies, whether resisting aspects of statebuilding or co-opting it, have begun to find ways of claiming ownership of a politics that responds to [local] needs and identity issues, appropriating liberal peacebuilding, ignoring it or modifying it" (2010, p.669).

Despite some reservations concerning local agency noted above, the problem-solving approach also recognised hybrid processes emerging in peacebuilding contexts and introduced 'hybrid peace governance' to the literature (Belloni & Jarstad, 2012). This term refers to "the activity of governing" a hybrid condition: "where liberal and illiberal norms, institutions, and actors coexist, interact, and even clash," (2012, p.1). Belloni and Jarstad envision hybridity as a range of conditions along a "continuum" between the liberal Westphalian state on one end and "illiberal, often authoritarian, repressive state[s]" on the other (2012, p.1). In this problem-solving literature, hybridity is treated as governing structure which can be managed as such – a hybrid governmentality. They contrast hybrid peace governance with 'the liberal peace'; if the latter is concerned with the rule of law, a market economy and democratic institutions, then the former is a combination of formal and informal, local, customary institutions and laws (2012, pp.3–4). Yet despite the 'illiberal' nature of these local norms and forms, they find that such a "hybrid condition may also contain significant opportunities to make peace processes more stable and provide domestic institutions with the kind of locally rooted legitimacy that liberal peacebuilding has been unable to impart" (2012, p.4). Assessing the significance of the emergence of hybridity both in the literature as well as in peacebuilding practices, Belloni concludes that hybridity offers a post-hegemonic alternative to 'the liberal peace' which requires a move "beyond the ontological and methodological dominance of Western actors and approaches to engage with bottom-up, local views of politics and society," (Belloni, 2012, p.34).

By the 2010s, the debate between 'problem solving' and critical approaches had ossified into a *de facto* consensus concerning the basic contours of hybridity. It was process driven by the interaction between the peculiar pressures exerted by 'liberal' international peacebuilding and resistant and co-optative expressions of local agency emerging in response. In both cases, the distinction between 'the liberal peace' and 'the local' is *essential* to understanding the complex dynamics at play in emerging hybrid processes. On one hand the problem-solving approach emphasises the international dimension of hybridity. Indeed, the 'problem' which is compels 'solving' is understood to be the risk posed by 'the local' as such (Donais, 2009; see also Chandler, 2010a). The point therefore is not to strengthen local institutions but to develop longer-term strategies to harmonise them within the framework of a liberal state thereby ameliorating their potential risks (Sisk, 2008). In the problem-solving literature the liberal-local distinction is put to use for the purpose of developing hybrid governance strategies (Belloni & Jarstad, 2012). The result of this problem-solving impetus is that local agency, custom, institutions and the local legitimacy they command, go unrecognised. Critical approach, on the other hand, sought to engage the 'local' agency, norms and subjectivities that went unaccounted for by 'the liberal peace'. Here, 'the liberal peace' and 'the local' were invoked as a way to understand how local expressions of agency were contesting and unsettling the power exercised through liberal peacebuilding projects (Richmond, 2011b). However, in doing so, the critical literature tended to reinforce the specifically 'local' nature of agency, and the specifically 'liberal' manifestations of power. If 'the liberal peace' was

international, hegemonic, and top-down and structural, 'the local' was agential, grass roots, bottom up, and resistant to 'the liberal peace'. Therefore, in the critical literature 'the liberal peace' tends to be over-structuralised (obscuring how international actors express critical agency and resistance) while 'the local' tends to be over-agentialised (reifying a distinct realm of 'local' authenticity and engine of emancipatory inertia).

Though used in different ways and for different purposes, *the effect* of the appropriation and use of 'the liberal peace' and 'the local' by both problem-solving and critical approaches functioned to harden and reify the very distinctions that hybrid processes were undermining. As a result, 'the liberal peace' and 'the local' define the terms of hybridity rather than the other way around. Understood theoretically, hybridity pre-limits the ways in which agency emerges, anticipates how resistance can be expressed, and articulates who is the subject and who is the object of power. Ultimately, the theoretical distinction between 'the liberal peace' and 'the local' becomes calcified and less able to engage the plasticity of hybrid processes contesting, reshaping, and redefining the nature of the very characteristics deployed to understand and explain them. Again, important hybrid dynamics go unrecognised. However, the critical approach was also attentive to the reductive effects generated by such theoretical distinctions and has grappled in various ways to mitigate its reductive effects while retaining its useful aspects. For example Brown et al. describe hybrid orders as having "no clear-cut boundaries" between the liberal and local and instead describe "processes of assimilation, articulation, adoption, and transformation at the interface of the global/exogenous and the local indigenous," (2010, p.102). Nevertheless they maintain that the liberal-local distinction is "helpful" in so far as it indicates "specific local indigenous characteristics that distinguish them from introduced institutions that belong to the realm of the state and civil society," (2010, p.102).

Mac Ginty is also careful with the 'top-down vs. bottom-up' formulation of hybridity. He argues that it is "crucial that hybridity is not understood as the grafting together of two separate entities to make a new third entity" (2011, p.89). Instead Mac Ginty observes that "[a]lthough these actors and structures may be labelled as 'local', 'indigenous', 'liberal', exogenous' or 'international', it is useful to the them as composites, or amalgamations resulting from long-term processes of social negotiation and adaptation," (2010, p.398). He describes hybridity as a process, as a "constantly moving piece of variable geometry [operating] on multiple levels, through multiple mediums [impacting] multiple (if not all) aspects of life. A social process of such complexity and longevity it is extremely difficult to capture" (Mac Ginty, 2011, p.77). Despite this complexity, Mac Ginty seeks to salvage a reading of hybridity which does not overly problematise its liberal/local constituent parts. He argues against "[interrogating] concepts so rigorously that we find that our language is rendered useless [and] concepts such as endogenous and exogenous, indigenous and international risk losing their currency (2011, p.73). Instead, Mac Ginty adopts the following stance: "recognise the shortcomings of concepts and language and move on" (2011, p.73). He favours accepting 'the liberal' and 'the local' as the "main axes along which hybridization may be projected [in] liberal peace interventions," (2011, p.77). To this end he offers a "simplified" four-part model adopting 'the liberal peace' and 'the local' as 'independent variables' possessing both incentivizing and compliance capacities (2011, p.9).

Yet, despite the essentializing effects of such binaries, 'the liberal peace' and 'the local' remain useful theoretical points of reference when attempting to make sense of the complex emerging hybrid processes. This is not without reason; as Boege et al. note, it is "helpful" to be able to distinguish between the practices of the state and custom (2010, p.102). Mac Ginty agrees, finding that these distinctions are necessary to be able to interrogate such complex social phenomena (2011, p.73). The argument here is not that they are not useful, helpful, or necessary in explaining or understanding emerging hybrid processes, indeed they are. The liberal-local distinction can be used to account for the overwhelming preponderance of the tensions at play in hybrid processes. That said, while yielding many important insights, other important dynamics are inevitably concealed. Yet it is these elusive dynamics which confound and unsettle the very distinctions imposed upon them, dynamics which drive and animate uncertain hybrid processes. Consequently, the theoretical distinction between 'the liberal peace' and 'the local' becomes hardened and less able to engage the plasticity of hybrid processes which contest, reshape and redefine the emerging relations between the expressions of power and resistance they signify.

The Emerging Post-Liberal Peace

Richmond also takes "issue with the simplifications and dichotomies of thinking in terms of local and international," (2011a, p.20). He hedges against "exaggerat[ing] a local-international binary" noting that "such categories inevitably only capture part of the political tensions within peacebuilding," (2011a, p.14). Attempting to recoup these omitted dimensions and circumvent the problematic aspects of the liberal-local binary, Richmond alternatively engages these hybrid process through 'the everyday' (See Richmond & Mitchell, 2012, p.15 for review). Drawing on De Certeau (1984) Richmond describes local agency rooted in the everyday as the way in which "individuals unconsciously navigate their way around and try to create space for their own activities while taking into consideration institutions of power" (2011a, p.127). Broadening the agonistic nature of resistant agency, Richmond invokes 'critical agency' in an attempt to marshal the more productive and affirmative manifestations of local agency (2011a, p.127). This critical agency Richmond argues, moves beyond peacebuilding's preoccupation with cultivating local ownership and liberal civil society and goes "far deeper", getting at 'local-local' peacebuilding in the everyday, (2011a, p.10). Taken together, local agency manifested in everyday resistance and local-local critical agentiality "constitute[s] a subtle co-option, rather than outright rejection, of the liberal peacebuilding process by local actors who are assumed to be its subjects" (Kappler & Richmond, 2011, p.274). According to Richmond, local-local agency "transcends reductive analysis" and therefore cannot be essentialised; it exists outside of the liberal/local binary and instead constitutes a plural "transnational and transversal" community of political subjectivities, (2011a, p.14).

With a more nuanced conceptualization of agency, Richmond and Mitchell go the furthest yet in attempting to dislodge hybridity from its constitutive epistemological foundations in the liberal-local binary. In 'the everyday' Richmond and Mitchell conceive of agency as unfolding "within spaces that are created, constrained and partially occupied by liberal peacebuilding, often in the cracks and fissures generated by its strategies," (2012, p.4). "Crucially" they note, "the space created around peacebuilding interventions is not a dichotomy that divides 'local' from 'international' actors [but] *the terrain* through

which post-Cold War peacebuilding interventions are increasingly carried out" (Richmond & Mitchell, 2012, p.11). This is a *very* important move because it represents an attempt to re-orient critical peace and conflict studies: "[t]hus peacebuilding may now be seen *as a site of encounter* between international and intervention – via social, political and economic engineering – and local acquiescence, co-option, or local resistance" (2012, p.12). Understood in these terms, Richmond and Mitchell argue that "the putative 'line' between the liberal and the local [should] be seen instead as a blurred margin, marked by transnational, transversal, complex relations" (2012, p.12).

In these transversal relations, Richmond observes the contours of an emerging 'post-liberal' peace. Contrary to a liberal-local binary, a post-liberal peace "rests on the multiple and fluid critical agencies, mobilization, advocacy, and accountability stemming from a post-colonial civil society," (2011a, p.199). In these 'everyday' sites, a post-liberal peace is brought about through expressions of "thousands of minor resistances to externalised and contextual strategies of peacebuilding [which] amount to a very significant obstacle for more 'efficient' and 'coordinated' international strategies," (Richmond, 2011a, p.198). According to Bleiker, contrary to the 'strategic agency' animating the liberal peace, a post-liberal peace is expressed through tactical agency which "constantly manipulates its environment in order to create opportunities for social change," (2012, p.302). Rather than a liberal-local hybridity, Richmond and Mitchell describe the resistance characterizing post-liberal, everyday-site-based hybridity "as a shared dynamic, or a reflexive tension, in which actors are simultaneously the objects and subjects of change and must negotiate, shape or help determining the nature of this change," (2012, p.26). A post-liberal peace, Richmond acknowledges, must also reflect the agency of international actors connected with 'the liberal peace' noting that "[i]t is difficult, from a liberal and critical position, to imagine this being achieved without some conception of democracy, law, human rights and development or welfare support" (2011a, p.105).

In order to confront the ontological problem associated with constitutive approaches, Richmond develops 'peace formation'. Peace formation opens hybrid process up to both international and local participation, input and critical agencies(2013a). Richmond describes peace formation as building "relationships with citizens, subjects, the oppressed and marginalised on their own terms, offering them a form of peace as emancipation or liberation which they would recognise and cooperate with," (2013a, p.30). Peace formation is not linked to identity, culture, geography or institution but rather conceptualised as a "conversation [which] is carried along transversal, transnational networks and merges both the liberal and the local, the global north and south," (2013a, p.19). In other words, peace formation is defined in terms of its aim to empower marginalised people within their everyday lives as opposed to being constituted by the liberal-local binary.

Yet as mentioned in the introductory chapter, 'the liberal peace' remains theoretically useful for understanding how *power* circulates in post-conflict contexts. According to Richmond, peace formation is "in a relationship with both externalised and elite dynamics of statebuilding and liberal peacebuilding. Yet, this is a relationship of tension most often where one tries to constrain the other, though there may also be complementarities" (2013a, p.20). While there is no doubt tension stretching *between* international and local actors, institutions and practices, as Richmond mentions, it is also the case that the formation of a hybrid, post-liberal peace will cut *through and across* liberal-local boundaries and

cleavages whether ethnic, geographic, class, gender, sectarian, socio-economic or ideological (2011a, p.105). As discussed, the aim here is not to critique the utility of this theoretical distinction; indeed the nuanced theoretical space it generates is a valuable theoretical tool for explaining and understanding the practices of the CJA impact evaluation. Through analytically useful, the imperative is different here. Rather than using 'the liberal peace' to account for the way in which power circulates in sites, the methodological imperative directs the investigation instead to how *practices* contingently circulate through and between sites in way which reshape what peacebuilding is *becoming*.

Power Beyond 'The Liberal Peace'

Richmond and Mitchell's move to the 'everyday site' creates a way to mitigate essentializing theoretical effects of 'the liberal peace' and 'the local'. Yet in order to account for the circulation of power in sites, 'the liberal peace' remains a theoretically useful tool. However, this theoretical utility can conceal the very changes in peacebuilding practice which render this distinction unstable. In order to explore the contingency and 'play', as opposed to the continuity of power, the methodological approach adopted here points to the ways in which power is *practiced*. Rather than accounting for power via 'the liberal peace', this methodological approach accounts for power as it is appropriated and used, how it is enacted amidst living sites, how power emerges in practice. The changes, adaptations, and modifications often required for enacting peacebuilding practices in and across many sites becomes a highly contingent process called practical hybridity.

In order to engage this dynamic understanding of enacted power, this thesis instead explores the 'play' of power using the ANT-based notion of translation (Latour, 1987b; Callon, 1986; Law, 1997). For Latour, while "the notion of power may be used as a convenient way to summarise the consequence of collective action, it cannot also explain what holds the collective action in place" (1987b, p.265). When invoked as an explanation, power is treated as diffusive force and "… used as a cause to explain collective action. According to a diffusion model of power, […]what counts is the initial force of those who *have* power; this force is then transmitted in its entirety [and then] the medium through which power is exerted may diminish the power because of frictions and resistance…" (1987b, p.267 emphasis original). The advantage of this diffusion model of power, according to Latour, "is that everything may be explained by either talking about the initial force or by pointing to the resisting medium…"(1987b, p.267).

The diffusion model of power is often used to explore the relationship between 'the liberal peace' (the initial force) and 'the local' (the resisting medium). However, while the diffusion/resistance reading of power capture the dynamics which line up along a parallel axis to 'the liberal peace' and 'the local', the practices, the expressions of resistance, and the demonstrations of power which obliquely cut across the liberal-local axis evade detection. Contrary to the diffusion model of power in which 'the liberal peace' is transmitted then resisted, Latour offers an alternative *translation*-based understanding. Translation explores the relationship between power and resistance not as "… resisting a force or transmitting it in the way they would in the diffusion model" but as one in which actors are instead "active members shaping and changing" what is being translated (1987b, p.268). From this perspective, Latour's ANT-

based translation approach allows for an alternative understanding of hybrid processes which are not the byproduct of the diffusion of 'the liberal peace' but "as a consequence and not as a cause of collective action" (1987b, p.269).

Therefore, rather invoking 'the liberal peace' in order to account of the effects of power, these effects are grounded in the attempt to implement the CJA impact evaluation. Power is instead explored through the practice-based notion of *translation* (Latour, 1987b; Callon, 1986; Law, 1997). Contrary to the structural power attributed to 'the liberal peace', translation is embedded in the nature of practice itself. It is the order embedded in a given peacebuilding project, programme, and practice which actors must translate into complex, dynamic living sites through practice. From here, the effects or power attributed to 'the liberal peace' can be alternatively grounded in the contingent translation of the ordering imperative embedded in practices: while the CJAs worked to translate legal empowerment practices into their assigned communities, the CSAE survey team grappled with translating the Randomised Control-Trial (RCT) methodologies guiding the assessment of the CJA's legal empowerment translations. This active process of translation is the productive energy and creative impetus animating the process of practical hybridity. This process unsettles the theoretically useful boundaries between 'the liberal peace' and 'the local', exposing obscured expressions of agency and resistance essential to the hybrid processes giving shape the emerging post-liberal peace. It is also the process which exercises the tension between order and change which will be explored in the following chapters. To be sure, the notion of order does not attempt to account for the broad, global, historical power signified by 'the liberal peace', nor is this the aim. Rather, the goal is to explore how actors creatively translate order in new and different ways and for different purposes.

Chapter Two:
Practicing Order

The previous chapter presented the following argument: a) while used in different ways and for different purposes, 'the liberal peace' and 'the local' are essential to the theoretical explanations and understandings of hybrid processes; b) the theoretical distinction between 'the liberal peace' and 'the local' also respectively delimits the relationship between power and resistance, structure and agency and distributes a range of properties, capacities, and characteristics between them; and c) although theoretical hybridity captures a broad range of dynamics at play across many different sites, others can go unnoticed. In order to explore these unaccounted for hybrid processes without simply reproducing and reinforcing these theoretical distinctions, a different way of engaging with the tensions at play in hybrid processes is required. The over-arching objective of this thesis is to develop a methodological strategy for engaging with the expressions of agency which are left out of a theoretical engagement grounded in a distinction between 'the liberal peace' and the local'.

To this end, I argue that the tension defining practical hybridity is not between 'the liberal peace' and 'local' agency. On the contrary, practical hybridity is defined by a *tension between the order and change* inherently embedded within and projected through practices themselves. Contrary to a theoretical distinction between two social entities, the tension at play between order and change is a contested continuum carried forth by practices emerging in and across many living sites. Therefore, the tension between order and change should be understood as an ever-unfolding process of ordering, of becoming (re)ordered, of practicing order in different ways, a process in which the nature of order is always at stake (Rouse, 2007; Law, 1999). However, in order to develop a methodological strategy which does not re-appropriate the distinctions and limitations embedded in the liberal-local binary, the tension between order and change must be grounded in the practices from which 'the liberal peace' and 'the local' become meaningful. Therefore, before reviewing the nature of order at play in practice, it would first be useful explore the nature of the practices in which they are grounded.

What is Practice?

Practice-approaches to social inquiry claim a pedigree spanning time and discipline. Wittgenstein's work on language and rule-following (1953) and Heidegger's work on an ontology of immanent becoming (Dasein) (1963) are taken to be foundational influences amongst practice 'theorists' (Schatzki, 2001; Rouse, 2007). These philosophers grappled in various ways with overcoming the enduring social-theoretical binaries of their time. They were drawn to 'practice' – what people do – and treated it as a critical point of entry for challenging enduring theoretical dualisms (See Rouse, 2007; Reckwitz, 2002a). While their work is not the present concern, the ideas they generated are. The potential of 'practice' as a way around binaries was tapped by many scholars: Foucault's work on the body as a site of power (1978; 1982), Deleuze's rhizomic multiplicity and contingent assemblage (1987), De Certeau's exploration of everyday tactics (1984), Bultler's notion of performative gender (1989), and Latour's Actor Network Theory (2004). A diverse range of disciplines call on practice theory as well. Sociology

explores practice in the works of Bourdieu's habitus (1990), Giddens' structuration (1984), and Schatzki's site of social practices (2002). Practice is central to science and technology studies (STS) which excavate contingencies embedded in scientific practices and the production of knowledge (see Callon, 1986; Law, 1994; Pickering, 1995; Rouse, 1996). Practices are explored in anthropology by Geertz (1988), Ortner (1984) and Rabinow (1996) and in human geography by Woodward, Jones and Marston (2010). Practice-approaches are also used in International Relations by Bigo (2002), Rassmussen (2002), Neuman (2005), Huysmans (2006), Pouliot (2008), Adler (2009), and Büger (2011b), each of whom regard practice as a valuable avenue for redirecting the perceived overemphasis on structure, institution, and culture in IR theory while also avoiding the myth of the transcendentally rational individual (See Büger & Gadinger, 2007).

Of course, given such multi-disciplinary range and breadth, it necessarily involves a host of debates and nuances concerning the nature of 'practice'; however, this chapter is not a review of 'practices approaches' as such (See Rouse, 2007; Turner, 2007). The present interest is limited to developing a methodological strategy for exploring emerging hybrid processes without invoking the theoretical limits imposed on it. To this end, this chapter highlights areas of ontological agreement and overlap amongst practice 'theorists' as it relates to the observable patterned phenomena of social order. However, it is worth noting that a practice-approach is not a 'theory of practice'; rather, a practice-approach is "suspicious of 'theories' that deliver general *explanations* of why social life is as it is (Schatzki, 2001, p.4 emphasis original). According to Schatzki, a practice-approach simply offers a "general or abstract account" of what people do within a given field of practice (2001, p.3). In this methodological endeavour, practice-approaches depart "from both the once dominant conception of theory as explanation and prediction and theory as hypotheses" (2001, p.4). A practice-approach is therefore primarily concerned with the methodological task of accounting for 'what actors do' as opposed to developing theories to explain them.

In its most basic sense, practice is doing. Speaking to this fundamental essence Mattern defines practice as "doing human being" (2011, pp.73–4). A practice-approach therefore treats 'what people do', or *how people go about doing their human being*, as the basic and fundamental unit of analysis. Mattern argues that practice-approaches treat the doings of actors as irreducible; she finds that practices are "the foundations, or the smallest units of social life" (2011, p.70). According to Schatzki, practices are the everyday "doings and sayings" expressed as human coexistence (2002, p.71). Therefore, it follows that these doings and sayings are expressed as relatively ordered, patterned phenomena. It is the organised nature of practice which distinguishes it from mere activity (2002, p.71). For Schatzki a practice-approach "embraces two overall dimensions: activity and organization" (2002, p.71). Practices are *organised* activities; therefore, order is essential to the ontological integrity of practices. Yet, if the organization of practice is not the byproduct of power, the manifestation of structure, institutional norms, or social culture, then how do practices approaches account for social order of the kind organised under the CJA programme and the CSAE impact evaluation? In order to do engage this question without deferring to the transcendental rationality of individuals or reinforcing theoretical distinctions between 'the liberal peace' and 'the local', a practice approach explores the phenomenon of social order as something grounded in the *material-relationality* of practices themselves .

Materiality of Practice

In response to the cultural and linguistic turns, practice-approaches claim to restore the material dimension to social research. Their aim is to offer a novel point of departure from traditional Cartesian distinctions between subject and object, self and world. To say that practice is material is to say that practice is ontologically anchored in bodies and things (Caldwell, 2012; Reckwitz, 2002a). While the implications of this definition carry far beyond the purposes of the present inquiry (See Coole & Frost, 2010), the literature flags two aspects of the materiality of practice relevant to the CJA impact evaluation: practices are carried through bodies and artefacts (Reckwitz, 2002a, pp.212–13).

First, practices are embodied. According to Schatzki, "the body demands attention in practice theory as the common meeting point of mind and activity and of individual activity and society" (2001, p.2). Rouse notes that the body functions "as both the locus of agency, affective response and cultural expression, and the target of power and normalization" (2007, p.512; see Foucault, 1978). In other words, practices are exercised through and upon individual bodies. However, it is important to note the distinction between embodied *practices* and individual *agency*. Practice-approaches hold that 'practice' remains "ontologically prior" to agency (Caldwell, 2012, p.285). Mattern notes that according to a practice-approach "agency is a *result* of practice rather than its source" (2011, p.72 emphasis original). Schatzki agrees, arguing that "[h]uman agency must... be understood as something contained in practices" (2002, p.240). Contrary to 'individual' agency, embodiment can be read as the materialised expression of practice, or what Reckwitz terms "embodied understanding" (2002a, p.212).

Diane Coole's attempt to reconceptualise agency through 'embodiment' is useful here; she redefines agency in material terms as the 'agentic capacities' located in individual bodies (2005). Her materialist approach parallels practice-approaches insofar as they both resist "ascrib[ing] any specific political orientation to the body *a priori*" and avoid "reifying or simply modelling the body on a traditional sense of agency (as a unified, intentional, active source of freedom or dissent)," (2005, p.130). Coole's notion of embodiment "does not begin with an idealist model of agents [and] then seek their facsimile in the real world" (2005, p.125). Contrary to such Cartesian readings of agency, embodiment looks at "ambiguous signs of agentic expression as they emerge within a shared lifeworld" (2005, p.125). For Coole, bodies are only "contingently, not ontologically identified with rational, individual agents" (2005, p.125). The contingent nature of embodied agency suggests that "the body is never merely a passive transmitter of messages but plays an active role in the generation of perceptual meaning" (2005, p.128). She maintains that an emphasis on the materiality of agency clears new ontological space hence "opening up a field of inquiry and recognition of immanent, contingent emergence" (2005, p.131). In this sense, the ontological body is simultaneously the cause and effect of practice; it is at once effected and effecting. The body is both shaped by practice, yet the body is also a locus of 'agentic capacities' which can reshape and reform the practices which are expressed through the body. In this sense, the body is a site of both order and change.

However, going further, ANT seeks, not only to displace rational, causal intentionality as the source of agency, they seek to displace the human body as the sole site of agency. For this purpose an ANT-based reading of practices is useful. ANT seeks to reconsider the 'theoretical' scope of traditional human-centric agency. Latour argues that "[a]nything that modifies the state of things, making a difference is an

actor" (2004, p.71). With this move, Latour decouples agency from its housing in the intentionality of individual minds and expands it to include materials such as technology, documents, tools, and maps. For Latour, artefacts such as these explain the durability of certain practices where 'social forces' are unable to. Latour argues that artefacts are not mere representations of agency but are themselves actors. ANT proposes that objects and artefacts are "*participants* in the course of action waiting to be given a figuration," (2004, p.71 emphasis original). Artefacts, according to ANT "provide more than just objects of knowledge, but are necessary, irreplaceable components of certain social practices" (Reckwitz, 2002a, p.210). Latour observes that "[b]y dislocating interaction so as to associate ourselves with non-humans, we can endure beyond the present, in a matter other than our body, and we can interact at a distance…" (1996, p.293). In this way, a practice-approach can account for the durability of certain 'ways of doing' outside of face-to-face, single-site limited interactions without invoking extra-material social phenomena such as identity, culture, institution or transcendental rationality, power, global force, 'the liberal peace' or other explanatory 'isms'.

Relationality of Practice

While a practice-approach maintains that modifications to the state of things are not an effect of power, structure, culture or norms, it also maintains that agential capacities are only contingently associated with individual agency (Coole, 2005, p.125). Indeed the central insight practice-approaches offer to social research is that the world consists of various materials (bodies, artefacts and technologies) held together within and through practices rather than by the transcendental rationally of individual actors or the metaphysical properties of norms or culture. This means simply that practice-approaches are primarily concerned with the connections between bodies and artefacts rather than the 'nature' of the bodies or artefacts as distinct units. Schatzki identifies the relational nature of practice to be the "linchpin" of a practice-approach (2001, p.2). To this point, Reckwitz observes, "[w]hen we talk of "social fields" or "institutions", in the end we find nothing more than nexuses and sequences of social practices" (2002a, p.211). For Rouse the relational nature of practice is essential: practices "cannot be properly characterised or understood apart from their belonging to or participation within a practice sustained over time by the interaction of multiple practitioners and/or performances" (Rouse, 2007, p.506).

On the practice-based reading, the relationship between materials (bodies and things) defines what 'order' amounts to. However, this relationship is not static. Instead the relational characteristics of practices set materiality in motion. Latour observes that "any course of action will rarely consist of human-to-human connections […] or of object to object connections, but will probably zig-zag from one to the other" (2004, p.75). It is this 'zig-zagging' *between* materials which practice-approaches identify as ontologically significant. It follows then that practices are not material *and* relational; rather practices are the unfolding relations of materials in time and space, or simply *material-relationality*. Relational-materiality therefore is concerned with these practical nexuses; it looks at the connections, linkages, and relations *between* materials. Schatzki defines the relational arrangement of materials as "how determinant entities are laid out and hang together [the ways] in which they relate and are positioned with respect to one another" (2002, pp.18–19). In other words, relational-materiality is about the *arrangement* of materials in relation to other materials; how bodies, technologies and artefacts are

aligned within and through practice. However, these existing arrangements of materials should not be understood as static and timeless structures but as carried within and through the patterned flow of unfolding organised practices. Law argues that arrangements of bodies and artefacts "do not hold fast by themselves" but instead have to be held in place. In this sense, practices render such arrangements "durable and plastically fixed" (1999, pp.3–4). On this reading, order is organized through practice rather than imposed on it.

Order in Practice

Order, according to a practice-approach, is the situated prefiguration of forthcoming activities, the shaping or channelling of emerging activities within and through practices. Order is not structure; it does not act upon emerging material-relational conditions, but is carried through them. Yet, the apparent ubiquity of order characterizing the condition of 'human being' suggests that order must therefore be a potent byproduct of practice. In this very basic sense, order is essential to the ontological integrity and coherence of a practice-approach. According to Schatzki, "[s]ocial orders are […] arrangements of people, artefacts, organisms and things through and amid which social life transpires" (2002, p.22). Speaking to the ordered nature of practice, Büger, for example, regards practice as "collectively shared and routinised forms of behaviour that are materially anchored in bodies and artefacts" (2011b, p.173). According to Adler and Pouliot, the social phenomena of order are understood as the organization of actions which "tend to be *patterned*, in that they generally exhibit certain regularities over time and space. In a way reminiscent of routine, practices are repeated, or at least reproduce similar behaviour with regular meanings" (2011, p.7). Reckwitz meanwhile, treats the ordered nature of practice as a way in which "bodies are moved, objects are handled, subjects are treated, things are described and the world is understood" (2002b, p.250). In sum, each reading describes order as the organization of human activity *within and through* practices rather than upon them.

The stability of these patterned activities is often referred to as background or tacit knowledge. The notion of order articulated by these terms speaks to the automatic, repetitious, routine or habitual nature of performing certain actions. A particularly prominent example of this background or tacit understanding of practices is Bourdieu's habitus. For to Bourdieu, habitus is a "system of durable, transposable dispositions, which integrates past experiences and functions at every moment as a matrix of perception, appreciation, and action, making possible the accomplishment of infinitely differentiated tasks" (1990, p.87). Adopting properties of Bourdieu's habitus, Pouliot proposes that such practical knowledge "is absolutely necessary for the implementation of any policy because it is on it, and not on bureaucratic models, that constituents' everyday lives thrive" (2008, p.270). Speaking to the unique nature of this knowledge, Adler and Pouliot point out that "[b]ackground knowledge is practical; it is oriented toward action and as such, it often resembles skill much more than the type of knowledge that can be brandished or represented, such as norms or ideas" (2011, p.8). Pouliot argues that the "defining feature of the practices informed by the background is that their rules are not thought but simply enacted. Inarticulate, concrete, and local, practical knowledge is learned from experience and can hardly be expressed apart from practice" (2008, p.271). In this way, practical, tacit or background knowledge

manifests as "'thoughtless' – what popular parlance calls common sense, experience, intuition, knack, skill, or practical mastery" (2008, p.271).

However, Adler and Pouliot add that practice is not only automatic but that "reflexivity and judgment are also at the foundation of practice" (2011, p.16) Attempting to recoup some agency from habitus, they point out that the background and tacit knowledge which is encountered as order "does not create uniformity of a group or community but organises their differences around pervasive understandings of reality" (Adler & Bernstein, 2005, p.196; in 2011, p.16). To this end, Adler and Pouliot look for manifestations of order closer to emerging practices themselves – in communities of practice. Using Wegner's work (1999; 2002), they define a community of practice as "…a configuration of a domain of knowledge that constitutes like-mindedness, a community of people that 'creates the social fabric of learning' and a shared practice that embodies 'the knowledge the community develops shares and maintains'" (2011, p.17; from Wenger, 2002, pp.28–29). Adler and Pouliout link this reading of 'communities of practices' to the competence (and therefore incompetence) which they argue is inherent to the performance of a given practice. On this reading structure "shows up" as an ordering element in the form of "standards of competence" (2011, p.15). In their view "[p]ractice is more or less *competent* in a socially meaningful and recognizable way [and therefore the] structural dimension of practices stems not only from repetition but also, and in fact primarily, from the fact that groups of individuals tend to interpret its performance along similar standards" (2011, p.7). Using the 'community of practice,' Adler and Pouliot maintain that practice-approaches enable "a superior formulation of the agency-structure conundrum, where agency and structure jointly constitute and enable practices" (2011, p.15). However, in their formulation, practice remains "suspended between structures and agency" which reveals an instructive debate (Adler & Pouliot, 2011, p.15; Mattern, 2011).

While order may be an ontologically essential aspect of practice, a debate over the deterministic nature of background and tacit knowledge persists. Mattern points out that Adler and Pouliot's community of practice rests on an *amalgamated* ontology of practice (2011, p.71 emphasis original). She observes that "something that is suspended between other components is distinct from them" (2011, p.71). In 'suspending' practice between agency and structure, Mattern reasons that it "disaggregates practices into the very ontological dichotomies that […] practice exceeds", therein rendering a practice-approach superfluous (2011, p.71). Mattern finds that Adler and Pouliot's community of practice is rooted in an amalgamated ontology which depends on the theoretical distinction it problematises. Such a formulation reduces practice to an *effect* of something else to which practice is 'disposed' or 'suspended' within. In this sense, she concludes that like Bourdieu's habitus, Adler and Pouliot's reading of a community of practice remains ontologically trapped within the very agent-structure binary they set out to transcend (2011, p.71). An amalgamated ontology of practice closely resembles theoretical hybridity in which emerging hybrid processes are suspended between 'the liberal peace' and 'the local'.

The example of order presented in habitus and the community of practice debate is instructive insofar as it illustrates the distinction between theoretical and practical hybridity. When practice is treated as constitutive or amalgamative outcome, it loses ontological viability; it simply becomes that which is being ordered, a secondary phenomenon. This in turn drives interest, emphasis, and focus to the extra-material forces which then must be called upon to 'explain' this ordering. In the process practices are

made dependent on some other explanatory variable. To this point, Mattern notes that habitus and other amalgamated ontologies of practice reduce "practitioners […] to mechanistic carriers and executors of competencies they 'inherit' from the *habitus;* and practical action devolves into a self-reinforcing 'locked-in' structure that is impervious to change" (2011, p.72 fn; referencing Reckwitz, 2002b). Understood as amalgamated social phenomena, the ontological value of practice goes untapped. Given that hybridity is synonymous with change, such a conception of order will not suffice. Yet as Rouse indicates, practice-approaches "[create] theoretical space which can account both for the dynamism of social order as well as its stability…" (2007, p.505).

As a way of avoiding a similar trap, one in which 'the liberal peace' and 'the local' are reproduced and reified, I look to Schatzki who "… offers a post-Cartesian account of agency" in which "agency is a result of practice, not its source" (Mattern, 2011, p.72). This has a profound impact on how a practice-approach engages 'the social'. When order is privileged in a practice-approach, the crucial question then becomes 'how are practices ordered? When the question of practice is emphasised over order, then practice itself assumes ontological priority and the crucial question then becomes 'how do practices order?' Given that I am interested in accounting for the practices driving the hybrid processes shaping the emerging post-liberal world, the latter question carries greater relevance. While a practice-approach must equally consider and account for both the effective and effecting byproducts of practice, the approach adopted here is to account for how order is sustained through practices, rather than attempting to explain how practices are ordered.

Practicing Order

In order to develop an approach to practice which avoided Bourdieu's overemphasis of the ordering elements of practice, I use Schatzki's notion of 'practical understanding'.[4] Schatzki's approach to order grew from a general dissatisfaction with the ways post-structural theories such as, Bourdieu's 'habitus' (1990), Giddens structuration (1984), and Deleuze and Guitari's assemblage (1987) articulated an understanding of order as the 'substantialization' of 'abstract machines' (2002, p.94). Yet Schatzki was also critical of Latour's "nominalism" for not paying enough attention to the ordering effects of practices (2002, pp.89–94). His approach to understanding social order focuses on practices. He describes a practical understanding as such: "a practice of doing 'x' is organised by a socially typical understanding of x-ing" (1996, p.89; Reckwitz, 2002a, p.211). Similar to background or tacit knowledge, a shared practical understanding "carries all kinds of dispositions, behaviours, rules, pre-reflective habits and background assumptions that are enacted in practice" (Caldwell, 2012, p.289). A practical understanding is a socially shared understanding of what it means and how to go about 'doing' something; it is the essential understanding that is required to carry out or execute a given practice. For example, in order to tie one's shoes one has to know how to tie one's shoes; shoe tying is an omnipresent shared practical

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[4] Schatzki develops a broader analytical typology of order which include rules, teleoaffective structures and general understandings in addition to practical understanding. Rather than expanding on each of these, I simply fold the rules and teleoeffective and general orderings of practice into the *specific* practical understanding required to execute the CJA impact evaluation.

understanding which is demonstrated – it is not explained but learned by 'doing', by practicing shoe-tying. For Schatzki, practical understanding is a vital element of order in practice. Like habitus, background knowledge, and the community of practice, the notion of a practical understanding embraces the idea that the "persistence and transformation of life, rests centrally on the successful inculcation, of shared embodied know-how" (2001, p.3).

However, Schatzki cautions that while a practical understanding "resembles habitus […] in being a skill or capacity that underlies activity [it] differs in almost never determining what makes sense to people to do, [and] almost never, therefore, governing what people do" (2002, p.79). Instead, the various ordering effects of practice give way to the fundamental "indeterminacy of action" embraced by practice-approach (2010, p.504). According to Caldwell, the 'indeterminacy of action' in Schatzki's reading of practice "avoids any hint of predetermination or theoretical reductionism by insisting that participation within a practice only takes on a determinate form as it happens" (2012, p.297). According to Rouse, a practice-approach treats order as "regularity *exhibited* by what practitioners do, rather than in a rule *followed* by them" (2007, p.528 emphasis original). Order, as it is understood in a practice-approach, does not determine what people do; rather what people do determines what order amounts to (Schatzki, 1997, p.298).[5] For Schatzki, order is contingent in nature. It is an on-going process, "the hanging together of things, the establishment of nexuses" (2002, p.18). To the extent that order is stable, it exists at these 'nexuses of organised human activity' or 'constellations of action' (2002, p.71).

Therefore, as opposed to approaching order in practice through a given habitus, field, community, or assemblage, Schatzki begins at the most basic levels, with the organization of 'doings and sayings'. He finds that an *organised* activity, action, doings, or a sayings, "almost always constitute further actions in the context in which they are performed, the set of actions that composes a practice is broader than its doings and sayings alone" (2002, p.72). Rouse agrees; he argues that practices "…must constitute something at issue and at stake in their outcome" (2007, p.531). Rouse identifies "what is at stake" as "the difference it would make to resolve [an] issue one way rather than another. But that difference is not already settled; working it out is what these practices continue to be 'about'" (2007, p.532). This unfolding process of 'settling' according to Rouse "point ahead of themselves toward something essentially contestable" (2007, p.532).

Practices are purposeful; they are arranged to do something, designed to bring something about. This purpose is embedded in the organised nature of practices. In order to account for the bundling of activities into organised nexuses of practice along with the further action it implicates, Schatzki evokes the notion of a 'task' or a 'project'. A task or a project is a material and relational manifestation of an 'organised nexus of practice'. A project functions to sort activities into "a set of hierarchically organised doings/sayings" (2002, p.73). The 'project' is inherently embedded with a goal or objective. The doings, sayings, activities, individual tasks, and practices are directed toward the end circumscribed by that project. It is the objectives embedded in the project which connects, organises and prioritises these activities. For Schatzki a project is a 'teleoaffective' form of order in which the rules, methods, guidelines, laws, ethics, and the normative significance "always exhibit a set of ends that participants

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[5] This is a reformulation of Schatzki's original quote: "rules do not determine what people do; rather, what people do determines what following rules amounts to."

should or may pursue…"   (2002, p.80). However in keeping with indeterminate nature of emerging practices, what *is* done is never fully sewn up before it emerges. On this reading practices are organised for some purpose, to do something, to address some perceived problem, to maintain or establish some order, to bring about some change.

Therefore, according to a practice-approach, order is not cause but effect. ANT is particularly effective at exposing the contingent nature of order. John Law holds that order is a byproduct of practice, that what appears as order are rather "precarious" connections requiring "constant maintenance" (1997). He points out that the unstable nature of order suggests that "everything is uncertain and reversible, at least in principle. It is never given in the order of things" (1999, p.4). Therefore, he concludes that "…there is no social order. Rather there are endless attempts of ordering" (1994, p.101). Büger observes that a practices approach "subordinates many phenomena to the status of secondary problems dependent on practice" (2011b, p.174). He observes that "structure needs to be used (or activated) in practices. Rather than seeing actions as determined by structures, structures depend on practice. This leads to a fairly contingent understanding of order, in which anything that appears to be stable is a puzzle and not an explanatory factor" (2011b, p.174). Accordingly, the value of a practice-approach should be "firstly, understood as a way of analysing the creativity of agents, how they can change the course of future by enacting structures differently" (atrib. Büger,2011a). Arguing along similar lines, Adler and Pouliot pin-point the critical insight offered by a practice-approach:

> *Change not stability is the ordinary condition of life. 'Change takes place because most of the time most people in an organization go about what they are supposed to do; that is, they are intelligently attentive to their environments and their jobs'. Stability… is an illusion created by the recursive nature of practices […] new ways of thinking or doing necessarily emerge from the contingent 'play of practice' in which meanings are never inherently fixed or stable (citing 2011, pp.16–17; March, 1981, p.564).*

Understood as such, order can be said to exist because of change rather than in spite of it. Regarding the status of 'order' in a practice-approach Lynch proposes that "[w]hat is at stake is not the theoretical problem of order, but the substantive production of order on singular occasions" (2001, p.131). Therefore, I am not primarily interested in how a given project shapes practices but how emerging practices carry the project forward. The crucial question is not the omnipresence of ordered human activity manifested in background knowledge, but rather how practitioners *apply* this background knowledge in the world. What is ontologically significant is how a practical understanding is *translated* into a practice (Callon, 1986). What I am looking for are instances in which what *should* be done gives way to what *is* done, when what may emerge becomes what *emerges* in practice, when how a project is designed to unfold is practiced differently, when order gives way to change.

Summary

The practice-based notion of order outlined above represents an attempt to bypass 'the liberal peace' and the expressions of power and agency it delimits. The material-relational nature of practice allows order to be alternatively grounded in practices emerging in sites. However, the objective is not to

develop theoretical explanations or understandings for the nature of order in practice. Rather the aim is a methodological one: to account for how order is practiced, how it 'shows up' or changes as practices circulate through and between the sites they are designed to order. To this end, the point is to develop a methodological strategy for engaging with the expressions or power and agency which escape detection by 'the liberal peace' or 'the local'. Using Schatzki's practical understanding, order can be grounded in the legal empowerment practices enacted by the CJAs and the RCT-based methodologies practiced by the CSAE evaluation team.

Following these practices as they move through and between living sites, I attempt to account for how the various actors involved in the CJA impact evaluation set about executing or carrying out the respective practices, how actors drew upon their practical understanding in order to be able to creatively translate practical *understanding* and bring it forth in living communities. I trace how participants in the CJA programme drew on practical understanding of legal empowerment in order to design, implement, and manage a mobile paralegal programme in rural Liberia; I map how participants in the evaluation of the CJA programme drew from a practical understanding of randomised control methodology in order to adapt the survey design to better assess the impact of the CJA programme. Using this methodological approach, the aim here is to account for the fluctuations ways in which power is expressed, structure is enacted, and order is practiced.

Understood as such, engaging with practice through a concrete project creates sufficient scope for engaging with the arrangement of doings, sayings and activities which have to be gathered, organised, stabilised and maintained throughout the duration of the project and managed through to completion. At the same time such a project must also remain open to the shifts, changes and rearrangement of practices required to complete the project. Using the flexibility contained in Schatzki's notion of the practical understanding I seek to replace the 'power' attributed to 'the liberal peace' and instead explore how the order embedded in the CJA impact evaluation 'shows-up' in the CJA programme and the CSAE impact evaluation. However, as Caldwell points out, the "critical challenge for practice theory is to explain how practices remain the same *and* how practices change" (2012, p.491). Attempting to meet that challenge and account for both order and change simultaneously, I turn to the site.

Chapter Three:
A Practical Situation

Order must be translated into complex living sites. This defines the essential tension at play in practical hybridity. Drawing from Schatzki, the order embedded in practices is called practical understanding and should be understood as the contingent ways in which practices are arranged into projects, the various constraints embedded into it, the purpose for which they are designed, the perceived problem they are organised to address, the desired changes they intend to bring about, and how practitioners go about addressing it. The aim in this thesis is to develop a methodological strategy for engaging with some fine-grained detail sometimes omitted by theoretical hybridity tied to 'the liberal peace' and 'the local'. As mentioned, Richmond and Mitchell's work on everyday sites destabilises the theoretical integrity of 'the local' and essentializing effects it generates (Richmond & Mitchell, 2012). Extending this post-liberal peace project, this thesis seeks to disrupt the theoretical integrity of 'the liberal peace' and the theoretical distinction vis-à-vis 'the local' it preserves. In order to provide both form and texture to this argument, this chapter borrows significantly, though selectively, from several important insights presented in Schatkzi's ontology of the social site (2002). Schatzki's site ontology is one which is attentive to the tensions between order and change as practices emerge in living sites.

Yet, the distinction between practices and sites is not an attempt to reinsert a theoretical binary to explain or understand practical hybridity. Rather, according to Schatzki, it is the social site which is defined by the practices circulating through it. This leads to a fairly open and dynamic reading of the site. The unstable condition this dynamism generates is therefore better understood as a *situation* (Woodward et al., 2010). In order to explore the contingency between order and change without deferring 'the liberal peace' and 'the local', an alternative, methodological strategy for engaging with the dynamic tensions at play in emerging hybrid processes is proposed: the practical situation. A practical situation is the immanent unfolding condition in which order slips into change, the ongoing process of contested ordering. On one hand, a practical situation requires continuous, active management of organised, purposeful practical understandings on one hand and the imperative to translate that practical understanding into and between many living sites on the other. Contrary to a theoretical framework or explanatory model, a practical situation is a methodological strategy designed to draw attention to the work of actors as they attempt to translate the order embedded in their practical understanding into complex living sties (Callon, 1986). It provides a way to engage with how actors explain and understand their own practical situation, how they set engaging with it, and the practical hybridity that emerges.

What is a Site?

According to Schatzki, "…the best way to approach [social inquiry] is to tie social life to something called 'the site of the social' (2002, p.xi). Sites, "are *where* things exist and happen" (2002, p.63 emphasis original). He argues that "to theorise sociality through the concept of a social site is to hold that the character and transformation of social life are both intrinsically and decisively rooted in the site where it

takes place" (2002, p.xi). In its most basic sense, Schatzki describes the site as being "composed of a mesh of orders and practices." In this formulation "[o]rders are arrangements of entities (e.g. people, artefacts, things), whereas practices are organised activities" (2002, p.xi). Although very basic, this definition of the site nicely frames its contours. On his reading, the site is at once the *context* where things happen and practices are ordered as well as a *clearing* in which emerging practices set about the task or ordering, attempting to do something or to bring something about in social sites.

A Site as a Context

Understood as a context, the site is 'the place' in which materials (bodies and things) interact, it is where everyday life unfolds. In this way the site functions as the relational-material context in which emerging practices emerge. Context, in this sense, is what Schatzki identifies as the particular 'orders' or 'arrangements', the materials clustered in a given site, effecting the flow of activity (see also Foucault et al., 2007). For Schatzki, in this 'contextual' sense, the site "surrounds" or "immerses" practice; sites are where bodies and things are "suspended" and action is "determined" and "prefigured" (See 2002, pp.61–66 for review). In this way, the site-context shapes and channels the forthcoming flow of emerging practices. However, a practice-approach eschews any distinction between order and practice. Practices are not 'suspended' *in* structure, 'immersed' *in* global forces, or 'ordered' *in* sites; nor do sites impose outside structural, normative, or extra-material context upon the practice emerging there. On Schatzki's account, the contextual elements of a site are not "not self-standing or self-propagating configurations" (2002, p.59).

As discussed in Chapter Two, order is a byproduct or effect of practice rather than a cause, a source or mere 'context'. Rather, order is an effect generated practices emerging in sites; the site and practice are part of the same moving, circulating relational materiality through which the condition of order emerges. As such, the site is not simply the location, place, or geographical space upon which practice emerge. Practices transform locations into living, social sites; the site-context is defined by the practices circulating there rather than the other way around. It is through this practice-dynamo of 'doing' that practices are brought forth into the site, giving it shape, imbuing sites with meaning. Schatzki, describes sites as "the context-forming arrangements into which coexisting humans are woven… (2002, p.21). A site therefore is not simply the material context within which practices emerge; a site does not simply constrain emerging practices or order activity. Rather a site is a dynamic and shifting context defined by the practices unfolding there and enlivened by actors as they set about finding ways to translate their practical understanding into the shifting material-relational terrain of that living site.

Indeed, for Schatzki the 'within-ness' of a site-context separates the site as a "special sort of context" (2002, p.65). A site is where "entities are intrinsically part of their own context" (2002, p.65).[6] In other words the site within which practice emerges is itself composed of the movement generated by the practices sustaining it. Practices generate their own context; sites are the living context of practices unfolding amongst a multiplicity of emerging practices. *Sites are practices emerging in relation to other*

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[6] Here is where Schatzki differentiates a sites ontology from what he regards as the nominalism of ANT defined as "a particularism which denies context" (2002, p.66 see p. 66-70 for review; See also Latour, 2004; Pickering, 1995; Law, 1994; Callon, 1986)

practices in space. Therefore it is important to note that Schatzki's distinctions between practices, sites, and order is only *analytical* not ontological. Ontologically, practice and the site are not distinct, opposing structures, units of analysis or abstract forces breaking down along binary lines which can then be juxtaposed like individual/social context or agent/structure. Practices are not suspended in sites like agency is suspended in structure (Mattern, 2011, p.71). Rather the distinction between practices and the sites in which they unfold collapses into the same flat, yet dynamic ontological relational-materiality. In this sense, sites are simply the material clusters and nexuses of practices in space. Practices and the sites in which they unfold are composed of the same fundamental concrete material (bodies, things and artefacts) and the continually unfolding relations between them generated by practice. Human geographers Woodward, Jones and Marston find that a flat, site-based ontology requires no "transcendental organizing principle or category beyond the swarms of material articulation and differentiation," (2010, p.273). On this basis, the contextual dimensions of a site must not to be mistaken for structure or outside-order. The flatness of these material relations connotes the absence of any *a priori* hierarchy, projected power asymmetries between pre-existing groups, or invented third-dimension of social theory. Though again, the aim is not to ignore power asymmetries but to map how power is enacted through practice amidst and across many living sites (Latour, 2004).

A Site as a Clearing

Sites are more than context, but also a *clearing* of relative contingence where practices emerge may emerge in new ways and take on different meanings. Emerging amidst the ordering effects of the site-as-context, it is simultaneously replete with "spaces" "openings" "mediums" "clearings" and "fields"' (Schatzki, 2002, pp.140–141). As actors set about enacting their practical understanding in the living site, they must account for the movements and trajectory of other emerging practices and the objectives of other actors moving through it, each attempting to do something. As the organised practical understanding bound up in a given project encounters the messy, swarming, chaotic and contingent nature of a dynamic, living site, a condition of 'play' opens up. This 'play' in turn, generates unstable pockets, opportunities, moments of immanent possibility in which practices can emerge anew and continually (re)shape and (re)define their context. In these clearings, the routine, scripted, teleoeffective, ordering effects embedded in a practical understanding opens up to contingent possibility and change. It is through this process that practices are continually forced to confront the world they seek to order. In such clearings, a gap opens up in the stream of order as practitioners continually attempt to enact the order embedded in their practical understanding within complex living sites. A fundamental component of Schatzki's site ontology is the position that "[a]ll the [order] in the world cannot sew up agency before it occurs. The endless becoming of social life effected in human actions transpires in a social site that qualifies paths in numerous ways of import for action" (2002, p.233). Accordingly, practices "continually evolve because of changing circumstances, accumulating experience […], and shifts in the orders and practices that the actions engage or are part of" (2002, p.242). For Schatzki, the site is "home to continuous occurrences [and] agency is the central motor of that steady current" (2002, p.233).

A Site as a Situation

The site is a context and a clearing; it is at once ordered and changing. Yet a site does not stand outside of the practices circulating through it – practices *are* the sites through which they circulate. The simultaneous contextual and clearing properties of Schatzki's site ontology attracted the attention of human geographers Woodward, Jones and Marston (2010; See Marston et al., 2005; Jones et al., 2007; Escobar, 2007; Jonas, 2006 for debate). In a series of articles, they target the legacy of Cartesian binaries embedded in geographies of scale. They hold that hierarchies of scale (agent/structure, core/periphery) divert critical attention away from the localities in which they are rooted, focusing instead on the hierarchical, global epistemologies of 'power' and transcendental structures which are "anchored by the endpoints of the local and global" (Jones et al., 2007, p.265). According to Marston et al., the 'macro-pronouncements' of power which "assigned the global more causal force, assumed it to be more orderly (if not law-like) and less contingent, and, by implication, relegated its other [the local] to the status of the case study" (2005, p.421).

Jones, Woodward and Marston find that this hierarchical scaling is projected onto a number of enduring theoretical binaries: "agency and structure, subjectivity and objectivity, parochial and cosmopolitan, concrete and abstract, static and dynamic" (Jones et al., 2007, p.265). I hope to add 'the liberal peace' and 'the local' to this list by reversing the explanatory relationship between 'theory' and case study. However, in order to bypass the local-global binary, these authors draw on the flat ontological properties of the site.[7] They argue that a site ontology is a flat ontology. According to Escobar, their flat ontological approach "[discards] the centering essentialism that infuses not only the up–down vertical imaginary but also the radiating (out from here) spatiality of horizontality" (2007, p.109). This formulation therefore also eschews the presupposition of power enshrined in spatialised core-periphery binary power relations. A flat ontology removes the vertical, topological landmarks and concentric horizontal mile-markers of power which allow lived space to be transcended and ordered from above. What remains is the messy, chaotic, disassembled nature of living and ever-unfolding social phenomena as experienced from the ground along with the practices circulating through this flat, moving space which continually (re)organise and (re)arrange it.

However, to say that a flat ontology does not project 'global forces' or extra-material structural order into the site is not to say that a flat ontology treats emerging social phenomena as immanently open, mobile, and fluid. Indeed, Marston et al. resist what they describe as "flowsterism", or "pure flow or absolute deterritorialization" connected with liberal cosmopolitanism (2007, p.265). They argue that flowsterism ignores "the large variety of blockages, coagulations and assemblages (everything from material objects to doings and sayings) that congeal in space and social life" (Marston et al., 2005, p.423). In sites, the 'flow' of activity binds into "collectivities of bodies and things, orders and events, and doings and sayings that hang together so as to lend material consistency to [such] dynamic relations" (Woodward et al., 2010, p.274). Therefore, a flat ontology of practices emerging in complex living sites must a) embrace the chaos and contingency of emerging practices; yet it must then b)

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[7] They develop their approach by synthesizing a Deleuzian flat ontology (1987) with a Schatzkian site ontology.

identify patterns of order running through or cutting across the contingent nature of flat sites; and it must c) do so without deferring to extra-material structures or causal global forces.

Therefore, according to Woodward et al., "we must approach sites as aggregating negotiating and *working* materialities – bodies in motion, affecting and effecting – that sometimes enfold the labours of purposeful subjects" (2010, p.273 emphasis original). The incessant motion of a site they argue is "always a matter of labour, of work…" (2010, p.273 citing; Spinoza, 2000). They describe the site as a 'state of affairs' open to a perpetual 'state of play'. Given this motion, Woodward et al. argue that the task of a site ontology is to engage "the immanent material connection between bodies and unfolding *situated* practice" (2010, p.273 emphasis added). From this observation, they define the 'state of play' characterizing the site as an imminent, unfolding *situation*. If practice is 'what' is done, and the site is 'where' it is done, then the situation broadens the scope of a site ontology to include a materially situated 'why' and 'how' it is done. This is a crucial insight. By redefining the site as an imminently unfolding situation, Woodward et al. are better able to capture the contingent properties of the site along with the order which congeals there.

A Practical Situation

Drawing on Woodward, Jones, and Marston's work, I want to briefly sketch out the methodological strategy developed to expose some of the expressions of agency obscured by theoretical hybridity: a *practical situation*. A practical situation combines Schatzki's site ontology, with Woodward et al.'s reading of the site as a situation generated by emerging purposeful *work* or *labour*. In other words, I want to allow any previous *analytical* distinctions between practice and the site, context and clearing, or order and change to collapse into their flat relational-material ontology of moving, purposefully organised work. The practical situation is simultaneously a) the site, b) the specific practices circulating and emerging there, and c) the situation generated by what those practices are attempting to accomplish in the site. Taken together, the practical situation is the imminently unfolding material condition requiring the constant management of on-going tensions between order and change (see Figure 2).

The Intra-play of a Practical Situation

A practical situation is defined by what a practice is organised to do, what it is designed to bring about in a given site. As Woodward et al., remark, the material movement of purposeful work defining the site suggests that the "site is a dynamically composed aggregate whose 'map' is drawn according to its own internal 'logics', rather than any generalizing laws" (2010, p.273). The notion of the internal 'logic' of a site is an important dimension of a practical situation which signifies a *situated* reasoning (Coole, 2005, p.125). This

Figure 2: A Practical Situation I

'internal logic' or 'situated reasoning' is concerned with the on-going management of the unfolding practical situation. This management consists of the continual negotiation, arbitration and trading-off between order and change, between how a given practice was designed to emerge and how it does emerge.

The practical situation is the constant management and balancing required for enacting a practical understanding amidst a living site characterised by a multiplicity of spatially and situationally overlapping and entangled practices. On one hand, practitioners must balance the practical understandings – the purpose of the project, what it is organised to address and bring about, the targets, goals, benchmarks, objectives and so forth. Practitioners must actively manage the demands of diligently and rigorously *practicing* the principles, guidelines, rules, ethical, procedural and methodological 'best practices' as set forth in their project. On the other hand, the ordering effects of practice must be *translated* into complex webs of living sites. This translation of practical understanding often requires trade-offs, cutting corners, spending extra-time, going over-budget. It entails the displacements, transformations, course corrections, strategy revisions, overhauls, changes of plans, the subtle adjustments, adaptations, compromises and innovations made along the way (Callon, 1986). The practical situation is designed to capture how actors translate the smooth, teleological order of practical understanding into the variable patterns of practice circulating through the uneven, complex material dynamics often characterizing living sites. In other words, the practical situation is an ever-unfolding, materialised demand to consistently translate what 'should' be done into what 'is' done, to enact practices in new or different ways.

Regardless of the specific nature of the practice, I maintain that practices are ultimately about translating practical understanding into sites (Callon, 1986; Law, 1997; Latour, 2004). A practical situation is the imminent, unfolding condition actors are grappling with as they enact this process of translation. As actors encounter and navigate the living site in which their practices ensnare them, they draw upon their practical understandings. In this condition Schatzki finds that "people do what makes

sense to them to do" (2002, p.232). In order to tease out with greater detail 'what makes sense' for actors to do within a site, I draw from Callon's sociology of translation (1986) and the transfer of knowledge literature (Freeman, 2009). Callon's empirical research followed three marine biologists investigating declining scallop populations in St. Brieuc Bay. He identified four 'moments of translation' which he found to be an overlapping and continual phased process "during which the identity of actors, the possibility of interaction and the margins of manoeuvre [were] negotiated and delimited" (1986, p.6). Callon identifies translation as "the mechanism by which the social and natural worlds progressively take form" (1986, p.19).

Freeman observes that translation 'theory' is "to a large extent normative [and] concerned with what good translation is or should be" (2009, p.433). Using the translation of text from one language to another as an example, Freeman pinpoints the essential tension at play in translation: "[s]hould a translation conform to the structure and vocabulary of the target language, 'domesticating' the foreign text, or should it retain a sense of foreignness, enriching the target language with new resources?" (2009, p.433). The play between 'faithful' and 'free' translations is very much a practical tension which has to be negotiated "in such a way as to preserve the essential symbolic structure ('topology') of both source and receptor language" (2009, p.433; See Steiner, 1998, p.246). In the end, translation is a vital tool as, according to Freeman, "[it] takes place on the ground, as practitioners (including researchers and policy makers) talk and write about *new ways of doing things*" (2009, p.440 emphasis added). Translation, he notes, "is thus a 'bounded' or 'constrained' innovation" (2009, p.433). The 'play' in a translation can perhaps be understood as something like technique: the faithful yet creative interpretation of a practical understanding of how 'x-ing' is done along with its innovative application amidst a living site. Good technique is expressed as the subtle bending of rules, a narrow betrayal of orthodoxy; it slightly aggravates the tension between practical understanding and the living site into which it must be translated. Read as such, translation reveals the creative application of practical understanding amidst the complex intra-play of a living site. The ontology of a practical situation is designed to capture and engage these moments of translation, these constrained innovations as they emerge in living sites.

Interplay: Practicing Between Sites

As presently laid out, a practical situation is limited: it is designed to engage the intra-play of the site, it is concerned with the internal logic of the practices shaping it. However, as Schatzki points out, "[l]ives hang together not just in and through single settings, but also across multiple ones" (2002, p.148). Therefore, while practice may be materially grounded the site of its emergence, many sites may be implicated in the practices emerging there. It is due to this limitation that the practical situation attempts to account for both the *intra-play* of a site as well as the *interplay between sites*. The motion of one site may be implicated in the motion of another. While practices emerge locally in the site, the ordering effects they produce may overflow and extend far beyond the local site of their emergence, just as they may flow in from other sites. In other words, the practice of one site can shape the arrangement of, and therefore how a practice may emerge, in another site. While the practices circulating in one site may disproportionately shape the practices circulating in other, these effects must ultimately arbitrated through emerging practices. That said, the practical situation extends the material-

relational limits of practice beyond the immediate local site of its emergence to those sites which may also share a stake in the outcome of a given project.

Yet the connections between sites are also practical in nature. Indeed, to the extent the site is an 'entity', it is a very porous and dynamic one. Practices pass through and between sites. Practices inhabit and shift within a site, altering existing material-relational patterns, changing the nature of the site as they pass through, only to proceed to the next site. The movement of materials (bodies and things) through and between sites is often constrained by rules, standard operating procedures, ethical codes, and budgets, themselves connected to a range of other sites. In this way the practice of one site can be brought forth in relational-materiality in another site. This movement can also be assisted and extended with technology. Practices can be transcribed onto artefacts, digitally encoded, and electronically transmitted between sites allowing the practices emerging in one site to endure beyond the site of its emergence (Reckwitz, 2002a; Callon, 1986; Harvey, 1989; Latour, 2004). Experience gained from encounters in different sites serve as a resource in another (see Figure 3).

What is of crucial significance however is how connections between sites emerge. This dissertation is centrally concerned with *how* such connections are forged, stabilised, strengthened, and entrenched; how these connections break down, reform, and diversify; and how these connections must be constantly managed and maintained through practice. The durability of these connections is a function of the practical overlap they share. These linkages must be constantly managed, maintained, re-developed, and reconfigured through the circulation of practice through and between sites. Strong connections are a measure of the relative alignment of practices, an overlapping practical purpose, and a shared stake in maintaining and improving the

Figure 3: A Practical Situation II

circulation of bodies and material between them. Meanwhile the weakness of these connections is measured in terms of the relative lack of shared practical understanding or perhaps even an opposing stake in a given practical situation.

As actors transit through and between sites, Schatzki observes that an "ontological primacy [cuts] across the different actions that a person performs at any given moment…" (2002, p.74). The practical situation is designed to identify what emerges as the central problem, the thing at issue; practices emerging in sites express what is important, what is significant, what is at stake. At the same time the practical situation captures how that significance can change as practitioners attempt to translate order into complex living sites. In this way, the movement of practices through and between sites also

generates contingencies and clearings in which practices are open to being done differently, emerging another way, expressing shifting significance, and change. According to Schatzki, "[w]hen changes in practices or bundles include new projects and actions or new ways of carrying out existing projects, the practical understandings (and bodily repertoires) of participants must change for new or evolved practices and bundles to stabilise" (2012, p.17). While order is an effect of practices, on this reading the effect of order is maintained by changing practices rather than a steady, consistent stream of order. The practical situation is designed to explore the fluctuations wherein actors enact practices differently; such changes in practices are what I define as practical hybridity.

Using the Practical Situation

It is important to reiterate the practical situation is not a theoretical model designed to explain or understand complex hybrid processes, but a methodological strategy for exploring expressions of agency and the uses of power which can escape even insightful theoretical distinctions. This brief section turns to how I will put the practical situation to use, how it will be 'operationalised' in sites as I attempt to account for the practical hybridity at play in the CJA impact evaluation. As mentioned above, ANT provides some useful methodological insights for tracing the actors through and between sites.[8] Similar to the theoretical relationship between 'the liberal peace' and 'the local', Latour is concerned with attempts to reconcile local action within the global or structural 'context' in which it emerges. He argues that this movement between local and global produces an endless dialectical, circular relationship in which neither the micro nor the macro can be conclusively established as even existing let alone explained (2004, p.170). As an alternative to the theoretical project of explaining complex social phenomenon as effects of actors and structures, power and resistance and so forth, Latour proposes the project of tracing connections – a project he calls sociology of association (2004; see also 1987b). While this approach is not fully adopted here, it does provide a useful methodological strategy for isolating discontinuities and contingencies at play as actors work to translate order into living sites and build connections between them. His aim is to re-conceptualise the nature of power as an effect or outcome which must be constantly maintained and held in place by the circulation of practice through sites.

Contrary to conventional sociology, Latour claims that connections "don't cover, nor encompass, nor gather, nor explain; they circulate, they format, they standardise, they coordinate..." (2004, p.246). ANT sets itself the task of riding these circulating waves of actors building networks (actors networking) which establishes and maintains an entity as such. It maps the specific tracks between one place and another as they are laid; it engages with the ontological labour of rendering new practices into a stable configuration of sites. Again, this network-based approach is not an attempt to conceal the historical legacies of power, domination, or injustice at play in contemporary peacebuilding project. (2004, pp.63–64). Rather ANT seeks to investigate the ways in which systems of domination and injustice are

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[8] In a selective sampling of these principles, I borrow from Latour's call to "keep the world flat" and the "follow the actors". Though I do not adopt the sociology of associations he presents in its entirety, it does provide useful methodological strategies for exploring the use of power in a few sites as opposed to the effects of power generated by the organization of practices across many sites.

materially maintained by the practices of actors circulating through and between sites (Latour, 2004, pp.63–64; see also Law, 1986). This approach reveals the ways in which power becomes unstable when it is used, when actors must *translate* it into and between sites (Callon, 1986; Law, 1997). Using an ANT-based approach, according to Latour is an attempt to "…capture those many connections without bungling them from the start by some *a priori* decision over what is the 'true size' of an interaction of some social aggregate" (2004, p.178).

Therefore, rather than attempting to explain or understand this complex process using theory, here the imperative is to engage with how bodies are organised for the purpose of implementing a peacebuilding project and to account for the contingencies at play as this process unfolds. This work is practiced. It is enacted, executed, it is carried out in observable, traceable pathways and circulating patterns of relational-materiality moving through and between living sites. In order to identify, trace, reveal, and eventually reassemble the connections which hold local sites together, Latour advises that we "[j]ust follow the flow. Yes follow the actors themselves or rather that which makes them act…"(2004, p.237). He argues that ANT was developed as "a very crude method to learn from the actors without imposing on them *a priori* definitions of their world building capacities" (1999a, p.20).

> *Actors know what they do and we have to learn from them not only what they do, but how and why they do it. It is us, the social scientist, who lack knowledge of what they do, and not they who are missing the explanation of why they are unwittingly manipulated by forces exterior to themselves known to the social scientist's powerful gaze and methods (1999a, p.19).*

According to Latour, ANT embraces "the rich vocabulary of the actors' practice [and avoids] replacing their sociology, their metaphysics, their ontology with those of the social sciences…" (1999a, p.20). Following the actor's lead, ANT provides a useful methodological strategy. Rather than

> *… imposing some order beforehand, ANT claims to be able to find order much better after having let the actors deploy the full range of controversies in which they are immersed. It is as if we were saying to the actors: 'We won't try to discipline you, to make you fit into our categories; we will let you deploy your own worlds, and only later will we ask you to explain how you came about settling them (2004, p.23).*

Following this Latourian methodological strategy I attempt to trace the practices of the CJA impact evaluation and account for the movement of project through and between the sites connected it. Instead of deploying theoretical distinctions for explaining and understanding the CJA impact evaluation, the objective is to account for how actors explain and understand their own practical situation and follow them as they actively manage the process of translating organised practical understandings into living sites. The goal is to account for the changes, the innovations, ad hoc translations, and the creative use of practical understanding, to explore the process of practical hybridity that emerged as actors set about implementing their projects in many different living sites. A practical situation is an attempt to follow the practices cutting across and running through sites like a practical red thread, weaving through and connecting sites, stitching them together into a practical patchwork, arranging and aligning sites by shared practices, accreting sites, binding them into a shared overlapping practical situation (Latour, 1988 particularly his discussion on empire-building).

Summary

For Schatzki "an account of the site is inherently one if ceaseless movement and incessant rearrangement and reorganization…" (2002, p.190). In the course of carrying out projects, actors must translate the practical understandings folded into that project as they enter, transpire within, contend with the undulating practical terrain within and between the sites held together by the practices of a project. In this way 'order' is always in play; it is never fully concluded or foreclosed but is dependent on the continual 'doings' of actors as they encountering their mutually inhabited situation. Instead order is the constant and often creative management of the connections between the present site of action and the continuity of shared practical understanding linking sites together. Actors must constantly balance the immediacy of the intra-play within site vis-à-vis the overlapping practical situation characterizing the interplay between sites. In the process, the translation of practical understanding into living sites demands improvisation and adaptation; it requires enacting practices in new and different ways.

Therefore the purpose a practical situation is to account for the actual work undertaken in conceiving, developing, strategizing, and implementing a project, how actors go about problematizing, enrolling, and mobilizing other actors and enfolding their labour into the project (Callon, 1986). The purpose is to capture the innovative translation of the ordered practical understandings embedded in the rules and methods of the project into a slightly different practice, perhaps in the processes changing how that practice is done in the next site. A practical situation reveals the concrete labour exerted by actors traveling from site to site attempting to gather them into a practical alignment, to bundle them into practical network, to increase circulation of share practices, to synchronise a practical understanding, and to enfold bodies, things and sites into a shared practical situation.

As we will see, for the Community Justice Advisors in Liberia, the practical situation demanded the creative translation of the legal empowerment practices into rural Liberian communities where customary justice predominates and the formal justice system is largely absent and viewed with suspicion when it is present. Meanwhile, for the CSAE survey team, the practical situation required the innovative translation of Randomised Control Trials (RCTs) into these same sites for the purpose of assessing the impact of the CJA's re-translations of legal empowerment. In this way, the practical situation functions as a methodological strategy designed to engage the flexible, ad hoc, and adaptive translations of these legal empowerment and RCT-based practical understandings into and between the complex patchwork of offices, classrooms, and 176 Liberian communities. Through these translations, peacebuidling practices emerged in new and different ways, driving a process of practical hybridity.

Chapter Four
Positionality: Practicing a Practice Approach

The central argument presented over the preceding pages is that while the theoretical distinction between 'the liberal peace' and 'the local' has produced a number of significant insights, other important expressions of agency and creative uses of power slip by undetected. In order to explore these aberrations, this dissertation attempts to develop an alternative methodological strategy for engaging the hybrid processes at play in the CJA impact evaluation without invoking 'the liberal peace' and 'the local'. Turning instead to the practices circulating through and between sites, this thesis explores the contingencies at play in the CJA programme and the CSAE impact evaluation as a process of practical hybridity. Practical hybridity is grounded in the material-relation movement of everyday living sites; it is expressed as practitioners find creative, ad hoc ways to translate purposefully organised practices into and between many different living sites where the nature of order is always contested.

When explored through practice, those omitted expressions of agency and critical uses of power that cannot be reconciled within the existing liberal-local distinction, rise to the fore. Theoretical hybridity, on the other hand, can conceal the ways in which international actors and peacebuilding projects can be organised for the purpose of contesting the 'liberal' appropriation of peace. It may obscure how 'liberal' methodologies of power can be used for the purpose of unsettling 'liberal' modes of governing and generating space for emancipatory politics. In order to engage these obscured expressions of agency, I attempt the somewhat controversial task of prying open the theoretical black-box labelled "the liberal peace" to expose the unstable process through which international practitioners may express critical agency and resistance and trace how they practice power in ways which are emancipatory as well as instrumental. Of course, this is only one of many narratives woven into the practices that emerged in the course of the CJA impact evaluation. To be sure, this could easily be a story about 'local' resistance to a 'liberal peace' project. So why tell this story? This chapter attempts to provide some answers to this question by bringing the narrator – me – into the production of this story.

The account of the CJA impact evaluation presented over the following chapters is translated from my position as a participant, an insider, a practitioner. However, the story of the CJA impact evaluation is narrated from within the project as insider rather than as an outsider, academic. The aim of this chapter is to reflect on my position as both an insider – a participant on the CSAE survey team – and as an outsider: a temporary research assistant conducting a somewhat parasitic 'critical' research project. This chapter attempts to work through a number of tensions that must be reflexively addressed and negotiated before turning to my account of the CJA impact evaluation. First, I discuss the tension that arose as I was enrolled into the CJA impact evaluation as an insider and how this reshaped the nature of my dissertation. Second, from the outsider position, I consider how my altered dissertation had become captured by 'power' along with the ethical implications which follow. Third I review how I plan to translate between insider and outsider positions while maintaining a reflexively light footprint so as not to detract from the practical hybridity at play in the CJA impact evaluation (Latour, 1988; Pels, 2000). In the process I hope to also clarify the context in which the somewhat controversial 'critical' claim: that the CJA programme and the CSAE impact evaluation are emerging in emancipatory ways which displace

the formal legal institutions associated with the Liberian state and generate an unsettled and contingent potential for justice to be practiced in new and different ways. In the process, the growing number of international studies, of which the CJA impact evaluation is one example, is reshaping what peace means and changing what peacebuilding is becoming in the emerging post-liberal world.

Becoming an Insider

I first visited Monrovia in November 2009 for a short three-week field visit to get the lay of the land and develop some contacts. I arrived with a broad interest in issues related to hybridity; initially my thesis proposed to interrogate peacebuilding programmes through a post-colonial lens in order to explore how 'local' resistance to 'liberal' interventions was changing the peacebuilding process in Liberia. During the course of the trip, I met with a number of international and local peacebuilding organizations. I learned of a number of organizations who were running deep-penetrating social interventions in rural Liberian communities, one of which was a mobile paralegal programme run by The Carter Center. This programme involved deploying local Liberian paralegals to remote communities to raise-awareness on the rule of law and assist community members in resolving disputes. These types of interventions struck me as a particularly insidious example of how 'the liberal peace' works to upset restorative customary justice relations essential to everyday Liberian community life, thus destabilizing traditional institutions and undermining them as a legitimate alternative to the state formal law.

Upon departing from this short trip to Liberia, it appeared as though my investigation into local resistance would be well-sourced with the many deep-penetrating social interventions at play in Liberia. The trouble, however, was access. I needed a way to move beyond Monrovia-based interviews with policy-makers in headquarter-compounds and to access the hybridity at play behind the glossy policy papers. Nearly two years later, when I was planning my return visit, I applied and was hired as a research assistant. The position entailed working for two researchers (Bilal Siddiqi and Justin Sandefur) from Oxford's Centre for the Study of African Economies (CSAE). They were forming a small team to launch and manage the end-line survey of The Carter Center's Community Justice Advisor programme (CJA) which I learned about during my previous visit.

The CJA programme was deployed in five Liberian Counties and 88 largely rural communities. These communities were divided between 14 mobile CJAs based in regional JPC compounds and outposts throughout the counties. Each mobile CJA was assigned 10 communities, provided a motorbike, and required to schedule two visits per communities a month. While the CJA's tasks, tools and resources are many (see Chapter Seven), their general job description is to raise awareness of the formal law, to educate community members of their rights under the law, and to assist in resolving conflicts in their community. I was hired to assist in the final phase of CSAE's practical collaboration with The Carter Center which began with a base-line survey in 2009. In the intervening two years, the CJAs put their legal empowerment practices to use, attempting to raise the level of legal awareness and help resolve disputes in their assigned communities. Using a quantitative methodology called a Randomised Control Trial (RCT), the data from the end-line survey could be compared against the baseline data, and the overall impact of the CJA programme could be assessed.

Gradually, I was enroled (Callon, 1986) into the CSAE research team, I became a practitioner, a project insider. Yet, my motive for doing so was *this* project: conducting a critical research project on hybrid processes in Liberia. So I was also an outsider? My enrolment was comprised of the everyday process of acquiring practical understanding, picking up 'know-how' and becoming familiar with the practices, the actors, and the stakes involved in the project. My enrolment also involved more direct practical training, reading and learning by doing. This process extended to general discussions, gossip, and chatter, all of which provided some sense of the practical situation into which I was being enroled. Through this process, I became an insider, functioning primarily as a practitioner, enacting practices in accordance with and pursuant to the goals of the end-line survey.

Indeed, my participation often went beyond implementation and required active problem-solving. My input was sought and provided in the arrangement of and organization of the project including the formulation of a field strategy, the designing of the survey instrument, providing feedback from piloting, and the development of a research framework. My position as a project insider involved participating in the daily problem-solving exercises which emerged in the course of implementing the impact evaluation. I participated in the internal process of designing, training enumerators, piloting, redesigning, re-piloting, changing strategies, designing a new research framework and survey instrument, re-training and re-implementing which unfolded as the team circulated through sites. From this inside position, my labour was directed toward the ends of the research project in which I was participating. This involved acting instrumentally and developing more effective intervention strategies.

This flags up a number of sticky ethical issues which must be managed when conducting insider, participatory research (Cahill et al., 2007; Dwyer & Buckle, 2009). In its most dramatic iteration, the insider-outsider debate concerns anthropologists working for the U.S. Defense Department's Human Terrain System (HTS) project (See McFate, 2005; Gonzalez, 2009). The HTS project involves embedding ethnographers with U.S. military units in order to generate a map of Afghanistan's human geography (Forte, 2011). Proponents argue anthropologists can provide valuable knowledge and insight into local culture in ways which ultimately saves, lives while making the discipline more relevant (See McFate, 2005; Renzi, 2006). However, the American Anthropological Association (AAA) sided with the critics, concluding that HTS was "a problematic application of anthropological expertise, most specifically on ethical grounds" (AAA, 2007). The nature of the AAA's "disapproval" of the HTS project was not due to the practice of 'embedding' or conducting so-called 'insider' research *per se*. Instead the AAA was concerned about the ethical implications of anthropology again functioning as the "handmaiden of colonialism" in a war-zone (McFate, 2005, p.24). While my situation in Liberia is obviously quite different from that of Afghanistan, this debate is instructive insofar as it frames the ethical tensions associated with conducting ethnographic insider research such as I did with the CSAE survey team. Clearly, I wanted to avoid being enlisted as a 'handmaiden of colonialism'.

Yet, this ethical imperative has always been in tension with the academic demand to shed light on new social phenomena, to push the edge of knowledge and generate insightful research. Depending on the research question, sometimes generating insightful research requires access. As Dwyer and Buckle point out, the "insider role status frequently allows researchers more rapid and more complete acceptance by their participants. Therefore, participants are typically more open with researchers so that there may be

a greater depth to the data gathered" (2009, p.58). However, they point out that access may come at a cost:

> *the researcher's perceptions might be clouded by his or her personal experience and that, as a member of the group, he or she will have difficulty separating it from that of the participants. This might result in an interview that is shaped and guided by the core aspects of the researcher's experience and not the participant's. Furthermore, its undue influence might affect the analysis, leading to an emphasis on shared factors between the researcher and the participants and a de-emphasis on factors that are discrepant, or vice versa (2009, p.58).*

While this practical situation requires careful management, Dwyer and Buckle find that objectivity is not ensured, since remaining "…an outsider does not create immunity to the influence of personal perspective" (2009, p.59). Rather than attempting to either conceal this insider-outsider tension or to over-problematise it, I hoped to embrace it.

However, this embrace was an awkward one. I entered the program as a self-described 'critical' researcher whose participation in a deep-penetrating international intervention was undertaken with a great degree of scepticism and active bias against such international interventions. The critical ethical orientation tends to view international interventions into postcolonial civil society as inherently problematic. The critical ethical impetus is to expose the hidden power relations in these interventions that reproduce systems of domination. However, becoming an insider, I found myself operating according to a development-based practical understanding, one shaped by different ethical rationale. According to this development-based ethic, it is inherently unethical to abstain from intervening to change systems of injustice and disempowerment is unethical (Manzo & Brightbill, 2007, p.37; Cahill et al., 2007, p.308). I soon found myself operating upon the extended ethical horizon of a social experiment, actively instrumentalising human subjects and manipulating their lived environment for the purpose of producing data which could be useful for developing yet more effective intervention techniques.

Two instances illustrate the ethical tension between a critical ethic and a development-based ethic guiding the project I was participating in. In Chapter Eight I review the CSAE survey team's decision to pitch the Lightning Round: a three-month experiment in which the CSAE survey team adopted active operational control over the Community Justice Advisor Programme. This decision transformed the project from one designed to collect data into one designed to generate it. Chapter Nine details the randomisation process that was incorporated into the Lightning Round experiment, a process which ultimately involved temporarily withholding assistance from people seeking help, instead prioritising the needs of research design and demand for impactful data. Although the CSAE's intervention was approved by the Institutional Ethical Review Board (IRB), the Lightning Round highlights the tension between a critical and a development-based ethical position. As a critical researcher, I found myself in ethically uncomfortable positions, enacting the ethically contentions practices I set out to critique. This thesis could easily be a critique of the ethics of experimental development interventions. Imposing a critical ethical standard upon the CJA program or the CSAE impact evaluation would fall neatly within the existing theoretical boundaries between 'the liberal peace' and 'the local'; it would conform to the

established distinctions of power and emancipation, structure and agency, or international intervention and local resistance that frame theoretical hybridity. However, there was more.

Re-Becoming an Outsider

As I began to transition back into my outside-researcher role, I emerged with the perspective of an insider. After participating in the CJA impact evaluation, I found myself unable assess the ethically contentious practices of the intervention from the position of as an outside critical scholar. Instead, I felt ethically compelled to ground those decisions in the practical situation in which they emerged. As the story will tell, this intervention involved a number of what, from the critical theoretical perspective, are dehumanizing and instrumental practices, ones which Richmond and Mitchell refer to as "social engineering" projects designed to dislocate the justice practices which sustain customary ways of life (2012, p.19; see also Chandler, 2010a). However, there was more; there was a remainder, left-over power and agency which were unaccounted for, obscured by the existing theoretical models grounded in the liberal-local binary. Heuristically speaking, theoretical hybridity explained perhaps 90% of the tensions and practices that unfolding in the course of implementing the CJA impact evaluation. However, 10% of activities driving these hybrid processes exceeded the explanatory limits of liberal-local hybridity. In the context of the CJA impact evaluation, this 10% remainder emerged a significant factor in shaping the unfolding hybrid process in Liberia, one which demanded serious academic attention.

Yet as I returned and began to write a story which included the unanticipated 10% remainder that I encountered in the course of the CJA impact evaluation, I realised that my ability to do so was constrained by the theoretical limits separating 'the liberal peace' form the 'the local'. I found that theoretical hybridity imposed an epistemological shape on the circulation of power and expression of agency that delimited how power can be discussed and what can be said about agency. These shapes conceal how power and agency circulate across this artificial theoretical frontier in ways which are reshaping what peacebuilding is becoming. Rather than narrating a story of local resistance to 'the liberal peace', I found myself writing about the agency and resistance expressed by the international actors I had been working with for a number of months. Had I been captured by the very power I set out to critique? Had I been co-opted by the 'the liberal peace'? Was my thesis a justification for subtler colonial practices, legitimizing more insidious forms of international bio-political intervention (Chandler, 2010a)?

From the insider perspective, the ethical issues at stake are more complicated than these reflexive questions imply; hybridity is not simply generated by local tactical responses to an unchanging monolithic repository of power called 'the liberal peace' (Blieker, 2012; Certeau, 1984). Hybridity is also produced by the tactical, everyday re-translations of power *through* 'the liberal peace'. Richmond writes that hybridity includes "the way in which even in domination the coloniser invokes hybridity […] producing hybrid forms of peace [which] may represent an exercise in power, reproducing a colonial relationship (2011a, p.123; Bhabha, 2004). Speaking to deep penetrating international peacebuilding interventions, such as the CJA impact evaluation, Richmond and Mitchell argue that peaceubuilding "… norms such as care and social health or well-being may lead to a form of 'soft', or even 'affective

biopolitics" (2012, p.20). These deep social interventions, they find, "… may, from a critical perspective, appear as a force for the colonization and domination of the everyday, although it may, paradoxically, be experienced as a form of emancipation" (2012, p.20). Was I falling into the classic hybridity trap – to confuse colonization with emancipation? Richmond and Mitchell point to the source of this domination/emancipation paradox at play in hybridity: to resist a machine is to fuel its productive processes and to provide material upon which it can work" (2012, p.20; see Mitchell, 2011).

This paradox is inherent to theoretical hybridity: not only is it an *effect*, generated by interactions between 'the liberal peace' and 'the local', hybridity is also the *effecting* process by which the theoretical distinction between them is consistently becoming undermined. In order to get around this paradox, Richmond turns to 'the everyday' which is grounded in sites, a move followed here. However, he cautions that critical research must take into account how power can appropriate hybridity, using it to extend patterns of domination, "[o]therwise, any engagement with the everyday will be skewed toward the current predominant 'liberal ' modes with its attendant contradictions, masquerading as hybridity" (2011a, p.123). To be clear, the concern about being captured by power is real and was taken seriously in the production of this thesis. Yet the problem I faced posed a different set of questions: where does the 'liberal' appropriation of hybridity give way to the agency and resistance of 'the local'? How could I tell if the hybrid processes I was observing on the ground were merely the strategic adaptation of power working to enfold its 'local' other? Was I being co-opted by insider access, losing my bearings as critical outside researcher?

As I reflectively transitioned back into my position as an outsider, an alternative ethical issue surfaced: had I been co-opted by my encounters with peacebuilding interventions, or had I been disciplined by theories which explained them so well? Was this paradox another byproduct or symptom of the theoretical distinction between 'the liberal peace' and 'the local' and the problematic dichotomy it sustains? Brigg and Bleiker offer some guidance in managing this ethical tension. Their defence of autoethnography proposes the question from a non-theoretical position: do such explorations generate new and useful insights into an existing puzzle (2010)? Brigg and Bleiker describe an "ideal scenario" for a valuable autoethnography as one in which the author is "able to access important insights that would otherwise remain dismissed or devalued" (2010, p.789). For them, the value of an autoethnograpic, insider-approach is that it explicitly calls on the author to draw on their "… personal experiences to open up new perspectives on how knowledge, language, and power are at play…" (2010, p.792). To this end they note: "[o]ur suggestions for advancing and evaluating autoethnographic knowledge are based on the proposition that insights developed through an exploration of the author's position should be evaluated not by some *a priori* standard of reference, but by their ability to generate new and valuable insights for particular knowledge communities" (2010, p.792).

However, the 'ideal scenario' they describe was much messier as it unfolded in rural Liberian communities. Nevertheless, Brigg and Bleiker pinpoint the reflexive ethical tension I grappled with in becoming and insider and then re-becoming an outsider. What story was I going to tell? As mentioned, this thesis could have represented the story of the CJA impact evaluation as a liberal peace intervention which was resisted by local communities. Why tell the 10% story rather than the 90% story? Because, the 10% story is an *emerging post-liberal* story in which the limits of power and meaning of

emancipation which define characterise the 90% story are actively contested and negotiated as they are perpetually brought forth amid complex living sites. The critical ethical imperative is to expose hidden power relations and contest entrenched systems of domination. This critical ethic is therefore heavily invested in tracing the processes through which systems of domination are reshaped, and exploring the fragility of power in everyday sites. Following Brigg and Bleiker's autoethnographic ethic, the crucial question is not whether or not I was co-opted by *a priori* definition of "power". The critical question can I draw on my conflicted insider/outsider positionality in a way which exposes the fragility of power, its weaknesses, to highlight its lack of coherence, its controversies, and to trace the process through which power is contested and its logic is rewritten.

While the existing critical literature has engaged with local actors and sites through the everyday, this work has not yet extended to engagements with the contingencies at play in 'the liberal peace' as international practitioners struggle to translate peacebuilding policy into peace. Theoretical hybridity can obscure the critical agency and creative uses of power at play *within* the black box named 'the liberal peace', instead focusing on the antagonistic relationship with 'local' actors (Newman, 2009, p.46). Yet these demonstrations of critical agency and the unstable translations of power they express are important factors in unsettling the 'liberal' model of peace and generating emancipatory political space for customary institutions and practices in Liberia. I began my participatory research asking how demonstrations of international power and local emancipatory agency combined to produce hybrid outcomes. However, I emerged with a different question: how is the process of *practical hybridity* – new ways of practicing peacebuilding –actively reshaping the ways in which power circulates, re-forming the terms and limits of emancipation, and thus redefining what justice means in Liberia. Yet in order to access this more complex, insider perspective and explore this elusive 10% remainder, I followed these practices into some ethically uncomfortable positions and discovered the tension between institutional ethics and ethics in practice (Cahill et al., 2007). I return to this ethical tension in the concluding chapter.

Translating from Inside to Outside

In this remaining section I wish to briefly engage with how I put use my insider position and how I translate this experience in order to engage with the obscured post-liberal 10% of hybridity. In order to glean the most out of this temporary, practical, insider-status, I need to develop a translation strategy which allows me to use both my insider and outsider positions, while simultaneously refraining from obscuring the practices of the CJA evaluation with my own reflexive practices. For this purpose I return to Latour.

Latour's methodological objective is to decentre the researcher in order to reintroduce the real world (1988). Latour rejects what he terms 'meta-reflexivity' associated with what he regards as "postmodern deconstructionists": the notion that a reflexive researcher stands outside or above the text and problematises its production. He finds that meta-reflexivity renders texts "unreadable," thereby depriving them of political effect (1988, p.166). He argues that such 'meta-reflexivity' emanates from a "fear of being believed too much," meta-reflexivity he argues "is counter-productive since it makes texts less interesting, less rich and less believable". Latour holds that overly reflexive texts "suffer from being

uninteresting, poor, disputable or discredited!" (1988, p.169)(1988, p.173): Speaking to the meta-reflexivity in the ilk of Wooglar, Latour argues that "by including characters like 'the framework' or 'the author', they can escape the terrible fate of being just a story" (1988, p.171; Woolgar, 1982). He concludes that "instead of piling layer upon layer of self-consciousness to no avail, why not have just one layer, *the story*, and obtain the necessary amount of reflexivity elsewhere?" (1988, p.170 emphasis added).

Latour's critique is provocative and furthermore it is *politically effective* in creating the theoretical space for his argument: the lived world is more interesting and has greater political effects than the over-problemitization of the production of the text. The alternative approach he proposes is called infra-reflexivity. He defines infra-reflexivity as a methodological strategy which plays with positionality, re-presentation and reflexivity instrumentally, for the purpose of maximizing the credibility and political effects of the text. Through infra-reflexivity, Latour argues that we, the researchers, are already implicated in our stories, the production of which is inherently political in nature as it moves back and forth between the world and its re-presentation. For Latour "… there is more reflexivity in one account that makes the world alive than in one hundred self-referential loops that return to the boring thinking mind off stage" (1988, p.173).

While Latour's infra-reflexive approach is presented as an alternative to ethnomethodology (EM) and deconstructivist meta-reflexive approaches, I do not fully adopt it here, instead steering toward its overlap with ANT and ethnomethodology. Lynch, an ethnomethodologist, agrees with Latour's call to write more readable and politically effective texts along with the notion that the 'lived world' is much more interesting than reflexivity for the sake of being 'critical'. EM is suspicious of the "widespread tendency to identify reflexivity with 'radical' theoretical and critical programmes" (2000, p.26; Pollner, 1991). However, unlike Latour's infra- reflexivity, EM does not reject reflexivity *per se*. Rather, their critique emanates from the position that "it is impossible to be unreflexive" (2000, p.27). Lynch argues that "there is no particular advantage to 'being' reflexive, or 'doing' reflexive analysis, unless something provocative, interesting or revealing comes from it […]its cogency will depend upon what it says about its topic and whether it persuades relevant audiences (2000, p.42). Because of the specific nature of my insider, direct and active participation in the CJA impact evaluation, along with my intention to 'play' with my insider-outsider position, some further reflexivity is in order.

For this purpose I find Pels, 'one-step-up' reflexivity useful (2000). Pels is critical of Latour's infra-reflexivity, arguing that it ultimately falls short of its aims: "[r]eflexive writing is precisely concerned to hold in view the critical difference between represents and represented over against attempts to collapse the one into the other and to 'black-box' their relationship" – which, after all is exactly what ANT purports to expose (2000, p.6; Latour, 1987a). In seeking out critical space between infra and meta reflexivities, Pels' one-step-up adds "one level or dimension of self-reference, not more, in order to display the narratives' hermeneutic point of departure and point of return" (2000, p.3). This is also important as a matter of consistency as my aim here is not simply to replace one black box ('the liberal peace' and 'the local') with another by eliding the complex flow of my own practices and the way in which this thesis was 'hybriditised' in the process.

Following Pel's advice, I will return to my position and reflect the ethical tensions the emerged in the concluding chapter. For now, using the overlap between ANT, infra-reflexivity, EM and one-step-up, I wish to declare my positionality, acknowledge my active, instrumental role in executing the project, recognize the political nature of the 'story' of hybridity in Liberia I am telling and step aside. The guiding methodological principle of this dissertation follows Latour's suggestion: to "just offer the lived world and write" (1988, p.170). In this spirit, I now move along to the second section of this chapter which lays methodological approach used in this dissertation to do so. Indeed managing this insider-to-outsider translation is the practical situation defining this dissertation.

<u>Summary</u>

In this chapter I sought to balance the insider imperatives of operating within the practical understanding of the CJA impact evaluation with the outsider imperative to maintain a critical research ethic which not only exposes systems of power and domination, but also captures the process through which these systems change. Following Pel's one-step-up approach, I will return to reflect on the my insider position in the concluding chapter. Moving forward, my methodological priority is to avoid detracting from the far more interesting nature of the practices that transpired in Liberia; I want to refrain from supplanting the real, lived, world with my own clumsy attempts to understand it. Instead this artefact becomes my (clumsy) attempt to understand it. Therefore, I will attempt to leave a light analytical footprint while telling the story, intervening only to tease out the points at which it becomes useful and germane to the tensions between order and change at play in hybridity. Dwyer and Buckle embrace this "in-between" positionality which is critical of the very notion of 'insider' and 'outsider' as "two separate pre-existing entities, which can be bridged or brought together to conjoin with a hyphen (2009, p.61). They argue instead that "[s]urely the time has come to abandon these constructed dichotomies and embrace and explore the complexity and richness of the space between…" (2009, p.62). As Adler and Adler argue, this distinction "traditionally existed more strongly in theory than in practice" (1987, p.85; from Dwyer & Buckle, 2009, p.58). My intention is to 'play' with my insider-outsider positionality, to aggravate this liminal tension, in order to (hopefully) generate interesting and useful insights about emerging hybridity (Brigg & Bleiker, 2010).

Part Two
Practicing Peacebuilding in Liberia

Chapter Five
Practicing Justice in Liberia: a Brief History

This chapter presents a brief history of the dual legal system in Liberia. It traces the interplay between customary and statutory justice systems through two historical periods separated by twelve years of conflict: first, colonial Liberia and second, the more recent peacebuilding and development practices characterizing emerging Liberian history. While the history of Liberia's dual justice system is reflected in a number of related binaries and essential differences (ethnic, economic, cultural, social, geographical etc.), it is also a story of practices cutting across these distinctions and dualisms. The history of Liberian hybridity is a history of the practices confounding both the harmonization of the dual justice systems within the Liberian state as well as precluding the institutionalization of the dual justice system in formal law. This chapter examines these cross-cutting dynamics as they relate the practice of justice in Liberia by tracing the movement of justice practices across and between customary and formal justice 'systems'.

Colonial History

Liberia is the oldest independent republic on the African continent. It was founded in 1847 by an ex-slave community from the United States funded and supported by the American Colonial Society (ACS). The Liberian justice system is based on an American constitutional model, limited the division of government between executive, legislative and judicial branches along with the protection of certain basic rights of Liberian 'citizens' – a legal status not originally extended to the indigenous population (Barbu, n.d., p.7). Despite having to forcibly expel the indigenous people and communities from the coastal area they settled and named Monrovia, the original policy of the Americo-Liberians was one of non-interference vis-à-vis the indigenous Liberians (Barbu, n.d., p.6; Lubkemann et al., 2011, p.200). However, encircled and under external pressure from British and French colonies, and internally challenged by a Mandingo trade monopoly in the interior, the Americo-Liberians turned to the Hinterland in order to secure Liberia's borders and Monrovia's position as a destination for export trade (Akingbade, 1994, pp.277–278).

By the end of the 19th century, the Government negotiated a number of treaties with Hinterland kings in order to protect the free passage of commerce across tribal boundaries (1994, p.278). As Akingbade notes, by ensuring the free passage of goods across tribal boundaries, [President] Coleman's policy effectively criminalised the inter-tribal tariffs on the transportation of goods (1994, p.279). Over the same fifty-year period, the Liberian Supreme Court issued two consequential opinions regarding the legal status the Hinterland inhabitants vis-à-vis the Liberian Constitution and formal law. In 1862, the Court ruled that "native inhabitants are bona fide subjects of the state (Liberia), and the political authority of the same covers them in all relations" (Davis v. Republic, 1 LLR: 17 in Barbu, n.d., p.7). While this ruling implies that indigenous Liberian's would be subjected to the laws and rights of the formal Constitution, a Legislative Act passed in 1869 suggested otherwise. Instead the Legislature established the Interior Ministry (later changed to the Ministry of Internal Affairs) as an office of the executive-

branch charged with "duties and authority in relation to matters affecting the aborigines of the country" (Barbu, n.d., p.7 actual text of 1869 Act cited as 'currently unavailable'). However, this Act vested powers of the judicial branch under the executive branch – a violation of the Liberian Constitution. Seemingly this Legislative Act violated the principle of the Court's 1862 ruling insofar as it the act carves out an exception in the Constitution for Hinterland 'subjects'. Yet the Act was passed and the Interior Ministry was given authority to preside over customary courts in the Hinterland.

With this ambiguity lingering at the end of the 19th Century, Ellis points out, "[o]nly in the twentieth century did hinterland societies come under a continuous form of [state] political organization" (2007, p.277). Indeed, the first decade of the 20th Century was characterised by a flurry of Supreme Court and legislative activity regarding the administration of the Hinterland. Coleman's Administration was short-lived as his interior policy was plagued by resistance and attack from established beneficiaries of the inter-tribal trading networks (Akingbade, 1994, p.278). Coleman's trade-based forays into Liberia's Hinterland were replaced after President Barclay's election in 1904. Under Barclay, *An Act Providing for the Government of Districts within the Republic, Inhabited by Aborigines* was enacted by the Legislature in 1905 claiming 'Hinterland subjects' as Liberian citizens. This Act, according to Barbu, "divided Liberia into two major jurisdictions, the county jurisdiction and the hinterland jurisdiction… It provided that the Executive branch, more specifically the Secretary of the Interior, could exercise judicial functions" limited to the hinterland jurisdiction (Karmo v. Morris, 317; 1919 in Barbu, n.d., pp.11–12).[9]

Furthermore, in a landmark Supreme Court ruling in 1907 (Gray v Beverly), the Court upheld the 1862 Legislative Act creating the Ministry of the Interior and vesting the office with both executive and judicial authority (Barbu, n.d., pp.7–8). The Court ruled that in the "furtherance of justice and in the exercise of sound discretion" that it was necessary to create "a sort of arbiter in all purely native matters arising between themselves and referred to the chief[…]which he must settle with due regard to native customary law and native institutions, where not repugnant to the organic law of the state" (Barbu, n.d., p.7). With this ruling, the Supreme Court sanctioned the vestige of judicial power under the executive office of the Ministry of Internal Affairs (MoIA). According to Counsellor Barbu, the ruling

> *…allowed the constitution to be negated because its holding that the Secretary could exercise judicial power over the natives contravened the constitution [with this] the Court more than anything, proves its support of the violation of the constitution in this case. Thus, the first major conflict between the constitution and statutory laws relative to customary law arose (n.d., pp.8–9).*

By upholding the legality of the MoIA to administer justice practices in the Hinterland, the Court *de facto* sanctioned a dual legal system in Liberia along with two classes of Liberian citizenship existing under two separate legal jurisdictions. In order to establish the authority of the MoIA in the Hinterland, Barclay founded the Liberian Frontier Force in 1908. Recruited from preferred, 'warlike' ethnic groups, the Frontier Force was placed under the Ministry of Internal Affairs (Akingbade, 1994, p.282). The Force was deployed to establish "law and order throughout the republic and for the prevention and detection of crimes on the frontier and in the interior of the country" (1994, p.286). However, according to Akingbade the force gained a reputation for "wanton cruelty, harassment, indiscipline and rapine" the result of which being that "the indigenous people perceived the settlers as colonisers and began to

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[9] This ruling was later upheld in 1914

speak of them in the same breath as the European colonisers of Africa" (1994, p.280). Under Barclay's Hinterland policy, the administrative and jurisdictional boundaries between the customary jurisdiction of the Hinterland and the County courts governed by statutory jurisdictions were extended 44 miles inland and formally codified into law (Barbu, n.d., pp.11–12). However, at the same time as Court ruling, and legislative activity was entrenching the distinction between Hinterland and County jurisdictions, the connections between them were also formalised. The Liberian king system was transformed into a chieftaincy and the town and clan courts retained relative jurisdictional autonomy. Paramount chiefs stood for local elections as officers of the highest regional customary courts (though only after approved by the Executive). Above the paramount chief, the MoIA appointed a District Commissioner to preside over appeals from the Paramount Chief's customary court by applying statutory law (Barbu, n.d., pp.29–30). Counsellor Barbu notes that under this distinct but contiguous dual-legal hierarchy that judicial cases "*travel […] from the customary legal system to the formal legal system though the customary legal system does not form a part of the formal legal system* (n.d., p.21 emphasis added). The movement of cases between the formal and customary systems highlights the fluidity of justice practices in Liberia relative to the 'systems' which signify them.

After crushing a Grebo rebellion in Harper in 1910, the Barclay Government moved to "bring the vast hinterland communities into the administrative organ of the republic" by implementing a system of 'indirect rule' (Akingbade, 1994, p.290). According to Barbu, "[t]he government's policies, established for administering the hinterland thereafter, were vigorously enforced" using the Frontier Force (n.d., p.11). Between the 1910s and the Second World War, a number of Supreme Court decisions regarding the status of the Hinterland administration were rendered. Jedah v. Horace (1916), Karmo v. Morris (1919), Posum v. Pardee (1935), Darnenoh v. Republic, (1935), and Karpeh v. Manning (1936) generated yet further ambiguity. The Court vacillated between deferring to the authority of customary courts under the unitary executive of the MoIA while later issuing a ruling declaring the very idea of a judiciary authority exercised by any office outside the judiciary as "utterly inadmissible" finding that "such a statute must be declared as being not only voidable, but, void *ab initio*..." (Karmo v. Morris, 317; 1919 in Barbu, n.d., p.12). Indicating the contested nature of justice in Liberia, Barbu notes the rulings characterizing this period of the Court "suggest the existence of a gap, some ambiguity or confusion in interpretation as to the jurisdiction of the Judicial branch, or at least, *what judicial power is*" (n.d., p.12 emphasis added).

However, if the interwar period in Liberia was characterised by an ambiguity in the legal and Constitutional status of the administration of the Hinterland, then the post-War period embraced it. The election of Americo-Liberian President William Tubman in 1944 established Liberia as a US semi-protectorate. Resources flowed to Western markets allowing Tubman to make more ambitious political and economic inroads into the hinterland. Tubman established vast patronage networks with local chiefs thereby creating centralised relationship of upward dependency wherein Monrovia controlled the downward flow of resources in exchange for legitimacy amongst the chiefs (Ellis, 2007, pp.47–48). A series of new regulations governing the administration of the Hinterland accompanied Tubman's economic incursions.

The Hinterland Regulations of 1949 were a revision of 1905 legislative act of the Barclay Government. The Hinterland Regulations effectively cleared up any ambiguity related to the application of judicial practices under the executive administration of customary areas: [i]t successfully vested in the Executive a separate legal authority from the statutory legal system that governs the 'judicial system' of Liberia (Barbu, n.d., p.13). In other words the Hinterland Regulations formalised the extra-constitutional dual authority of the Ministry of Internal Affairs. While the dual executive-judiciary authority of the MoIA endured, the Hinterland Regulations were superseded in 1956 by the Aborigines Law which was itself a simple restructuring of the Hinterland Regulations rather than an increase of state jurisdiction *per se* (Barbu, n.d., p.28). However, the Hinterland Regulations remain the more commonly cited precedent by customary authorities and are therefore more practically relevant in the daily exercise of customary justice (Barbu, n.d., p.13). Nevertheless, Barbu explains that the 1956 Aborigines Law was notable insofar as its attempts to,

> *govern native inhabitants [establishes] the Circuit Court, a statutory court that is part of the judicial branch, both as an appellate court and one that limits the jurisdiction of the customary courts. This further confirms the dual legal system in that it establishes a clear hierarchy of customary courts distinct from the lower statutory courts, and yet it establishes ultimate judicial review by the statutory courts over the exercise of judicial powers by the customary [and] executive courts* (n.d., p.31).

After his death in 1971, Tubman was replaced by President Tolbert who, in turn, issued a series of executive orders in 1972 related to the administration of the Hinterland. Significantly, the Administrative Procedure Act further secured the dual authority of the Ministry of Internal Affairs in the Hinterland. Under this provision the MoIA was authorised to "manage tribal affairs and all matters arising out of tribal relationships, draft rules, regulations and procedures for tribal government and courts including fees allowable in such courts, and, administer the system of tribal courts" (Title 12 in sections 25.2 (b), (i), and (l) respectively in Barbu, n.d., p.15). At the same time as the Administrative Procedure Act blurred the practical distinction between the two jurisdictions, the New Judiciary Law "expressly states that customary courts are not a part of the regular judicial system" (n.d., p.17). Barbu notes that in the legal structure created in the 1972, that the customary court "fades into the statutory structure which allows appeals to be forwarded from tribal courts to statutory courts; again sustaining the friction between statutory courts recognizing customary laws on the one hand and interpretation of such laws by judges most times not familiar with the particular custom on the other" (Barbu, n.d., p.20).

In addition to Tubman's Hinterland policies, Tolbert also inherited his established patrimonial networks which he used to brutal effect until 1980 when Samuel Doe, a master sergeant from the Krahn tribe, mounted a coup against Tolbert and executed him on Barclay Beach in Monrovia along with his cabinet. Doe proceeded to enact authoritarian policies, granting preferred access to his ethnic kin, the Krahn, while brutalizing the hinterland with his Armed Forces of Liberal (AFL) troops (Bøås & Hatløy, 2008). In 1989, after nearly ten years of Doe's control, the National Patriotic Front of Liberia (NPFL), a rebel group trained in Libya and lead by an Americo-Liberian, Charles Taylor swept through the countryside toward Monrovia initiating the first Liberian Civil War. Despite a brief ceasefire, the Liberian conflict continued

until 2003 when the comprehensive peace agreement was signed in Accra. During the conflict the statutory justice system ceased to function.

Peacebuilding: an Emerging History

Liberia's peacebuilding strategy was informed by two different approaches. Despite significant nuances which will be discussed below, these two approaches were in general agreement regarding the causes of the conflict: the Liberian state was highly centralised, predatory, and authoritarian with shallow, patrimony-based legitimacy outside of elite Monrovia circles whereas the 'informally' arranged networks based on kin, ethnicity, custom and the grey economy rooted in Liberian communities enjoyed greater everyday legitimacy. In other words, the consensus was: Liberia was a weak Weberian state with a strong informal society (Richards, 1996; Sawyer, 2005; Ellis, 2007; see also Migdal, 1988). However despite consensus on the cause, two different strategies peacebuilding strategies emerged. The first approach coalesced around the idea that the formal Liberian state should be strengthened and extended into the interior, gradually supplanting and harmonizing the customary practices and institutions within the Liberian state. This approach flowed from the idea that customary institutions and practices were detrimental to Liberian peace. On this reading, Liberia required a strong Weberian state with a monopoly on violence, able to militate against the destabilizing effects of such informal networks. This was the so-called top-down approach. The second approach however, suggested that the strong-state assessment disregarded negative perception of the Liberian state from rural Liberian communities. Instead they argued that a Liberian peace should be based on a decentralised, downwardly accountable state rooted in Liberian community life. On this reading Liberian community life is the cornerstone of Liberian peace and security which the centralised state threatens. This is the so-called bottom-up approach. Both approaches have shaped Liberia's peacebuilding strategies.

Top-down Peacebuilding

At the time, Kaplan's *The Coming Anarchy* (1994) emerged as the commonly cited vanguard of the first approach (Richards, 1996; see Moran, 2006). On Kaplan's thesis, the Liberian conflict is linked to broader trends in the early 1990s characterizing the Balkans and West Africa. He argued that the defining feature of these conflicts were the pervasiveness of ethic, kin, and tribal populations and weak, corrupt states. He argues that these communal connections supersede national identities and the boundaries they demarcate. In the absence of a strong national identity and state monopoly of legitimate violence, Kaplan foresees increasing destabilization and conflict (1994). Ellis on the other hand connects the particularly brutal practices characterizing the conflict with Liberia's spiritual or supernatural practices, a culture of deference to authority, and Liberian proclivities for secrecy (2007, p.146; 298–300). Ellis traces these practices to Liberia's colonial history, characterised by Americo-Liberian, Monrovia-based attempts to promulgate and enforce a new moral code (2007, p.298). Citing the 1914 ban on customary secret societies, Ellis notes that these attempts resulted in the "spread of practices of subterfuge as people practice in secret types of behaviour which they are not allowed to practice in public [leading to] extremes of deception and evasion which become part of the political culture" (Ellis, 2007, p.298; see also Scott, 1985; Richmond, 2010).

Richards terms such essentialist approaches, the 'new barbarism' thesis, which he rejects (1996; see Moran, 2006, pp.13–16). His work takes place along the Mano River Basin separating the Mano speaking tribes on both sides of the Sierra Leonean-Liberian border. Contrary to the sporadic, impulsive nature of violence described by Kaplan and Ellis, Richards finds instead that the belligerents in the Sierra Leonean conflict had "perfectly rational political aims [and] a clear political vision for a reformed and accountable state" deploying violence strategically in the service of these aims (1996, p.xvii). Richards alternatively proposes that West African Conflict is, "moored, culturally, in the hybrid Atlantic world of international commerce" (1996, p.xvii).   Reno concurs. Turning from culture to the international political economy, he argues that West African conflicts are rooted in the intersection between international commerce and weak or failed states (1997). In these conditions, Warlords draw their legitimacy from the use of international resources and credit for purposes of maintaining their domestic patronage networks and quelling resistance (1997, p.166). For Reno these informal patronage networks function to distribute "resources in a way that is mutually reinforcing to the state's leader and those who are beneficiaries of the client/patronage relationship with the result of leaving a weak bureaucratic state"(1998, p.2). Reno argues that neoliberal economic policies advocated by the World Bank "aim to dismantle the existing patronage system" (1998, p.5; see also Fanthorpe, 2005). Yet, the same market liberalization policies also serve to undermine attempts to strengthen the state (1998, p.1; see Pugh, 2005). To this point Richards also concludes that West African conflicts are "a product of this protracted, post-colonial crisis of partrimonialism" (1996, p.xviii). Yet, in his final analysis, this patrimonial crisis ran from international commerce down to the chieftaincy. He concludes that in the Mano River Basin along the Liberian-Sierra Leonean border that a significant factor in the conflict was resentment of the entrenched chieftaincy, and the customary labour obligations and heavy fines levied upon agrarian youths. (2005, p.525; see Fanthorpe, 2005). Therefore, he suggests that a strong state is necessary.

In each of these assessments, the cause of the Liberian conflict is ultimately a weak state coupled with the relative strength of informal, traditional, or economic associations. However, despite significant nuance, these formulations tend to emphasise the nature of the customary system, institutions, and practices as primary causal factors in the outbreak of the conflict. The peacebuilding strategy which follows from this assessment naturally emphasises building a strong state which legitimately enjoys a monopoly of violence and can effectively mitigate the negative effects of informal ethnic, customary or economic connections and cleavages. And indeed, as it pertains to the rule of law and justice sector reform, by all accounts the vast majority of funding for justice sector reform is channelled into developing the formal, procedural statutory justice system and building national capacity to that end.

Bottom-up Peacebuilding

However, the second peacebuilding strategy flows from a different logic. This approach did not view customary systems, institutions and practices as antithetical to Liberian peace but essential. As such, the approach advocated a decentralised peacebuilding approach anchored in the very communities and traditional associations described above as precluding any consolidation of peace. In 2005, Amos Sawyer, President of the interim Liberian transitional government (1990-1994), concluded that the Liberian conflict was a not a problem of an illegitimate and weak state but the opposite. He argues that the "over-centralization" of government was the problem which peacebuilding should address (2005,

p.20). According to Sawyer, the Liberian peacebuilding project should not attempt to rebuild what Hinterland Liberians experienced as a predatory entity (2005, pp.8–9). Instead Sawyer proposes that the Liberian state be "reconstituted on the basis of a theory of limited or shared sovereignty and not on a theory of a unitary sovereignty" (2005, p.9). He suggests "poly-centric change" in the structure of the Liberian Government; not "good governance" as set forth by the World Bank but "self-governance" (2005, pp.8–9). This peacebuilding regime looks to local government as the cornerstone of post-war governance in Liberia:

> *Liberians have employed wholesome and ingenious entrepreneurship to cope; many communities have taken recourse in their own social organization to provide education for their children, health services and security protection. This capacity of entrepreneurship and community self-organization constitutes the foundation of self-reliant development and potentially and self-governed order (2005, p.57).*

In 2006 the International Crisis Group (ICG) published a report confirming Sawyer's assertion of the durability of community life in Liberia. It found that that while the Liberian state and statutory legal system collapsed during the conflict, the customary system, remained intact and functioning (International Crisis Group, 2006, p.7). The ICG surveyed the overwhelming range of problems facing Liberia and the daunting task for the peacebuilding mission and concluded that the reform of Liberia's justice system should be a top-priority of the policy framework (2006, p.i). Citing the "predatory" nature of state encroachment into the interior and the resulting suspicion of state institution sown by such policies, the ICG Report raised questions about the top-down state-building approach then dominating debates between donors and the Liberian Government. The Report noted that the "development community has often viewed formal statutory systems as logical entry points for justice reform, with the idea that ordinary citizens will prefer them, if they function adequately, to customary justice forums. This may be short-sighted" (2006, p.6).

Instead the ICG report finds that the customary system enjoys greater popular legitimacy, noting that "aspects of customary law that are simply more appealing to many" (2006, p.7). Therefore the report suggests that while statutory mechanisms should be reformed and strengthened, a "parallel/hybrid system that acknowledges various customary systems may be the best interim solution but it will be necessary to ensure that it does not lead to unequal and illegal forms of justice" (2006, p.10). As such, the report recommends that Liberian Government and international donors fund "the internal strengthening of state-sponsored customary law through short-term reforms such as creation of rural community education and paralegal programmes, reform of the antiquated Rules Regulating the Hinterland, and training of customary officials, communities" (2006, pp.9–10). The ICG Report concludes that "[j]ustice reform can succeed if the government puts it prominently on the agenda, community-based approaches to justice are taken, and donors deliver money quickly and in sufficient quantities" (2006, p.ii).

Peacebuilding in Practice

As it turns out, Liberia's peacebuilding strategy is inflected with both assessments of conflict discussed above and incorporates both recommendations into the reform of Liberia's justice system. Beginning with the publication of the Poverty Reduction Strategy (PRS) in 2008, a policy of 'harmonization' was

adopted in relation to the dual justice system. The PRS set out to "[d]evelop a coherent strategy to harmonise the statutory and customary justice systems and strengthen the credibility and legitimacy of justice institutions" (Republic of Liberia, 2008, p.175). To this end, a Peacebuilding Priority Plan (PPP) was advanced by the Liberian Government and UNMIL in order to receive funds from the United Nations Peacebuilding Fund (PBF) which was approved in March 2009 (Republic of Liberia & UNMIL, 2009). While the document addressed large donor concerns such as corruption, mismanagement of resources, poverty, food insecurity, and regional instability, it also suggests reaching out to and training local civil society organizations (CSOs) and improving channels for local input in engaging these problems. On the former score, the Plan called for "strengthening and expanding state authority, especially in rural areas…" (2009, p.6). On the latter score, the Priority Plan proposes initiating a series projects and programmes designed to foster national reconciliation and conflict management capacity involving reaching out to and training local civil society organizations (CSOs), facilitating a national dialogue, drawing from community-based conflict resolution capacities, and improving channels for local input into these processes (2009, pp.3–6). Furthermore, the plan calls for combining and institutionalizing local methods and techniques within a "conflict sensitivity and a human rights-based approach" (2009, p.4). The plan also proposes "[s]trengthening the capacity of Paramount chiefs and traditional leaders […] in terms of human rights, conflict sensitivity and gender mainstreaming…" (2009, p.6). To this end, the Priority Plan calls for "infrastructure development (with an emphasis on Rule of Law and vocational training)" and "reinforced delivery capacity for the [Minstry of Justice] in expanding activities to underserved areas and increasing [the] number of cases reviewed" (2009, p.6). In other words, the harmonization policy was more than an extension of the formal system into customary communities; it also extends the limits of what formal justice means in Liberia.

In January 2010, the Liberian Government approved the National Policy on Decentralization and Local Governance (Republic of Liberia, 2010). Indeed, decentralization was adopted as the central strategic framework for Liberia's peacebuilding project. Decentralization articulated a vision in which "[c]ounty governments and their local citizens shall have the power to operate as autonomous political sub-national units of the country; they shall have the powers to make local economic development, and administrative decisions so long as they conform to national laws and regulations" (2010, p.4). Under this decentralised framework, "Liberia shall remain a unitary state with a system of local government and administration which shall be decentralised with the county as the principal focus of the devolution of power and authority…" (2010, p.1). However, under a decentralised framework, the administration of justice, among many functions performed by traditional means were determined to be areas "exclusively reserved and exercised by the national government for the protection of national sovereignty" (2010, p.1). The rationale cited for this determination was to "enhance the rule of law and the neutrality of the judiciary as the final interpreter of the law in the administration of justice" (2010, p.2). Later, in October 2010, Liberia was placed on the UN Peacebuilding Commission's (PBC) agenda when it was determined that after an initial pay out of $15 million (USD) for some successful pilots, Liberia was not yet transitioning from post-conflict recovery into development (Mullbuh, 2011). A Statement of Mutual Commitment (SMC) was signed between the Liberian Government and the PBC configuration further clarifying the three strategic pillars supporting Liberia's decentralization enterprise: security sector reform, the rule of law, and national reconciliation (2010).

The formulation of Liberia's decentralization strategy was completed with the adoption of the Liberian Peacebuilding Programme (LPP) in 2011. While the LPP recognises that the peacebuilding strategy to harmonise statutory and customary systems must ultimately emerge through legislative and constitutional reform, it also articulated short-to-medium-term strategy drawing from both systems (Republic of Liberia 2011, pp.8–9). The LPP further developed the ideas set forth in the Priority Plan and the SMC, retaining the national reconciliation pillar but collapsing both security sector and justice sector reform into a single Justice and Security Joint Programme (JSJP). The centrepiece of the decentralization strategy is the Hub concept. The LPP allocates PBF funding for the construction of five regional Justice and Security Hubs. Ground was broken in early 2011 on the pilot Hub in Gbarnga (see Figure 4).
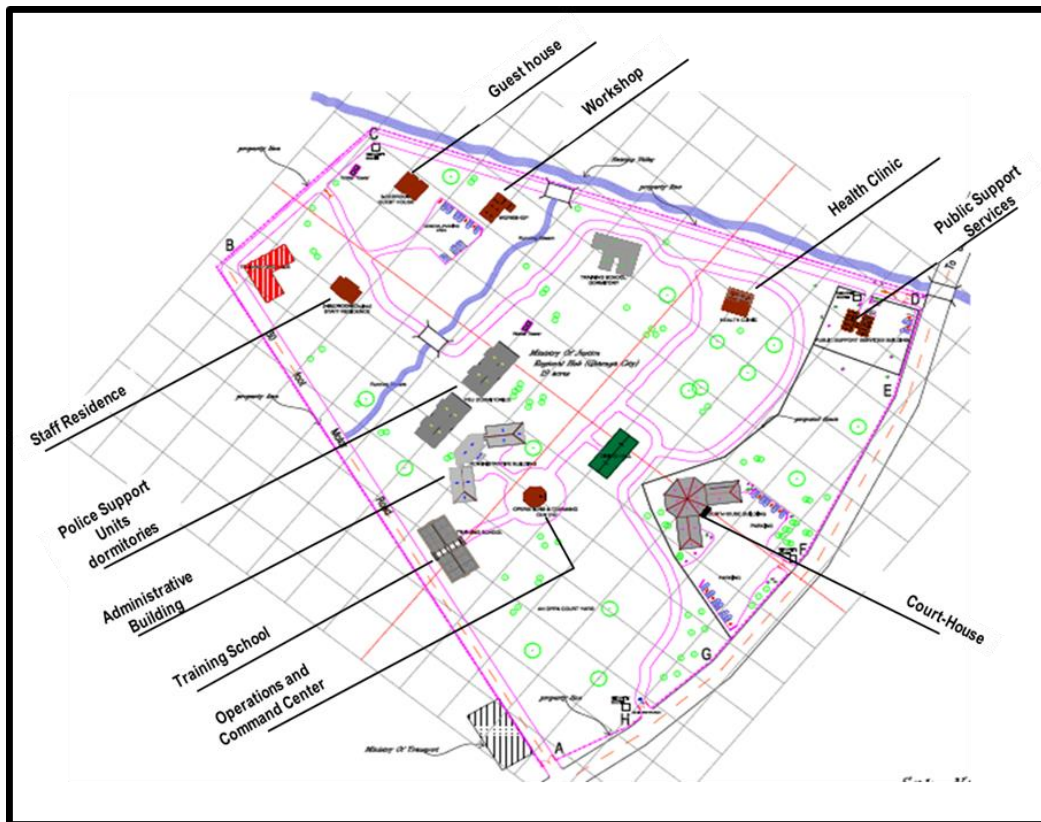
Figure 4: Justice and Security Hub - Gbarnga
(UN Peacebuilding Commission n.d. see Appendix A)

The LPP articulates a vision for the Hubs as providing a "decentralised and holistic approach to security and justice service delivery and a means by which national agencies can provide effective security in preparation for UNMIL's transition" (2011, p.6). Each Hub functions as a forward operating base for a range of security actors to include the Liberian National Police (LNP) as well as agents from the Bureau of Immigration and Naturalization (BIN). They also serves as regionalised command and control centres for more rapid deployment and crisis response for domestic security threats as well as potentially destabilizing regional threats. The Hubs house an administrative building, an operational control centre, a training school, staff and police barracks, and a court house. In merging both security and justice

institutions into the Hub project, it is believed that is should enhance the "coordination between the police, prosecution, judiciary, public defenders and corrections" (2011, p.8).

In addition to the state security apparatus, the Hubs are intended to serve as a community justice resource where complaints against abuses of statutory and customary systems can be reported. For this purpose the Hubs provide a Public Support Office (PSO). The PSO is designed to create an "avenue of redress to members of the public […] to which complaints against any justice or security institution can be lodged. The PSO will act in a referral and follow-up capacity" (2011, p.8). The PSO also performs the community outreach dimension of the Hub. It is designed to carry out "perception surveys" in order to assess the security and justice challenges as well as local need. From this data, a legal education programme will be crafted and deployed using local Civil Society Organizations (CSOs) (2011, p.18). Additionally, the PSO provides continued technical and financial support and training for these regional civil society organization with the aim of establishing networks of CSOs "providing services to the hub regions […] so as to provide clear entry points and referral pathways for the community" creating a stream of feedback both to and from the communities (2011, p.9).

In this way these CSO networks function like a regional circulatory system with the Hub pumping legal information and education out though CSOs and receiving complaints, cases and other forms of feedback. Under the LPP, the PBF allocates funding for Alternative Dispute Resolution (ADR) training and strengthening the capacity of customary conflict resolution methods. The decentralization strategy notes that ADR approaches "will allow the development of local capacity for conflict management and conflict early warning and early response mechanisms" (2011, p.10). Indeed the LPP identifies customary justice practices as being "critical to solving land disputes and addressing religious, ethnic and other cleavages in society as an alternative to the costly and lengthy process of going through the formal legal system" (2011, p.10). Lastly, the National Reconciliation pillar also allocates funding for Liberia's Access to Justice (A2J) Initiative which provides justice services to the rural interior. Indeed, land disputes were recognised as being a significant source of tension in the interior counties. The Access to Justice funding stream, also allocated $4 million for a legal empowerment programme run by The Carter Center called the Community Justice Advisor programme. As the five justice and security Hubs emerge over the coming years, it will be justice projects like the Community Justice Advisor (CJA) programme that will provide the kind of community-based justice services outlined in the Liberian Peacebuilding Programme.

Summary

Certainly, looking at Liberia's history, from colonialism, through conflict, to peacebuilding, it is a contentious story of the state and the Hinterland. As it relates to justice, this bifurcation breaks along statutory and customary lines. To be sure, over the course of the history of the Liberian state, statutory and customary justice systems combined in various ways to produce the duality characterizing Liberian justice in the current peacebuilding policy. In this way, Liberia's dual justice system is a *hybrid* outcome generated by the interactions between them. On this constitutive reading of hybridity, Liberian history is one of tensions between Americo-Liberians and indigenous Liberians, elite and subaltern, statutory and

customary, state and hinterland, urban and rural, power and resistance or liberal and local. Understood this way, Liberian history is the persistent attempt by the state to rationalise, institutionalise, order, criminalise or harmonise the local, traditional, informal and customary practices characterizing everyday life in the Liberian Hinterland. At the same time, Liberian history is also a story of persistent resistance to this process. Secret societies and the general culture of suspicion they reflect and the political deployment of the supernatural are expressions of such strategies. From this position, the peacebuilding project shaping emerging Liberian history can be read as an intensified continuation of this on-going constitutive hybrid process (Mac Ginty, 2011, p.89).

Yet there is more going on in these hybrid process than the broad arc of power and resistance; there are post-liberal processes at work in Liberian hybridity. A post-liberal reading of hybridity problematizes the presumed duality of Liberia's justice system and instead explores the connections between statutory and customary practices. This post-liberal position emphasises the linkages between customary and statutory sites and the practices cutting across, running through, circulating between, and holding them together. A dualistic treatment of Liberian history obscures how the practices connecting and flowing between government and community sites change the ontological nature of their presumed constituent elements. It belies the circulation, movement and change in practices which carry customary practices to the elite Monrovian homes (Ellis, 2007) while simultaneously carrying statutory practices to remote Liberian communities (Moran, 2006).

By emphasizing the practical connections between sites as opposed to the nature of the elements themselves, the presumption of a dual practice begins to break down. Looking to the flow of justice practices between sites, Liberian hybridity was supported and encouraged in customary sites and practice as well as in the sites where statutory practices circulate. As revealed in the practice of judicial interpretation of the Constitution, the Court continually resisted clarifying the legal status of customary justice. Judicial practices reveal the acceptance and incorporation of a dual legal system and a rejection of the statutory constitutional law in direct violation of the Constitution. Despite being illegal sassywood (a form of trail by ordeal)[10] is still practiced; despite being a constitutional violation, the MoIA administers the practice of customary justice; despite being a dual system, justice practices flow between the customary jurisdiction of the MoIA and the statutory sites of the Supreme Court. So while there is a dual system in order, in law, in structure and in theory, and in IR and PCS epistemology, the practice of justice in Liberia tells a more complex story. In other words, Liberia is not a dual legal *system* but an intersecting and cross-cutting mesh of justice *practices*. In this reading it is the circulation of justice practices amongst and between sites which shape the nature of this mesh rather than customary and statutory sites as such. However, as was exposed in the Liberian civil wars, the nature of the connections between statutory and customary sites were relatively fragile while the practical linkages

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[10] The enforcement mechanisms used in customary justice are trials by ordeal. There are two types of trial by order practiced in Liberian customary justice: sassywood and cowfur. According to the USIP's Looking for Justice Report, "'sassywood,' involves practices that can be physically harmful (e.g. ingestion of poison, application of a hot cutlass, etc.). The logic behind this method is that a guilty party will suffer harm, while innocent people will not. The second category, commonly known as 'cowfur,' involves practices that are not directly harmful (e.g. eating a clump of dirt, taking an oath, separating two brooms, etc.). The logic behind this method is that one who is guilty or who does not tell the truth will, within a certain timeframe, be punished by suffering some sort of physical harm (Isser & Lubkemann, 2009, p.10).

within and between customary sites proved more resilient. Therefore, it is the ontologically dynamic connections between entities rather than the ontological integrity of the entity itself which is significant.

From the post-liberal position, the practices shaping Liberia's emerging history can be engaged; and arrangement of practices characterizing this unfolding period in Liberian history are peacebuilding and development practices. Peacebuilding read as practices is about the actual work of building connections between sites, the labour of establishing more durable connections between them, and reshaping the justice practices circulating through these connections. By tracing peacebuilding and development practices from site to site, from offices and conference rooms in Monrovia, to the regional justice and security Hubs, to CSO training sessions, to the individual Liberian communities, the circulation of justice practices and the practical hybridity this movement generates can be engaged and accounted for. From here, peacebuilding practices represent more than an attempt to 'harmonise' customary justice practice under the political authority of the state; rather it is an *attempt to redefine the nature of Liberian state itself from post-colonial state to post-liberal one*. The following vignettes trace the actors involved in developing, implementing, and evaluating a PBF supported an Access to Justice Initiative: the Community Justice Advisor (CJA) Programme. These vignettes engage CJA practices as they attempt to translate the legal empowerment practices into complex everyday Liberian communities.

Chapter Six
Looking For Justice in Liberia

This chapter introduces the Community Justice Advisor (CJA) programme. This is the background story; it presents the practical situation the CJA programme was assembled to address. In the previous chapter, it was revealed that an International Crisis Group (ICG) Report released in 2006 recommended that justice-sector reform should be a top-priority of the Liberian peacebuilding project. However, contrary to conventional peacebuilding assumptions, the report found that, customary justice practices were the bedrock of Liberia's precarious peace, not the formal system. Therefore, the Report suggested a "parallel/hybrid system" in which customary justice practices are strengthened (International Crisis Group, 2006). The ICG report made waves in Monrovia. Tom Crick, the Associate Director for the Carter Center's Conflict Resolution programme in Atlanta, remarked that "cumulatively, these kinds of empirical studies were showing more and more clearly that the problems of rural justice were not going to be addressed simply by the formal justice system… which the international community was having a hard time in reforming from the top-down as it was" (Crick, 2012 Personal Interview; see also Schia & de Carvalho, 2009).

Following the publication of the ICG Report the Liberian Minister of Justice, Frances Johnson Morris reached out to The Carter Center. She was concerned about the ICG Report findings and wanted to start communicating with the Liberian people about the rule of law (Crick, 2012). TCC signed a memorandum of understanding (MOU) with the Ministry of Justice to develop a series of new programmes to increase access to justice in rural Liberian communities. This Access to Justice (A2J) initiative called for a spectrum of programming designed to bridge the gaps between formal and customary justices reflected in the ICG Report. This included reaching out to both formal and customary justice actors as well as to international justice-based organizations. However, as The Carter Center set about engaging with formal and customary justice actors, the practice of justice in Liberia became unstable. This chapter traces The Carter Center's attempts to develop new justice programming and highlights the ways in which these attempts unsettle the nature of justice in Liberia, how justice can be practiced, and who is authorised to practice it.

The Carter Center and Access to Justice

The Center was founded by former U.S. President Jimmy Carter in 1982. It is a human rights NGO in partnership with Emory University in Atlanta, Georgia operating under the motto is "Waging Peace, Fighting Disease, Building Hope." The Carter Center operates in over 70 developing and post-conflict countries. TCC specialises in health and peace programmes which include democracy promotion, human rights and conflict resolution. The Carter Center was one of the first NGOs to return to Liberia after the conflict and played a central role in election monitoring and supporting local free press. By all regards,[11]

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[11] This determination is based on interview material collected from over 30 interviews with legal development practitioners in Monrovia and New York in which TCC's work in Liberia was highly praised.

TCC is a well-established international NGO in Liberia, where they function as a central actor in the on-going process of rebuilding the justice sector in the wake of war.

When I arrived, I was introduced to the details of TCC's justice-related programming. Pewee Flomoku, the programming coordinator explained that Carter's A2J programmes are specifically designed to reach out to poor rural communities where customary justice systems predominate. Fundamentally, Pewee said, they seek "to serve the underserved communities".

> *[the war was a result] of a lack of space for Liberians to express themselves. Then all that frustration was let out. As it relates to what we are doing, we seek to address this inability to express yourself and be critical. Before people didn't know their rights; we want to help open this space for expression before war, where people can exchange views* (Flomoku, 2011b Personal Interview).

These views were also reflected in the literature: the conflict in Liberia is largely the effect of a highly centralised but weak state coupled with a strong patronage system based on informal associations characterised by ethnic and geographic cleavages (Sawyer, 2005; International Crisis Group, 2006). In this climate, the expression of grievances was suppressed with violent consequences, as the state was perceived by Liberians to be colonial and predatory (Crick, 2012). According to Tom Crick of TCC Atlanta, it was clear that the trust deficit between the state and rural communities would have to be bridged by justice programming which did not carry the perceived historical baggage carried by the formal justice system. The broader, national peacebuilding strategy seeks both to address the concentration of power in Monrovian elites and repair the negative perceptions of the state government in rural community through a strategy of decentralization. As Crick points out, it was therefore necessary "to establish some form of meaningful contact between the rural and national government, between customary and formal justice sectors, between the interests [of] the ordinary Liberian citizenry and the interests of the state" (Crick, 2012). Given this aggrieved history, The Carter Center saw a justice programming opportunity *between* formal and customary systems.

The practical situation in which The Carter Center was operating was characterised by the imperative to establish connections between customary and formal justice systems. TCC was tasked with reaching out to customary justice practitioners and developing some innovative community-based justice programming. On one hand, the problem TCC was attempting to address can be understood theoretically via 'the liberal peace'. It portends a 'strategic' adjustment, a bio-political adaptation of the kind which blurs the boundaries between domination and emancipation while extending systems of domination (Richmond & Mitchell, 2012, pp.20–21). Read through this framework, the imperative imbedded in the TCC's work reads like history repeating itself – yet another attempt to incorporate customary justice within the authorizing structure of the state (see Akingbade, 1994; Scott, 1998).

However, this liberal-local reading does not capture the contingencies, the changes the practical hybridity that emerges as TCC attempts to translate their mandate into practice. This reading omits the process by which The Carter Center set about enrolling institutions, enlisting actors, organizing their labour, enfolding them into a shared practical situation in which they share a stake (Rouse, 2007). As these actors attempted to develop a spectrum of peacebuilding practices which were neither liberal nor local in nature, the meaning of justice in Liberia – who is authorised to practice justice and how it is authorised to be practice – becomes unstable. Through this process, the formal, top-down, procedural

justice model associated with 'the liberal peace' becomes open to being enacted differently, emerging in new ways and for different purposes.

The Formal Justice System: Pillar One

The Carter Center is tied into the network of both national and international actors and institutions involved in the on-going justice sector and rule-of- law related development process in Liberia. However, this Monrovia-based network is one in which customary systems are viewed with a significant degree of skepticism. As mentioned in Chapter 5, customary systems were largely understood as destabilizing factors to a 'liberal' peace. However, contrary to legitimizing and strengthening customary systems alongside the formal one, a number of my interviewees indicated that the position maintained by formal justice operators in Monrovia is that Liberia's dual justice system should be phased out and replaced with a single formal legal system (Barbu, n.d., p.34). As Counsellor Barbu's historical review concludes: "the existence of a dual legal system in Liberia […] is not supportive of pursuit of the rule of law in Liberia"(Barbu, n.d., p.34). He reasons that the presumed "ignorance" which justified the dual legal system for so long "… has ceased to exist as natives generally have an appreciable understanding and interest in "civilised governance" and thus, there is a need to discontinue the system (Barbu, n.d., pp.34–35). Yet, as Lubekeman et al. point out, this position does not reflect the views of the majority of Liberians for whom customary justice is their only recourse: "…the fate of the dual system in Liberia tends to occur among Monrovia-based elites and their international partners. Consequently, these debates tend to privilege the concerns of these actors…"(Lubkemann et al., 2011, p.202). Indeed, this debate spilled over into TCC's new Community Justice Advisor Programme. When it was initially proposed, it was called the Community *Legal* Advisor (CLA) programme and the CJAs were originally referred to as a "paralegals." Demonstrating the highly contested nature of "legality" in Liberia many in the formal legal establishment objected on the basis that the CJAs were not trained paralegals and their advice should not be confused with legal advice.

In the relatively apathetic environment amongst the Monrovian legal establishment, TCC was forced to develop a network of national and international actors who could leverage data, resources and expertise to develop the community-based justice programming their practical situation required. One example of this effort is the Liberia Legal Working Group (LWG), established in 2009. The LWG included the Ministers of Justice and Internal Affairs, UNMIL's Legal and Judicial System Support Division (LJSSD), and the American and Liberian Bar Associations (ABA), the U.S. Institute of Peace (USIP), George Washington University, The Carter Center and other legal development actors. Working through these formal institutions, TCC was able to advance their community-based Access to Justice programming (Anonymous, 2011a). Taking into account practices which were seen to contradict human rights standards and gender equality in some customary justice, the LWG recommended that

> [t]he starting point for policies regarding justice reform should be focused on ways to functionally improve the quality of justice for all Liberians […] Rather than only focusing on the legal framework, the approach should be a problem-solving one that focuses first and foremost on how best to meet the justice needs of the population [by first considering] the capacity, effectiveness and potential roles of the full spectrum of dispute resolution mechanisms, including formal, customary, alternative dispute resolution and other community-based mechanisms. Resolving the legal and structural

> *relationships between the customary and formal systems should serve the primary purpose of improving access to justice needs. In other words, questions of structure and form are subordinated to those of function"* (Legal Working Group, 2009, p.5).

With these findings, the LWG recommendations functioned to destabilise the historical hierarchy of formal over customary practices and called into question the claim that the formal system was the obvious approach to justice reform in peacebuilding. The group concluded that the customary system was essential to meeting peacebuilding objectives in Liberia, rather than an obstacle to it (2009, p.1). They found that reform "must focus on achieving far greater and more meaningful forms of local social participation than has hitherto been the case" (2009, p.5). Hence a range of new programming needed to be designed to reach out to and engage the "full spectrum" of conflict resolution capacity in Liberia (2009, p.5). To this end LWG recommended a long-term, on-going engagement with customary justice including further focus groups, meetings, research and surveying designed to "focus efforts [on] working with traditional leaders and local communities to find alternative socially acceptable ways of addressing their concerns" (2009, p.7).

Working through these formal channels and assembling a network of organizations that were supportive of the customary justice approach, The Carter Center enlisted actors to assist them in developing their Access to Justice programing. Callon describes this as a process of *enrolment*, in which The Carter Center "…sought to lock the other actors into the roles that had been proposed for them in that programme" through a "set of strategies in which the researchers sought to define and interrelate the various roles they had allocated to others" (Callon, 1986, p.1).[12] Through this enrolment process, TCC was able to assemble a network of actors and establish connections between different sites who shared an overlapping practical situation, one which revolved around establishing the legitimacy of customary justice in Monrovia.

Working with Chiefs: Pillar Two

On the customary front, the Carter Center supported and promoted the National Traditional Council (NTC). The NTC is an organization of traditional chiefs who, after the war informally lobbied the national government on behalf of customary interests in the Counties. In November 2009, I arranged an interview with the NTC to discuss their concerns about customary justice in post-war Liberia. The meeting was attended by a group of ranking National Traditional Council (NTC) members and chaired by the Bouku Zulu, the Council Vice Chairman. The Vice Chairman explained that when "[internationals] go to communities and the people run away, they refuse treatment and advice [but] if we could go the people and talk to them we can help organise peace" (Zulu, 2009). He noted the everyday justice burden that the customary system absorbs. The NTC promotes the customary system as complimentary to the rule of law and formal courts by solving cases at the lowest levels before they reach an already over worked system. He stated that the goal of the NTC is to help the government make peace and to unofficially "represent" the traditional county leadership in their interactions with the government

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[12] The definition of enrollment presented here includes Callon's separate through related notion of 'interessement': "[t]o describe enrolment is thus to describe the group of multilateral negotiations, trials of strength and tricks that accompany the interessements and enable them to succeed" (1986, p.10). However, I merge the two under the notion of enrolment.

('unofficially' meaning not as part of the formal legislature but more as a lobby for traditional interests) (Zulu, 2009).

Vice Chairman Zulu explained that before the war, the NTC functioned as a committee to promote, advocate and participate in discussions of issues that affect Liberia as they relate to customary peoples. But during the war they were disbanded. They were able to reconstitute themselves with assistance from The Carter Center. He mentioned that the UN gave general support in terms of security but "only The Carter Center eats with us" (Zulu, 2009). In close collaboration with The Carter Center and the Ministry of Internal Affairs (MoIA), the NTC signed a resolution on a particularly contentious issue between customary and formal justice – trial by ordeal. The resolution agreed that sassywood "should be abolished but that other forms of traditional dispute resolution such as sand cutting should be allowed as long as the practitioners are licensed by the Minister of Internal Affairs" (Chief Kawer, 2009). The resolution also recognises that if sassywood is abolished then an alternative must be provided that will be "inexpensive, transparent, reliable and credible in the eyes of the traditional people…" (Chief Kawer, 2009). According to Tom Crick, when The Carter Center first began working with the NTC in 2007, "they were located in a small, side office in the old Ministry of Internal Affairs building. Now the NTC is "an independent body that is pretty much part of the protocol order now" (Crick, 2012).

> [The] acceptance of the role of chiefs within governance has really taken root among the political reformers. Not necessarily because they have any love of the chief or [the] the secrecy and the ritual but because they recognised that they are there and are a structure. [The Carter Center has done] a lot of work with that structure to make it more accountable and accessible [such as] working with the women and working with the chiefs to allow more women participation, more youth participation. These elements are very important in this whole process (Crick, 2012 Personal Interview).

Tapping into the capacity of traditional leaders to resolve conflict before they escalate into violence, The Carter Center, in partnership with the NTC and the Minister of Internal Affairs, launched the Local Dispute Management Programme. The programme was designed to train customary leaders and justice actors in mediation and alternative dispute resolution (ADR) techniques. This programme, commonly referred to as 'the chiefs project', was funded by USAID and ran 18 months in duration. The programme was designed to "strengthen the capacity of Liberia's local indigenous leaders to manage local disputes, as well as to provide the officers of the National Traditional Council enhanced ability to respond to major disputes" (The Carter Center, 2010a). The conflict resolution training provided to the traditional leaders in attendance was carried out by "an expert member of the U.N. Mediation Response Unit from New York, along with Carter Center staff and officials" and dispute resolution support was provided by local monitors on an on-going basis for the duration of the project (2010a). According to Tom Crick, "[t]his collaboration [strengthens] the capacity of local institutions to address local problems before they escalate and give national leaders new skills with which to help government respond to problems as they arise" (Crick, 2012).

The Carter Center's direct involvement in building, extending, and sustaining links between formal and customary justice actors, systems, and practices culminated the three day "National Conference on Enhancing Access to Justice" in Gbarnga in April 2010. The aim of the conference was to bring together key justice-sector stakeholders, local and international, formal and customary, to discuss the points of

contention existing between these justice systems. The conference was jointly organised by the Minister of Justice, Minister of Internal Affairs and The Carter Center. The participants were addressed by President Sirleaf, who for the first time, talked about the issue of traditional justice and the dual system "comprehensively" and promised "to work with traditional leaders to promote access to justice" (The Carter Center, 2010b). As the National Conference was underway in Gbarnga, a team from the National Traditional Council was in the midst of practicing conflict resolution techniques. Supported by USAID funding and trained by TCC and UN conflict mediation experts, the NTC negotiated an end to a violent outbreak in Lofa County in May 2010, successfully mediating and resolving a dispute between local Mandingo and Lorma traditional elders (The Carter Center, n.d.; National Traditional Council, 2010).

The Carter Center's work to establish customary justice institutions and practitioners as permanent fixtures in Liberia's justice landscape suggests that the 'liberal' direction of justice practices in Liberia is far from secure. To be sure, international resources predominantly flow into programmes designed to build the capacity of the formal sector. However, the monopoly over the 'legitimate' practice of justices enjoyed by the formal justice system was becoming increasingly unstable as it becomes ever-more clear that Liberia's post-conflict 'peace' is being underwritten by customary justice outside of Monrovia.

Civic Education: Pillar Three

Just as TCC was working to bring customary practices into sites where formal practices circulate, they were also working to extend formal practices into communities where customary practices predominate. This required enlisting yet more actors, building connections between more sites, and drawing on designing new community-based justice projects. The civic education programme was the first community-based Access to Justice project launched by TCC in Liberia. It provides sub-grants for human rights and rule-of-law related radio broadcasts designed to disseminate information. It also funds local civil society organizations (CSOs) to travel into communities to hold town hall meetings and conduct dramas on the rule of law and the rights and protections it provides. Supported by the Minister of Justice, the Carter Center designed and launched its civic education programme in the South East Counties in collaboration with their local implementing partner, a locally based NGO – the Catholic Justice and Peace Commission.

The Justice and Peace Commission (JPC) was established in 1991 by a group of Liberian bishops as a reaction to the wide-spread human rights abuses perpetrated during the civil war. During this period the JPC garnered a significant amount of grassroots support and is today one of the largest Liberian NGOs (Mawolo, 2011 Personal Interview). They operate an established, parish-based network which works in local communities on peace education, human rights and the rule of law. According to Thomas Mawolo with the JPC office in Cape Palmas noted that the JPC had the existing network capable of supporting the CSO project (2011). However, in the course of their work in the communities, the CSOs were increasingly solicited for legal advice and approached for legal assistance in resolving disputes, assistance which the CSOs were not qualified to provide. According to Carter Center staff, this indicated that there were a significant number of unresolved disputes in communities. They reasoned that these disputes could have potentially destabilizing effects on the broader Liberian peacebuilding process (Crick, 2012). A TCC document assessing the situation at the time read:

> *…it was clear that there was little trust in representatives of the state, that indigenous leaders or judicial practices did not always enjoy popular legitimacy, and that overall understanding of the law was extremely low. In short, rural citizens [have] minimal access to anything recognizable as the rule of law, a situation that would sustain marginalization and could be harmful to the peace (The Carter Center, n.d.)(see Appendix B).*

Based on this assessment Carter began to explore alternative programming options that would address this situation. In order to engage the needs left unaddressed by the CSO programme, TCC began to assemble a group of actors with the necessary practical understanding to be able to roll out a more ambitious and robust intervention.

A New Justice Practice: Assembling the Community Justice Advisor Programme

At this time, 2007, Tom Crick learned of a programme in Sierra Leone called Timap for Justice. As Liberia's northern neighbour, Sierra Leone experienced similar post-colonial dynamics which manifested in what is, functionally, a dual legal system. In this context Timap's goal was to improve access to justice for poor and rural Sierra Leoneans through primarily "pragmatic" means. Timap draws "…on both sets of institutions in any given case, depending largely on which institutional course will best achieve our client's interests and the interests of justice" (Maru, 2006, p.460). Timap's innovation was the introduction of *paralegals*: "laypeople with basic training in law and formal government who assist poor and otherwise disempowered communities to remedy breaches of fundamental rights and freedoms" (2006, p.429). Timap paralegals are trained in providing legal education and mediation in Sierra Leonean communities"…where the social infrastructure is thinnest and the need for services is greatest" (2006, p.441).

Importing Legal Empowerment From Sierra Leone.

Upon learning of Timap's work, Tom Crick remarked, "it started ringing bells. Serendipitous. I wasn't aware of this. Indeed I wasn't aware of the whole justice for the poor movement, or legal empowerment movement" at the time (Crick, 2012 Personal Interview). Timap was developed by Vivik Maru, who explains that the rationale behind his legal empowerment approach is that the "the successful provision of justice services requires serious engagement with the social and legal particularities of a given context (2006, p.429). Maru finds that earlier generations of justice aid in development contexts "failed because of an unwillingness to heed socio-legal specificity" (2006, p.429). In this sense Timap represents a move away from understanding legal development in terms of formal state institutions and toward engaging with local needs:

> *For all our engagement with the formal system, however, we are not legal missionaries who would banish customary darkness with formal legal light. Customary institutions deserve respect both for their link to tradition and for the fact that they, far more than the formal institutions, are accessible and relevant to most Sierra Leoneans […] Our work in this regard departs from the exclusive focus of most law reform efforts on the formal system, and resonates instead with what Madhavi Sunder calls 'New Enlightenment' efforts to advance freedom from within cultures which traditionally have been viewed as outside the modern public sphere (2006, pp.461–462).*

Jeff Austin, The Carter Center's South East regional director in Harper, was tasked with importing Timap's paralegal practices into Liberia: "we really attempted to replicate a lot of things from Timap" in the CJA programme (Austin, 2012 Personal Interview). Building on the Timap programme, TCC and JPC began piloting their stationary community legal advisor programme in two Southeast Liberian counties in November 2007 (The Carter Center Document, n.d.). In doing so, Austin closely collaborated with the JPC and their network of local CSOs who were already conducting civic education. TCC and the JPC hired these stationary CJAs from the communities they would be working in. And who therefore brought with them an established local network and reputation. After being trained (see Chapter Seven), the stationary CJAs would conduct awareness-raising sessions on human rights and the rule of law in their communities as well as provide free legal advice, such as assisting a client in navigating the formal system and advocating on their behalf.

Randomised Control Trials: Assessing the Impact of Legal Empowerment.

At the same time that The Carter Center was reaching out to Timap, so was a team of development economists from Oxford's Centre for the Study of African Economies (CSAE). Bilal Siddiqi and Justin Sandefur's interest in Timap sprang from a 2008 paper by development economists Martina Björkman and Jakob Svensson called *Power to the People: Evidence from a Randomised Field Experiment on Community-Based Monitoring in Uganda* (2009; from Sandefur, 2012). What Sandefur found intriguing about this particular study was their use of increasingly popular methodology in development economics called randomised control trials (RCTs), in order to demonstrate that bringing the community together to "basically talk about the performance of their clinic, had big effects that are measureable in terms of child mortality rates" (Sandefur, 2012 Personal Interview). For Bilal and Justin, these impacts were interesting because they were outside the range of mainstream, brick and mortar development practices.

For Siddiqi and Sandefur, being able to deliver significant reductions to child mortality rates using an unorthodox community-based programmes causes the larger mainstream development donors will start to take notice and say "wow, these wishy-washy things we've ignored in the past are having some huge concrete returns relative to some of our more standard interventions" (2012).[13] In this way, their interest in these types of community-based justice programmes were their potential to overturn or challenge established development dogmas. Such unorthodox findings generate *impact*. Citing a particularly consequential study conducted by Banerjee and Duflo as an example, they noted how they challenged accepted micro-lending practices in India, showing them to deliver no impact (Banerjee et al., 2010). In this way, the political economy of academic and policy impact influenced Siddiqi and Sandefur's interest in legal empowerment – a new but peripheral movement within the world of international development.

In the late 2000s, a significant amount of money was flowing into Oxford from the UK's Department for International Development (DFID) to conduct research using randomised control trials (RCTs). In this climate, Siddiqi and Sandefur recalled that "resources were available and people were being encouraged

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[13] The term "wishy-washy" was used to convey the prevailing view of legal empowerment-type projects held by large international donors.

to throw around ideas, and that's what we were doing" (Sandefur, 2012 Personal Interview). However, first they needed to find a legal empowerment project which could be evaluated using the same RCT-based methodological approach as Björkman and Svensson. Their goal was to "use the same approach to measuring a causal effect but do so on a project that people usually consider kind of wishy-washy…" compared to building courts and jails (2012). Upon learning of Carter's A2J programming, Siddiqi went to Monrovia to meet with TCC and pitch them the idea of designing their community justice advisor project to within a RCT-based framework. Speaking to their thinking during their initial discussions with The Carter Center, Sandefur recalled:

> *if you really want people to take notice of your justice sector stuff you need to show that it has impacts on the kinds of core welfare indicators that people are already paying attention to. So in the case of Liberia it's going to be 'can we show that resolving these […] household [disputes…] has an impact on food security of children? [If so] then a whole different class of people are going to start paying attention to the results* (2012)*.*

As actors from The Carter Center, the JPC and Siddiqi and Sandefur began to consider how to import Timap and translate it into the unique dynamics at play in Liberia and within the framework of a Randomised Control Trial, a new and more ambitious programme design took shape. In order to be able to incorporate the CJA programme into a the framework of a randomised controlled methodology, TCC would need to "fundamentally change their model from one of the office- based CJAs who were waiting for cases to come to them to Timap's model of the community-based paralegals who go out and look for cases in a scattering of villages across the countryside" (Sandefur, 2012). Commenting on their direct involvement in restructuring and redesigning the CJA programme, Sandefur recalled that

> *the main consideration as to why we got so involved in the beginning of the program, and also the nature of the impact evaluation, means that you have to randomise from the get go… You have to do a baseline and then based on the baseline you assign treatment and control [groups]. You try to match apples to apples etc. So for all those reasons you get involved at the beginning of the design phase (2012).*

Therefore, TCC would have to overhaul the design and structure of their stationary CJA programme in order to accommodate their randomised controlled methodology. However, The Carter Centre was already planning to expand their stationary model after independent consultations with Timap.

The stationary programme was new and mostly reliant on word of mouth and brief radio segments for promotion. The stationary CJAs were based in walk-in legal clinics located in 10 larger towns and villages. For Liberians living outside these ten communities, the stationary model was reliant on Liberians traveling great distances at great cost to register a dispute, assuming that they were aware of the services in the first place. To address this problem, the CSAE and The Carter Centre introduced an innovative and, at that time, unique dimension to the CJA model – the new community justice advisors would be *mobile*. While I will return to this in the next chapter, the mobile dimension allowed the CJA programme hire and train sixteen motorbike-bound community justice advisors. Each mobile CJA was assigned ten communities which they would visit on a regular basis. Their tasking would include those of the stationary monitors; however, they would be able to extend access to justice programming outside the larger communities and into more remote towns and villages previously unreachable. Additionally,

the mobile dimension expansion of the CJA project also increased its geographical scope. The programme was extended beyond the South East Counties to the three Central counties: Bong, Lofa and Nimba (see Figure 5).
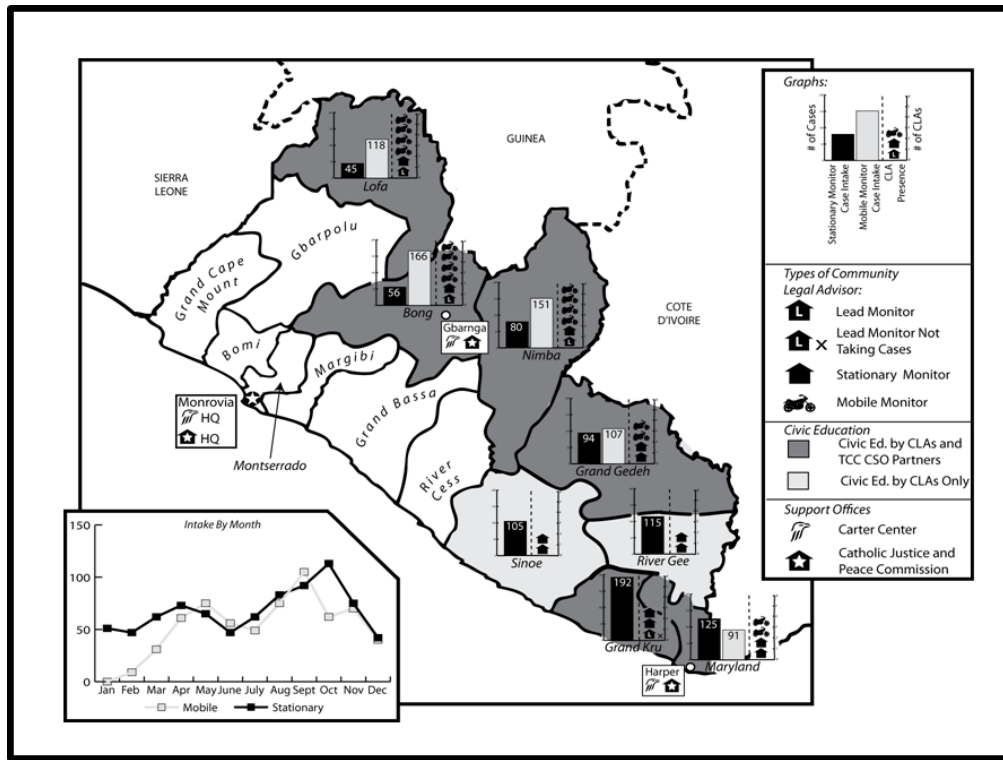
Figure 5: The Community Justice Advisor Programme (The Carter Center n.d.)

While this dynamic process tweaked and moulded the design of the programme and 'plays' with the practice of justice in the process, this fluidity must ultimately be translated into sites and must therefore, be rolled out in a systematic way. The communities needed to be selected, the CJAs had to be trained, and in accordance with the RCT-based survey design, a baseline round of data must be collected so that any impacts could be compared. When it was settled, the CJA programme would deploy mobile CJAs in 88 largely rural Liberian communities spread out over five counties: Bong, Nimba, Lofa, Grand Gedeh and Maryland. These 88 communities were called 'treatment' communities. In accordance with the survey design, these 88 treatment communities could be matched and compared with 88 similarly composed 'control' communities where the CJAs would not deployed. In this way, any differences between treatment and control groups could be attributed to the CJA intervention.

The baseline survey entailed equipping a team of Liberian enumerators (data collectors) to interview one adult member of every household in the 88 treatment and the 88 control communities (176 in total) which amounted to 2,100 households. These interviews consisted of administering a digital survey uploaded onto a Personal Digital Assistant (PDA). The survey probed respondent's income, nutrition, education, their social position in the community, their fluency in formal legal knowledge, their history of disputes and their perceptions of justice. This data was recorded on PDAs for later analysis. The baseline survey was conducted under the auspices of a broader United States Institute of Peace (USIP)

project. The USIP was also working with The Carter Center to as part of their effort to explore peacebuilding and development outside the formal justice framework. The process of enrolment which manifested in the Liberia Legal Working Group brought the USIP and the CSAE together for the *Looking for Justice* Report, a survey which further unsettled the top-down, formal justice establishment in Monrovia, and with it, the assumptions guiding 'the liberal peace'.

Looking For Justice

In 2009, Bilal Siddiqi and Justin Sandefur of the CSAE along with Debbie Isser (then with U.S. Institute for Peace (USIP), Steve Lubkeman of George Washington University and Saah N'Tow fielded a large-scale survey titled *Looking for Justice: Liberian Experiences and Perceptions of Local Justice Options* (L4J). *Looking for Justice* was a ten-month extended field survey which covered five Liberian counties: Nimba, Lofa, Bong, Grand Gedeh and Maryland. The research design consisted of qualitative and quantitative methods: while the USIP's team handled the qualitative aspects of the survey, the quantitative dimension was developed by Siddiqi and Sandefur as part of their baseline survey for the mobile CJA programme. Therefore, the L4J Report was at once three things. First it was the baseline survey of a broader 2.5 year randomised control trial. Since CJAs only visited treatment communities, the treatment and control communities were assigned and then locked into the design of the programme. In this way, the structure of the CJA programme mirrored the structure of the impact evaluation. Second, the L4J resulted in a report on the perceptions of justice in rural Liberian communities. Lastly, the L4J sought *to effect policy*. The objective of the report was to "develop evidence-based policy options for expanding the rule of law and consolidating peace over the next decade in Liberia in ways that account for the role of informal legal systems and grassroots understandings of justice" (Isser & Lubkemann, 2009, p.16).

Accordingly, L4J grappled with "how exactly to configure any relationship between formal and customary justice institutions" (2009, p.10). The report sought to provide policy makers with "a robust empirical understanding" of how Liberians perceive policies designed to promote formal justice norms and mechanisms. The Report proceeded on the rationale that local perceptions were "germane to any assessments of whether customary justice mechanisms can and should play a role in cultivating rule of law in Liberia (2009, p.10). Using a combined quantitative and qualitative methodology, the Report engaged directly with a range of actors involved in the customary justice system including paramount chiefs, town chiefs, women's leaders, and focus groups with community members. Through this approach, the researchers were able to trace "...*the actual practice of dispute resolution, regardless of which institution – formal, customary or other – was involved*" (2009, p.7 emphasis added). By tracing the justice *practices* of Liberians as they attempt to resolve a dispute, the *Looking for Justice* Report came to the conclusion that in the five counties surveyed, the perception of the formal justice system was overwhelmingly negative and that Liberians prefer to use the customary system:

> [p]reliminary analysis found that 89% of the disputes that were taken [outside the family] for resolution […] were taken to a customary authority, whereas only 11% were taken to a formal institution. Moreover, 74% of the disputes taken to a customary authority had already been resolved, whereas only 61% of those taken to a formal authority had achieved a final resolution (2009, p.26; in Sandefur et al., 2009)

L4J cites two general reasons for these widely held perceptions clustered around 'first and second-range concerns'. The findings are extensive and detailed so I can only briefly review them here.

First-Range concerns:

The 'first-range concerns' are largely material in nature; they include affordability, timeliness, accessibility, transparency and effectiveness of formal vis-à-vis customary systems. Pertaining to affordability, rural Liberians simply find the formal system to be far more expensive than the customary system. For rural Liberians, the cost of taking someone through the formal system includes taking time from one's daily tasks (often rooted in subsistence farming) to travel to Court, to hire a lawyer, and of course the various administrative and filing fees and bonds. There are also ancillary costs. For example, the travel costs of witnesses and police investigators must be paid out of pocket (Isser & Lubkemann, 2009, p.43). Additionally, Liberians factor in a 'corruption tax' which favours those who can pay it. The report cites one woman who summed up the generally held perception: "All of the courts in Liberia require money. If you have no money, no justice for you. All paths require some backing – money or influential person to plead for you. [In Liberia] no justice for the poor" (2009, p.45). To this point L4J finds that

> *the overwhelming majority of Liberians believe that the progress of a case in a formal court has virtually nothing to do with the substantive merits of the case. They believe that even the most meritorious, clear cut, or heinous cases will make absolutely no progress unless an often bewildering succession of "fees" and costs are continuously being paid (2009, p.44).*

This 'bewilderment' manifests as another first-range concern. The study concluded that the procedural nature of the formal system was "invariably characterised by confusion and a deep sense of disempowerment":

> *Victims/plaintiffs and perpetrators/defendants express frustration in being bounced around from official to official, court date to court date, detention cell to detention cell without understanding why. Victims in particular are confounded by decisions rendered without their having had an opportunity to voice their views. This lack of transparency in turn underwrites a suspicion that formal court proceedings are by default subject to being influenced in ways that inherently assure partiality and bias in their rulings. This is further reinforced by the deep sense of imbalance of power felt by most Liberians against state-backed authorities. Most Liberians believe that the exertion of naked power in the pursuit of self-interest seems to be one of the most prevalent and predictable principles governing the process of case resolution by officials in formal justice institutions(2009, p.47).*

Interfacing with this 'bewildering' formal justice process requires that the case is managed through a dizzying jumble of incomprehensible procedures which absorb an unacceptably high degree of not only money but time. Indeed the timeliness (or perceived lack thereof) negatively affected the accessibility of the formal system when compared to the customary system as another first-range concern.

However, these first-range, material concerns are ultimately exacerbated by what Liberians perceived as the inability of the formal legal system to enforce the laws it circumscribes. In other words, Liberians understand a law to be only as good as the ability to enforce it. As alluded to above, Liberians are often frustrated by an alleged perpetrator being released on a procedural technicality when the merits of the

case clearly indicate the defendant's guilt. The inability of the formal system to enforce its laws and convict the 'guilty' undermines the effectiveness of the formal system and with it Liberians' perception of its legitimacy (2009, p.49). Yet, conceivably these material first-range concerns could be remedied by reducing court and representation fees, opening more legal clinics in more remote places , and extending more legal education to clients. These material constraints can be combatted with material expenditure (Sachs, 2005; Paris, 2005). However according to the L4J report: "[o]ne of the most striking findings [is] that most Liberians would still be unsatisfied with the justice meted out by the formal system, *even if it were able to deliver on the basics discussed above*" (2009 emphasis original). Hence, L4J finds that the more pressing and entrenched problems are what they term 'second range concerns'.

Second-range concerns

These second range concerns are normative in nature. The second range concerns assessed "how most of [Liberia's] population defines 'justice' itself in the first place" (2009, p.43). Perhaps unsurprisingly, the researchers found that "the core principles of justice that underlie Liberia's formal system (one based on the American legal system), differ considerably from those valued by most Liberians" (2009, p.51).

> *There is a strong demand for justice results that comport with local conceptions of justice, as opposed to western norms that underlie the formal justice system. Liberians we interviewed are critical of the formal justice system for being overly narrow in how it defines the dispute, and therefore failing to address the root issues or to mend damaged social relations. Redress provided by formal courts is viewed as deficient when punishment is assigned without attending to reconciliation or compensation. Liberians also expressed their desire for a locally relevant justice system – that is, one that embodies their values and social mores rather than seeking to supersede them; and one that addresses the full range of offenses, problems and crimes they believe they confront – including cases of 'witchcraft'* (2009, p.9).

The survey concluded that Liberians want a justice system that reflects their values and beliefs – a "fundamentally Liberian justice" (2009, p.51). This implies that Liberian justice must reflect the restorative nature of customary justice practices in order to be perceived as legitimate. Contrary to the formal justice system which defines justice in individual terms (justice for the plaintiff over the defendant for example, a winner and a loser), Liberia's customary system defines justice in terms of social cohesion of the community. Hence the management, maintenance or *restoration* of this social cohesion is the primary justice consideration in the customary system not 'individual justice'. Thus, rather than litigating the act or 'crime' as the formal system would, "[i]n order to be seen as adequate, justice must thus work to repair those relations, which are [seen as] the ultimate and more fundamental causal determinant, rather than merely treating the behavioural expressions that are viewed as its symptoms." The report concludes that according to customary norms, punitive or redressive justice is "considered deficient if it does not also produce reconciliation among the parties" (2009, p.52).

Rather than an individual, rights-based justice, the *Looking for Justice* Report found that a central component of this restorative system was the community itself. While the chieftaincy is a central institution in the provision of customary justice, in practice the customary system is maintained by a wide-range of actors beyond the chief. They include family members, secret societies and other respected community members, all of whom are consulted in the process of rendering a decision. In

administering justice, these actors are not primarily concerned with prosecuting the crime or act itself; instead the goal is to attempt to resolve the underlying, root grievances of which the crime is thought to be an expression. The Report found that, while compensation is an important dimension of customary justice in Liberia it is "generally subordinate to social reconciliation" (2009, p.8). Depending on the severity of the offense, decisions range from cooking public meals and eating together, monetary compensation, public apologies, through to more severe practices such as sassywood or other trials by ordeal. In the most extreme cases which are beyond the possibility of restoration, banishment or ostracism are used. However, punishing even serious crimes such as rape and murder end up being subordinated to the overriding priority of social cohesion and often go unreported or unpunished. Each of these punitive sanctions is meted out with a view to maintaining the social order, continuity and stability of the community, treating unresolved disputes as the social problem rather than crime itself. The study concludes that the punitive nature of the formal system is "diametrically opposed" to the restorative nature of customary justice (2009, p.53).

However, in addition to the web of participants in customary justice processes, the restorative nature of Liberian justice is also maintained and stabilised by practicing sassywood and other trials by ordeal including controversial practices such as ingesting poison or burning with a hot cutlass in order to elicit a confession of guilt. Liberians understand the efficacy of the customary systems as being closely related to the ability of the system to enforce its rules through these practices. Trials by ordeal are understood to be essential to practicing restorative justice. According to respondents, the individual rights enshrined in the formal system are perceived as essentially criminalizing the necessary tools, practices and institutions required for communities to police themselves and maintain social equilibrium in the community: "the effective[ness] of customary institutions [is] seen by many to have been undermined by external factors, including state policies limiting their jurisdiction" (2009, p.9). *Looking for Justice* found that "[t]he vast majority of Liberians interviewed believed strongly that at least some forms of [trial by ordeal] should be allowed, and that the ban on its use was causing significant societal problems – most particularly the inability to control crime and a rise in witchcraft" (2009, pp.10–11). Ultimately, L4J proposed that these first-range concerns "are arguably far more profound and strategically consequential for the development of a Rule of Law strategy that is conducive to Liberia's consolidation of peace and that cultivates popular perceptions of good governance and the legitimacy of state institutions" (2009, p.43).

The *Looking for Justice* Report drew two powerful conclusions. First, the vast majority of Liberians depend on the customary system as their frontline service for dispute resolution needs. Combined with the formal system's apparent lack of capacity, this finding suggests that the peace and security that Liberians have enjoyed since 2003 has been largely *underwritten by the customary system*. This being the case, the second conclusion showed that development policies which Liberians perceived to be undermining the customary system were having *deleterious effects* on the very peace and security these policies purport to be developing:

> *Policies that seek to increase the jurisdiction of customary courts may, under current circumstances, fare better under our analysis, given that customary justice institutions are more accessible and garner more legitimacy for rural Liberians. Important caveats include that certain cases (egregious crime; where difference in custom is part of the dispute) are not appropriate for customary courts;*

and certain practices (trial by ordeal, discrimination) might be exacerbated by increasing customary jurisdiction. At the same time, it would be possible to increase customary jurisdiction while still banning trial by ordeal, and customary authorities should not be seen as entrenched defenders of custom, uninterested in change (2009, p.14)*.*

Indeed the study found that "to many Liberians the very term 'human rights' has negative connotations. For the most part, Liberians associate the term with children's rights and defendant's rights, and complain that these are undermining the social order" (2009, p.10). Consequently, *Looking for Justice* ultimately determined that Liberians perceive *the values embedded within the formal system to be eroding the capacity of customary systems to enforce its decisions and practice restorative justice*. It follows that building a formal liberal state is undermining Liberian peace and security.

Concerns with the Customary Justice System:

However, L4J also found a significant range of negative perceptions of the customary system as well. Within the data, CSAE found that groups disadvantaged by the customary system such as "women, poorer people, ethnic minorities, and the less locally connected people measured in distance from the chief would prefer to go to the formal system" (Siddiqi, 2012 Personal Interview). The quantitative data collected in the baseline survey revealed what Siddiqi argued was "a rationality to why people go to the customary system" – the data revealed that certain minority groups, if given the free choice between customary and formal systems, would prefer to take their dispute to the formal system (2012). Yet because it is too expensive, the justice needs of these minority groups also go unmet in the customary system. Based on the negative perceptions of both formal and customary justice systems, the CJA programme was designed to remove the economic and social barriers which factor into a Liberian's justice "forum shopping" decisions (Sandefur et al., 2009). Therefore, not only did the L4J suggest that the 'liberal', state-centric approach was undermining the customary justice practices maintaining the fragile peace in Liberia, but the report went on to point out where the customary system was falling short. It was in these justice-gaps between formal and customary justice that the CJA programme was designed to operate. The CJA service is free of charge; it comes to the client rather than requiring the client to travel to a clinic; it is not a formal service and appeals to restorative sensibilities and can therefore circumvent negative, alienating aspects of formal justice. The point of the CJA programme was to provide a third justice option (Crick, 2012).

Indeed, the general consensus that emerged from interviews amongst key local, national and international actors is that while L4J confirmed previous reports regarding the deep suspicion of the state and formal law in the rural communities, it nevertheless left an impression on the justice sector reform debate in Monrovia. Whereas the ICG report indicated that the customary justice system was essential to Liberian peace and security, the L4J report found that active attempts to promote formal justice had an adverse effect on these essential customary practices. In this way, the L4J report went further, suggesting that 'the liberal peace' was detrimental to peace in Liberia. According to a senior UN operative who participated in the formation of Liberia's justice sector policy, *Looking for Justice* "changed the discussion," and that "the scale of the research and its findings in terms of volume, caused a moment of pause" (Anonymous, 2011a Personal Interview).

Summary

Following the ICG Report, the international support which helped to maintain the Liberian formal legal system as the vanguard of justice in Liberia began to wane. The Carter Center's practical situation, the 'problem' the Minister of Justice enlisted them to address was to reach out to customary justice practitioners, to build connections with the communities in which they practice, and to develop some innovative justice programming to plug the gaps between them. To this end, TCC initiated a processes of enrolment (Callon, 1986). This process involved identifying actors and justice organizations with a shared stake in promoting customary justice in post-conflict environments. They set about building a network of international and local NGOs from the Minister of Internal Affairs, to the USIP, to the National Traditional Council. With funding from USAID and the PBF, The Carter Center reached out to Timap in Sierra Leone. From Timap's relatively established programme, TCC began to import a practical understanding legal empowerment into Liberia. It was this legal empowerment approach to justice on which the CJA programme was modelled.

Through this process, Siddiqi and Sandefur were also drawn into this practical situation; using an RCT-based methodology, they sought to measure the impact of the CJA programme. This practical situation was characterised by the inability of conventional peacebuilding approaches to address it so a different approach was required (see Lubkemann et al., 2011, pp.202–205). Siddiqi and Sandefur wanted to see if what were then considered 'wishy-washy' community-based empowerment projects could demonstrate significant impacts where conventional, formal justice approaches could not. To this end, The Carter, Center, the JPC, and Siddiqi and Sandefur set about the process of synthesizing the legal empowerment practices embedded in Timap's paralegal programme within the framework of a Randomised Control Trial and translating it into Liberia.

Through this enrolment process, the *Looking for Justice* Report was produced. L4J traced the practices of local actors as they navigate customary and formal systems in search of justice. Using this methodology, the report revealed a widely-held negative perception of the formal system along with significant qualifications for minority groups disadvantaged by the customary system. This methodological approach generated evidence demonstrating that customary justice systems were vital, rather than detrimental to the viability of a Liberian peace. At the same time, the report argued that attempts to extend the practices and institutions associated with 'the liberal peace' were undermining these vital institutions. Or, to put it another way, the formal, state-sanctioned, procedural practices of justice associated with 'the liberal peace' were destabilised by a group of international actors using the 'liberal' methodologies of power. Rather being used to maintain and preserve the post-colonial justice hierarchy, these surveys used the methodologies of power in ways which destabilised the legitimacy of formal justice practices. In this environment, new community-based justice programmes, new justice actors, and different justice practices proliferated.

Another way of reading this process is through the theoretical lens of 'the liberal peace'. On this reading the CJA programme represents a strategic adjustment, the appropriation of new resources under a more insidious bio-political approach of 'care' to peacebuilding in which domination masquerades as emancipation (Richmond & Mitchell, 2012, p.20). However, here I am attempting to avoid the false

choice between 'the liberal peace' and 'the local' which theoretical approaches demand we make. Instead, the point is to look at what a given project is organised to do, what actors are attempting to bring about, what 'problem' their practices are designed to address and then account for the points between A and B where the process becomes unstable, opening up to being enacted in new and different ways. This practical tension between order (what a project is designed to do) and change (how it is translated into sites) is one in which new associations, different connections, other justice actors and different justice practices are destabilizing the formal justice practices in Liberia. Contrary to 'the liberal peace' in which peacebuilding is read as the attempt to foreclose and manage the space in which justice is practiced, on this reading, the opposite is revealed: through this process of enrolment, of gathering and organizing bodies and their labour for a shared purpose, we see destabilization of justice in Liberia, an expansion of who can practice justice, and an attempt to redefine how justice can be practiced. Reducing this process to an exercise in 'liberal' peacebuilding omits how practice circulates through these sites in ways which unsettle the 'liberal' practice of justice and reshapes what 'liberal' peacebuilding is becoming.

Chapter Seven
Training Community Justice Advisors

The previous chapter traced how The Carter Center was able to enrol a group of actors which displaced the top-down formal approach to justice supported by the Monrovia elites and their international donors. In this unsettled context, these new actors were able to appropriate ideas and justice approaches from outside the state- civil society repertoire of 'the liberal peace'. In a process of practical hybridity, these actors developed a different way of practicing justice in Liberia which was based on legal empowerment. However, these new justice practices also required new legal empowerment practitioners. Therefore, TCC's practical situation began to reflect different priorities and a shifting array of 'problems' which must be addressed. Ultimately these new legal empowerment practices would have to be enacted in communities by CJAs. In order to do so, the CJAs must be able to draw upon a deep practical understanding of what legal empowerment is and how to practice it. CJAs would have to be provided with such a practical understanding in order to be able to use and creatively translate legal empowerment practices into their communities. During a two-week training retreat in Gbarnga, where new CJAs were being trained, The Carter Center and the JPC attempted to stabilise their new legal empowerment justice practices.

In order to practice legal empowerment, one must first have a practical understand of what legal empowerment is. A practical understanding is the general and specific kinds of knowledge required to enact the many practices which constitute the performance of legal empowerment (Schatzki, 2002, pp.70–79)(see Chapter Three). A practical understanding of legal empowerment is what gives shape to being a CJA. It articulates what a CJA is supposed to do, and how they are supposed to do it. A practical understanding is comprises of rules, guidelines, principles, limits, ethics; it establishes the limits, boundaries and content of 'best-practice' and consequently of bad practice. In this sense a practical understanding organises how practices are supposed to emerge and articulates the purpose for which they are organised. In short, the process of enrolling and training is where the CJAs acquire the practical understanding, knowledge and competence required to carry out the legal empowerment practices which add up to being a CJA. Training is how the practices which constitute being a CJA become more stabilised. In this sense, it is by definition a process of moulding activities into practices, of disciplining, of shaping and channelling how agency is authorised to be practiced.

Again, this process of stabilization could be read through the theoretical lens of 'the liberal peace' as a bio-political intervention and the standing-up of a faux 'civil society' to carry the state into Liberian communities (Richmond, 2011a, pp.152–153). However, this again belies a more dynamic process in which the attempt to stabilise legal empowerment practices again gives way to a process of displacement and contingency as the practical understanding of the CJA programme must be transferred between those who designed it and those who must enact it (Akrich, 1992; Law, 1997). Through is process of translation, the meaning, the purpose, the tools, the know-how, and the limitations inscribed onto the CJA programme by the program's designers must be transferred to the CJAs who must ultimately perform this practical understanding in their communities. ANT provides a useful strategy for exploring the contingencies at play in this process as the meaning of legal

empowerment articulated by The Carter Center and the JPC is appropriated by the CJAs in ways which may emerge quite differently from how they were designed (Akrich, 1992, p.208). In this way, the CJAs do not passively receive transmitted knowledge but are instead active participants in inscribing those practices with their own meaning and purpose, reshaping and re-appropriating the practice of legal empowerment in the process (Latour, 1987b).

Therefore, while a practical understanding circumscribes, it must also be re-inscribed by the actors who translate it. Callon remarks that "[t]ranslation is the mechanism by which the social and natural worlds progressively take form" (Callon, 1986, p.19). The transfer of knowledge between actors is an active process of translation in which "…the translated item acquires energy that carries it further forward, and in this chain each actor modifies and adapts the item according to its own interest, and uses it for its own purposes" (Gherardi & Nicolini, 2000, p.335). In this on-going process, the order embedded in a practical understanding gives way as practitioners imbue their performance with their own meaning and enact them in new ways and for different purposes. According to Callon, "to translate is to displace" (1986, p.18). The aim of this chapter is to plot those points of translation where the practical understanding defining legal empowerment becomes displaced and re-appropriated by the CJAs who will practice it. But first, what is being translated? What is legal empowerment?

What is Legal Empowerment?

The legal empowerment approach adopted by The Carter Center was imported from the Timap for Justice Programme in Sierra Leone. As mentioned in Chapter Six, Timap was a unique, paralegal-based approach developed by Vivek Maru, the programme's co-founder and co-director between 2003 and 2007. This paralegal approach went beyond existing legal empowerment practices such as those practiced by TCC's Civil Society Organization (CSO) programme. Maru's work in Timap was informed by Stephen Golub, an academic-practitioner regarded as a central figure in promoting and extending legal empowerment practice in development contexts (Maru, 2006; Golub, 2003).

Golub articulates the rationale behind legal empowerment in terms of a perceived need to overcome the shortcomings of what he refers to as "orthodox approaches" to the rule of law and development. Golub understands the orthodox approach as a top-down, state-centric, institutional approach involving the professionalization of justice and building the legal, technical and administrative skill sets and practices (2003, p.5). Noting that orthodox practices are oriented toward economic growth, poverty alleviation and good governance, Golub argues that the problem is "not these economic and political goals, *per se*, but rather *its questionable assumptions, unproven impact, and insufficient attention to the legal needs of the disadvantaged*" (2003, p.5 emphasis added). The orthodox approach, he concludes neglects two important dimensions of stabilizing and maintaining peace and security in post-conflict environments: legal advocacy and social justice. Attempting to redress the lack of access to the formal system, Golub argues for a "paradigm shift" in approaches to legal development that uses "legal services and related development activities to increase disadvantaged populations' control over their lives" (2003, p.25). This approach is "community-driven and rights-based […], grounded in grassroots needs

and activities but [able to] impact on national laws and institutions" (2003, p.3). In order to enact these objectives, legal empowerment Golub outlines a series of practices which include:

> *… counseling mediation, negotiation and other forms of non-judicial representation […]enhancing people's legal knowledge and skill through training, media, public education advice and other mechanisms, [development of] services of paralegals (laypersons, often drawn from the groups they serve, who receive specialised legal training and who provide various forms of legal education, advice and assistance to the disadvantaged), [and] building the poor's capacities regarding legal, regulatory and policy reform* (2003, p.26).

Ultimately, Golub defines legal empowerment simply as "the expansion of freedom of choice and action" (2003, p.25). Maru agrees; he describes legal empowerment as "the use of the law to bolster human agency" (Maru, 2010, p.261). Prior to Timap, legal empowerment practices in Sierra Leone coalesced into two practices: the provision of formal legal services, aid such as criminal defence on the one hand and community education on the legal system, laws and human rights on the other. Though he emphasises education as "a critical first step in giving people power." Maru finds that legal empowerment education alone is "inadequate to change a person's or a community's capacity to overcome injustice" (2006, p.428). In addition to formal legal aid services and general community-level education Maru proposed a new empowerment practice:

> *the institution of the paralegal offers a promising methodology of legal empowerment that fits between legal education and legal representation, one that maintains a focus on achieving concrete solutions to people's justice problems but which employs, in addition to litigation, the more flexible, creative tools of social movements (2006, p.428).*

He argues that legal empowerment offers an alternative approach to "far better funded and more established" practice of building state institutions, reforming formal courts, fighting corruption in the judiciary and police. The alternative legal empowerment practice "focuses on directly assisting ordinary people, especially the poor, who face justice problems" (2006, p.428). In development and post-conflict settings Maru finds that the paralegal-based approach requires practitioners to "straddle plural legal systems, engaging traditional, religious, and formal institutions, depending on the needs of a given case" (2010, p.269). This new way of enacting legal empowerment practices includes "working with and strengthening community organizations, organizing collective action to address justice problems, and engaging in community education and community dialogue on justice issues" (2010, p.269).

Both Golub and Maru position legal empowerment as an alternative to 'the liberal peace' and the formal, procedural justice practices it prescribes. It outlines a spectrum of justice practices which they argue, are designed to leverage legal expertise on behalf of the poor and marginalised. However, the critical eye must be skeptical of such claims as they are the currency of 'the liberal peace'; the exercise of colonial power usurps the language of emancipation for the purposes of foreclosing its possibility (Richmond, 2011a, p.120; Bhabha, 2004). On this theoretical reading, legal empowerment can be understood as a strategic manoeuvre to extend the state legal apparatus into communities where restorative customary approaches predominate (Chandler, 2010a). However, this reading presumes the boundaries between power and resistance, domination and emancipation, and neglects the ontologically active process of translation through which these boundaries are continually contested

and displaced. In this dynamic process of practical hybridity, legal empowerment can be arrogated by different actors who reflexively inscribe these practices with different meanings and enact them in new ways.

Enrolling Community Justice Advisors

As part of familiarizing myself with the CJA programme, I attended their bi-annual, two-week training retreat. The training was organised around The Carter Center's semi-annual training retreat. It was held in Gbarnga, where both the JPC and Carter have regional offices. Gbarnga, Liberia's 2nd city, lies about four hours from Monrovia; it is the capital of Bong County, where the district commissioner and county superintendent preside. The town is a former Charles Taylor stronghold and the site of the new Liberian regional security hub pilot project (see Chapter Five). The training was hosted by the JPC on their large compound set on a hill just outside the town centre. The programme was expanding to a new county, Grand Basa, and so the new CJAs had to be trained to fill the positions. Hence, the first week of the training was for welcoming and training ten newly recruited CJAs to the programme. However, over the duration of the training, over 120 participants and partners involved in TCC's access to justice programming attended. The schedule was intense: the training six days a week for two weeks, from eight to nine hours each day. Aside from being an opportunity to learn more about the mobile CJA programme, the end-line survey was set to launch in mid-March; my survey-related tasking included sorting through the CJA case database with the individual mobile CJAs and developing a profile of the types of clients they serving.

When we arrived in the first morning of training, breakfast was served and the group was assembled in a large classroom, powerpoint was projected on the wall, fans whirring, power cutting out regularly at noon to rest the generators. The ten new CJAs, mostly men across a range of ages and two young women, took turns introducing themselves. They were all locals of the region in which they would be working; they were brought up from within the their community's Catholic education and parish network (Mawolo, 2011). The mobile monitors are hired based on their knowledge of the dialects and their familiarity with the geography and customs. Most of them have a background working in community outreach or civil society organizations and some worked on the previous surveys for CSAE. Training manuals were distributed in which the objective of the CJA programme was described:

> ..to strengthen peace in Liberia by giving citizens more ownership of government and by improving the provision of justice. The CJA Program does this by improving the quality and accessibility of local justice processes so that they are in line with the law, which means that [CJAs help] bring people to know and understand the law and legal systems, helping them navigate these systems and helping people resolve disputes (The Carter Center, 2011b, p.5).

After welcomes, Pewee Flomoku (TCC programme coordinator) laid down the ground rules and began to introduce the programme; He focused on themes which would repeat themselves over the course of the training: teamwork, professional conduct, and the need to balance the legal empowerment approach with the imperative to generate new cases. Through the introduction Pewee carefully walked a fine line, defining the limits of the programme, reminding the CJAs that they are not lawyers, they are not

'paralegals', they are not (international) Carter Center employees, but (local) community justice advisors who work for the JPC, a local NGO which will be in Liberia long after Carter leaves. He emphasised that the JPC is local and therefore sustainable (Flomoku, 2011a Participant Observation).

Pewee then passed the floor over to Thomas Mawolo, of JPC in Cape Palmas, Maryland, and John Luckie of JPC Gbarnga to introduce the new recruits to what was expected of them. First they explained the logistical and administrative duties of the work: mobile community legal advisors are responsible for 10 communities; they are required to visit each community twice a month, which totals 21 days a month in their communities, often requiring overnight stays. CJAs are expected to build partnerships in their communities which are often geographically distant, requiring hours of motorcycle travel in very difficult road and weather conditions. While in their communities, the CJAs' goal is to open new cases, and manage these cases through to their closure. This entails an administrative component of the work in which each phase of involvement requires careful documentation. The JPC, not the Carter Center, runs the CJA programme operationally; the JPC functions as Carter's implementing partner for the programme. The CJAs are employed by the JPC; they work in JPC facilities where available, and the JPC keeps the records, organises their activities, and manages the day-to-day operations of the programme in the field. The Carter Center provides the JPC institutional support, legal expertise, a promotional and funding apparatus, and monitoring and oversight. The JPC's involvement in the CJA programme was an organic extension of their collaboration with TCC and their civic education programme in the South East Counties (Payne, 2011).

In addition to having an established local presence through their parish-based network work, the JPC also provided the CJA programme with a national presence. The JPC was an established legal, justice, and human rights organization. They maintained a staff of lawyers in the capital and at times adopted cases referred to them through the JPC's existing community outreach. Their mandate included the courtroom and corrections monitoring to ensure compliance with the law and human rights standards (Austin, 2012 Personal Interview). In working through the JPC, an established local and national justice organization, the CJA programme was unique. When the CJA programme was designed, Carter decided not to establish an entirely new organization as Timap had but took advantage of Liberia's comparative advantage regarding the JPC's local and national organization. For the kind of decentralised, community-based work the CJAs were doing, the JPC was "a natural fit" (Crick, 2012 Personal Interview).

While awareness of the customary justice system emerged as an important dimension of CJA practices, it was balanced by a heavy emphasis on formal law. This aspect of the training was conducted by Counsellor Lemeuel Reeves, TCC full-time Liberian staff lawyer. Counsellor Reeves is the legal advisor for the CJAs while they are in the field. If the CJAs require legal clarification or encounter a legal situation beyond their legal expertise, they are encouraged to contact Counsellor Reeves. The use of formal lawyers is another peculiarity of the Liberian CJA project. Contrary to Timap, which employs a deeper legal staff who directly supervise case management and can actually litigate cases, TCC has never directly litigated a case (Austin, 2012). The CJAs cases are managed in the JPC regional offices; they are supervised by the county's lead CJA monitor and the JPC regional headquarters. Counsellor Reeves' job is to provide legal advice to the CJAs in the field. The new CJAs were given an initial exam to assess their base-knowledge of the legal system and then given periodic quizzes to track their progress. Their

training in formal law targeted specific, historically problematic laws and statutes flagged up during the baseline survey. These topics included corrections and pre-trial detention, rape, domestic and gender-based violence, land, property, mining and resource law and inheritance. Each of these legal areas he discussed in relation to the criminal justice system, clarifying what the law says as well as its limits vis-à-vis rights outlined in the Constitution. In the course of this training, Counsellor Reeves paid particular attention to the precarious, unsettled nature of the status of customary law within the formal system (The Carter Center, 2011b, p.104). Over the course of the training, the new CJA recruits were constantly reviewing their material. Using group role-plays, Counsellor Reeves engaged in lengthy question and answer sessions with the trainees.

A Practical Understanding of Legal Empowerment

The following week the new trainees were joined by the rest of the CJAs and the Civil Society Organizations (CSOs) involved in Carter's Access to Justice programming, bringing the total attendance to its height of over 120 people. After introductions, the training got underway with a discussion of 'legal empowerment'. The "Empowerment Oriented Approach," read the slide, strives to "increase the capacity" of individuals and institutions, stating: "to empower someone is simply helping someone to help them self. When you empower someone, you give them the tools and resources that they will need in order to be successful" (Empowerment Presentation, 2011).

> *All TCC partners should always develop the attitude that instead of doing something for them, you are doing something with them. You should pass on the knowledge to others so that the next time they have a similar problem, they will have the knowledge to help themselves and they won't have to depend on someone else to come in and help them* (Empowerment Presentation, 2011)*. .*

This explanation was followed by a discussion in which trainees were presented with a number of scenarios they might encounter in their communities. It proposed the questions: "How can you empower this woman?" "How can you empower this community?" Using a number of group role-plays, the legal empowerment *approach* (the practical understanding of legal empowerment) was gradually translated into legally empowered *practices*. The role-plays emphasised applying their 'tools' in ways that resolve a given dispute while also empowering their clients by providing better information, assistance in navigating the formal system, and teaching clients how to leverage their rights effectively. The topic of 'empowerment' was concluded with group work where each was instructed to write the word 'E-M-P-O-W-E-R-M-E-N-T' vertically along a large sheet of paper. Then, as a group, they were tasked with defining the concept of empowerment, using the each letter (see Artefact 1).

Artefact 1: A Practical Understanding of Legal Empowerment

The empowerment training began at the top: how to enter a community for the first time. In order to build the lasting partnerships in the communities that the program envisages, the trainees were instructed on the proper etiquette and protocol for making a good first impression. They were taught to approach the chief first and to introduce themselves as the JPC seeking to conduct rule of law education in the community on an on-going basis. CJAs are instructed to request from the chief a regular time to interact with the community members where a maximum audience can be gathered with a minimal disruption to the daily work of the village and to establish the terms of their conduct in the community in order to avoid problems. The group was instructed not to incite action against the chief and emphasised the importance of establishing a cooperative rather than an antagonistic relationship with traditional community leaders: "the chiefs have been here hundreds of years" (Flomoku, 2011c Participant Observation). Flomoku cautioned them not to enter their communities "acting refined," using "big English" and to refrain from conducting themselves arrogantly and imposing their ideas. Using satire to demonstrate the point, Flomoku and the lead-CJA from Grand Gedeh, staged a role-play where they walked the trainees through the dos and don'ts of community-entry, emphasizing professional conduct and respect for community norms and customs and respect for the chief's authority.

In this way, the practical understanding being transferred to the CJAs provides them with a way to think about a problem, to be strategic in how they establish relationships with the communities in which they will be working. The underlying tension at play in this strategy, however, is the fact that this intervention ultimately destabilises the ways in which justice practices circulate in communities. The light-footprint strategy envisaged by legal empowerment designers reflects the practical situation that the CJAs will confront in their communities: the imperative to balance the light, non-disruptive footprint advocated by legal empowerment proponents against the need to find and resolve disputes. While on one hand, 'the liberal peace' captures the bio-political process through which a practical understanding may be transmitted by those who designed them for a particular purpose, however, its usefulness begins to

break down as that practical understanding must be taken-up and enacted by those who will use it (Akrich, 1992).

The Tools of Legal Empowerment Practice

In order to translate the 'legal empowerment approach' into legally empowered practices, the CJAs were provided with a set of 'tools' to meet those goals. This aspect of the training was conducted by experienced lead CJA monitors. These tools function as both the 'service' the CJAs provide and as resources to fall back on and then apply creatively. These legal empowerment tools comprise the practical understanding which allows the CJAs to act in a legally empowered way. The first and most frequently used tool in the CJA's toolbox is community awareness-raising (tool #1). This is the CJA's opportunity to reach a wide audience. They were trained to keep as regular a schedule as possible, establishing a routine of community awareness-raising in order to cover the range of dispute types many times. As part of these regular community visits, the CJAs was taught to conduct an on-going and basic investigation into the justice demands and needs of the specific community and tailor awareness-raising accordingly. They are trained to speak about a common type of dispute flagged-up by the *Looking for Justice* base line survey, spousal abuse for example.

The purpose of raising awareness is that community members may simply be unaware that under the formal system spousal abuse is illegal. The objective of raising awareness is that if provided with information about what is legal and illegal under the formal constitution, community members, particularly the abused spouses, will feel encouraged to seek out the CJA for help resolving their dispute. However, if for example, a woman in the community shows a repeated pattern of bruising suggestive of an abusive spouse, the CJAs were trained not to approach the woman and tell her that she should open a case. In this example, their legal empowerment training emphasised that CJAs *cannot actively solicit cases* from community. Rather, according to their legal empowerment training, they were instructed to create a condition in which the bruised woman would feel encouraged to approach the CJA. To this end, they were trained to adjust the theme of their awareness-raising session to emphasise the illegality of spousal abuse, the rights of the woman under the law, and the broader negative social impact of spousal abuse to the community.

If the bruised woman approaches the CJA, then they can provide her with information (tool #2). Here the monitor will gather the details of the case, present the potential client with her rights under the law, and then lay out the options available to the client. If the CJA learns that the case is legally complex (for example, if the spousal violence stems from an inheritance she received), then they may need to enlist the help of the county's lead CJA monitors (tool #4) or contact Carter's on-call staff lawyer, Counsellor Reeves (tool #5) in order to clarify the legal options available to that client. In the instance that the investigation reveals that the woman was raped, the case *must* be referred to the formal system. Indeed for all violent felonies such as rape and murder, CJA were instructed to refer cases directly to the formal system.

However, the training was careful to distinguish between providing free legal *information* and dispensing legal *advice*. In providing legal advice, the CJA takes the lead in directing the client. Providing free legal information, on the other hand, stems from legal empowerment. Rather than the directing

clients toward the formal system, CJAs present their client with their available legal options under each system and then allow the client to choose according to the client's perceived justice needs, (Empowerment Presentation, 2011). Having done so, a client has options for resolving a dispute which generally proceed down three distinct but often intersecting pathways (Sandefur et al., 2009). The first path is customary justice. Should a client choose this path, the CJA will assist their client to 'navigate the authority' of the customary system (tool#6). In using this tool, the CJA was encouraged to take advantage of the JPC's local reputation and credibility, along with The Carter Center's network of customary justice practitioners. In a customary context, CJAs can also leverage the formal system in order to resolve a dispute in the client's favour (Sandefur et al., 2009). For example if a chief renders a decision on an inheritance which contravenes the law, the CJA may appeal to the formal court.

The formal court, therefore, is the second path generally available to the client. If the client wishes to take their dispute through the formal system, the CJA will assist in familiarizing the client with the procedures of the formal system, again bringing the resources of JPC and The Carter Center to bear on the client's behalf. This dimension involves monitoring the formal system (tool #7) – ensuring that a client's rights are respected through their interaction with the criminal justice and correctional institutions by, for example, monitoring local police and correctional facilities to ensure their activities are in accordance with a client's rights under the law. Along similar lines, CJAs are also trained to be community advocates (tool #8). Advocacy involves leveraging the formal law in behalf of an individual or group who, for example, may have leased some of their customary land for lumbering in exchange for a new school which was never built. In this instance, the CJA is trained to advocate on the community's behalf to ensure they are properly compensated.

Practicing Justice Differently: CJA-led Mediation

However, the innovation of the CJA programme in the Liberian context is that they provide a third option for resolving a dispute, an alternative justice pathway to customary and formal systems – CJAs provide a free mediation service (tool #9). The experienced CJAs walked the new recruits through the mechanics of the mediation process from preparation – shuttling between parties, establishing 'the facts' and obtaining an agreement on CJA-led mediation from both parties – to managing the process through to resolution. The mediation aspect of the training involved teaching the trainees psychosocial techniques in communication: 'active listening', eye-level communication, tone of voice and showing empathy (The Carter Center, 2011b, p.42). They are also trained in how to engage with traumatised victims of domestic violence, victims of gender-based violence, abused children, and suicide intervention. The CJAs are trained in mediation techniques by TCC's legal staff through a combination of lecturing, role-playing and discussion. They are introduced to mediation terminology and conflict resolution approaches and mediation strategies (2011b, pp.29–34).

According to the training manual, mediation "…does not aim to find objective truth, but rather to find an agreed solution that acknowledges and is based upon the perceptions and experience of all sides" (2011b, p.38). Mediation training emphasised the need for the CJA to find the core issue or "root causes" of the dispute. Reflecting the restorative nature of customary justice practices, minor crimes or disputes are treated as an expression or symptom of a deeper problem. Simply, litigating the symptom does not resolve the core problem (The Carter Center, 2011b, p.32). In the case of the bruised woman,

should she approach the CJA and request their assistance in mediating the matter with her husband, the CJA would attempt find out if there was something else which may be agitating the husband –was there an exacerbating economic problem? Was he in debt? Was he not paid by his employer? Was there an underlying marital problem? Did he have another family monopolizing her family's resources? If so, the CJA would mediate the core, or root cause of the dispute rather than its effect or the crime.

With the exception of violent felonies such as rape, murder and serious violent assault, the training emphasised the importance that CJA-led mediation be impartial vis-à-vis formal or customary justice systems. For example, if a CJA is personally opposed to divorce (being recruited from within the Liberian Catholic system, most of the new trainees were opposed to divorce) they are required to provide all options available to the client, including the option of divorce provided under the statutory system and to assist them in proceeding. In other words, the independence of the CJA programme and the legal empowerment practices which characterise it depends on it being shaped neither by procedures of formal or the practice of customary justice, but rather by the client. It is a client-based, client-directed approach to practicing justice in procedural formal and restorative customary sites. Though appropriating customary restorative practices, CJA mediation walks a careful line relative to the protections of individual rights provided under formal law. The CJAs are trained not practice forms of customary justice which disadvantage particular groups (women, ethnic minorities etc.), nor are CJAs permitted to perform trials by ordeal, which contravene formal law. Should the client opt for mediation, then the task of the CJA is to bring all their resources, training, and practical understanding to bear in attempting to resolve the dispute in a way which is not only satisfactory to the client but also sensitive to the restorative nature of community, all while operating in accordance with the rule of law.

Through the use of daily role-plays, the CJAs were continually challenged to use their tools in different and creative ways. Every afternoon, the trainees were provided with a tricky scenario – a practical situation – and then encouraged to bring the entire array of 'tools' and training to bear on that situation. These role-play scenarios were monitored by the senior CJAs and Counsellor Reeves. Following the scenario, the entire group would discuss and provide the trainee with feed-back, enlisting the other trainees to comment on what was done correctly and what could be done to improve. These role-plays were essential in the translation of a practical understanding of legal empowerment into CJA practice. Coupled with regular pop-quizzes which tracked the translation and transfer of practical understanding, the new CJAs demonstrated a marked improvement over their baseline knowledge. Through this on-going, daily routine of lecture and discussion-based learning in the morning and role-playing in the afternoons, *something called 'the legal empowerment approach' was gradually translated into a practical understanding of legal empowerment practices.* This practical understanding functioned as the tools, the skills, and the background knowledge which the CJAs must ultimately put to use as they attempt to re-translate legal empowerment into their communities.

Practical Hybridity

However, the way the CJA's legal empowerment tools were designed may differ from the way they are practiced. Indeed, the purpose to the training was to introduce a practical understanding of legal

empowerment which would aid the CJAs in navigating the practical situation into which they were being enrolled. Contrary to a more proactive approach to seeking out cases, the training carefully articulated that the role of the CJA is not to directly solicit cases but to employ an indirect, longer-term strategy for providing legal information at the community-level and then assisting people in using that information to resolve a dispute. Their training repeatedly reinforced the idea that CJAs must be approached by community members but their assistance must be requested. This passive empowerment strategy is undertaken on the assumption that if provided with legal information that spousal abuse is a crime, the bruised woman would feel empowered to reach out to the CJA.

Yet this passive empowerment approach employed by the CJA programme was in tension with the need to generate cases. After all, the training was designed to provide CJAs with the practical skills required to resolve cases. In fact, the purpose of the CJA programme is to generate some impacts, to bring about some change in the way justice is practiced in Liberia. It was for this reason that the CJA programme was embedded within the framework of a Randomised Control Trial (RCT) (see Chapter Six). The RCT is a way of measuring the changes that the CJAs are able to bring about in their communities. This requires that the CJAs are active in resolving disputes in their communities. The practical situation facing the CJA in their communities was a difficult one: they must manage the light-footprint of the passive, client-led, legal empowerment approach with the implicitly disruptive nature of introducing new justice actors and a different way of practicing justice for the purpose of generating an impact.

However, the JPC was more closely connected and often embedded in the communities in which they were operating relative to The Carter Center. The JPC was concerned about how a more aggressive or proactive approach might upset the tenuous nature of restorative justice in their communities. They feared that being too aggressive in pursuing cases might negatively affect their local reputation and undermine their other community work. After all, the JPC and the CJAs were not internationals or Monrovia-based operators but local people who, while brought up in the Catholic Liberian education system, were also from communities where customary systems predominate. In fact these qualities – the familiarity with navigating both systems – are why they were selected in the first place.

Thomas Mawolo, the JPC regional coordinator from Cape Palmas, Maryland County noted that from the beginning the position of the JPC was: "we don't look for cases, we don't go into communities and stick our noses into problems looking for cases'" (Mawolo, 2011; Austin, 2012). In discussing the balancing act the JPC performs between its commitment to formal law and human rights and the customary system he lives and works in, Mawolo noted that there must be an acceptance of the dual system. Mawolo's position vis-à-vis the customary system is to "keep the good and change the bad". Using trial by ordeal or sassywood as an example, he made a distinction between bad sassywood such as 'the cutlass' (burning a suspect with a hot sword to compel a confession) and the more mystical customary practices of good sassywood (Mawolo, 2011 Personal Interview). However, this position walks a fine line which is actively being contested in Liberia. Given the JPC's precarious position in their communities, Jeff Austin of The Carter Center noted that there was a need to "balance our message to the staff about how active they should be" in seeking out or soliciting cases (Austin, 2012 Personal Interview).

However, while the CJAs are managing this difficult practical situation in their communities, TCC must manage a practical situation in Monrovia. When the training concluded, I was able to follow-up with The

Carter Center's two senior staff members about how the Center is able to navigate the complex Liberian legal landscape, between customary and formal systems, while introducing often innovative and therefore controversial legal empowerment programming. Pewee Flomoku the programme coordinator remarked:

> *People always ask 'why does The Carter Center involve itself with customary practice when it violates human rights?' We ask: 'who are you to tell people how to live in their community?' There are problems with international standards and practices too. We do walk a fine line between talking about human rights and working with our partners the chiefs. Nobody listens to Liberians, [in this way] The Carter Center is unique in Liberia. [As a result] the partnership is genuine rather than a strategic alliance* (Flomoku, 2011b Personal Interview).

Regarding the 'fine line' walked by The Carter Center, Chelsea Payne, the Country Director commented that,

> *The Carter Center doesn't think that it's a bad thing that Liberians take their problems to the customary system. We don't decide for Liberians. Our primary bottom-line is that Liberians make decisions, our secondary bottom line is that it happens within the rule of law – there is tension though. However, The Carter Center wants to operate in this grey area because this area is where dialogue is. The process of engaging in dialogue will push both sides to change* (Payne, 2011 Personal Interview).

Perhaps exemplifying the 'grey area' in which the programme operates, Zayzay Sawie, a mobile CJA from Bong County, described the following child abandonment case when asked to give an example of what he considers his impact in the community to be:

> *I was at the court for another case when the judges were trying to put the man in jail. But the family didn't want him to go to jail so they approached me. When we talked to the court the court agreed not to put the man in jail but to let me mediate the case instead. We handled it at the community level. The child is now with the father and the father is taking care of the son […] People are taking in the awareness and things are changing slowly. Most people don't want to go to court they would rather talk to me and JPC. Chiefs would rather refer cases to me which are legal – inheritance cases for example – which the chief don't want to deal with* (Sawie, 2011 Personal Interview).

I was also able to meet with Finley Karngar, a Liberian lawyer Rule of Law Specialist with USAID's Office of Democracy and Governance in Monrovia. He is USAID's principle point of contact to The Carter Center and came to the retreat to address the attendees. Recently USAID increased its refunding for the TCCs' access to justice programming. We discussed USAID's interest in The Carter Centre's work, especially those aspects which were supportive of customary systems. Expanding beyond the standard talking-points, he offered his own, independent assessment of the situation:

> *USAID is adapting to the Liberian situation but the internationals tend to have a narrow understanding of justice [particularly regarding] the inner workings of customary justice. Both [formal and customary] systems have the potential to be abusive and USAID is committed to ensure that both systems are not acting abusively. [That said] I would like to see a parallel legal system. Customary systems have a unique philosophy which promotes truth telling and is restorative, [it] provides for transparency and accountability. The actors within the [customary system can be]*

> *corrupt but the system itself is not corrupt. This system needs to be developed in a way that is not abusive. [We] need to have a dual system that is arbitrated by the Supreme Court [which means we] need to build the customary capacities of the supreme court* (Karngar, 2011 Personal Interview).

Therefore, while the CJAs must struggle to translate their legal empowerment practices amidst communities where such inroads may be treated with apathy or suspicion, The Carter Center must also work to translate the value of this legal empowerment approach to the international development community where customary justice conjures images of human rights abuses. In this effort, it becomes important to demonstrate that the CJA programme can generate measurable impacts.

Summary

Over the course of the two-week CJA training, The Carter Center and the JPC attempted to stabilise the meaning of legal empowerment. Through this process of stabilisation, something called legal empowerment was translated into a deep practical understanding of how to perform legal empowerment. The training echoed the themes outlined by Golub and Maru, who advocate a hands-off client-directed approach which respects the restorative nature of community justice, emphasising that the CJA maintains a non-disruptive presence in their communities. The training also provided the CJAs with a reservoir of formal legal knowledge and a set of legal empowerment tools to use in their communities for the purposes of identifying and resolving disputes, while being careful not to upset the community. However, this process of stabilisation reveals yet more displacement, contingency and tension. While the practical understanding translated to the CJA emphasised a non-disruptive approach, it also transferred legal empowerment tools and a strategy for using them which, by design, were intended to bring about a change, to demonstrate some impacts, to be disruptive to the existing order of things. The CJA programme introduces new justice actors and different justice practices into communities where the customary justice practices predominate amidst an historical environment of deep suspicion of formal law (International Crisis Group, 2006; Isser & Lubkemann, 2009). Being familiar with their communities, the JPC was resistant to the more proactive legal empowerment approach favoured by The Carter Centre and the CSAE survey team. In way, the JPC's appropriation of legal empowerment re-translated it into the restorative justice practices defining their communities.

Ultimately, the aim of the training was to stabilise legal empowerment practices for the CJAs, and to transfer an actionable practical understanding which they could draw upon in new and creative ways as they balance between the passive, client-led approach and the potentially destabilizing effects of introducing new justice practice. Indeed, this balancing constitutes the the practical situation with which the CJAs must grapple in their communities: how to balance the passive approach inscribed onto their legal empowerment practices with underlying imperative to identify and resolve cases and generate impacts in their communities. In other words, the CJAs must be non-disruptively disruptive. Amid this uncertain practical situation, legal empowerment practices remain 'at play' as the CJAs appropriate legal empowerment for themselves and develop their own translation strategies for balancing passive-activism.

Chapter Eight
Piloting the Impact Evaluation

The attempt to stabilise new legal empowerment justice practices was ultimately upset. The training revealed a tension between the passive, client-directed process inscribed in legal empowerment practices and the imperative to resolve disputes, bring about a change, and generated impacts. Being embedded within the framework of a Randomised Control Trial (RCT), this tension was embedded in the organization and design of the CJA programme itself. Therefore the CJAs were tasked with managing a difficult practical situation: change the existing justice practices their assigned communities while doing so in a non-disruptive way. While the CJA programme is modelled on an approach which demands a subtle presence in the community, the CJA's were being evaluated on their ability to bring about some changes in their community, to translate their practical understanding into 'impact'. But on what basis would their impacts be assessed? Given that interventions such as the CJA programme were novel and therefore untested, there was no basis for determining what types of changes to expect from such an intervention or what their scale would be.

When the CJA programme was designed in 2008, it was unique. In fact, it was the untested nature of the CJA intervention which interested Bilal Siddiqi and Justin Sandefur of the CSAE in the first place. They were attracted to the programme in the hopes that they could establish a connection between these unconventional legal empowerment approaches to peacebuilding and significant improvements in key development indicators which more conventional approaches could not (see Chapter Six). Sandefur reasoned that establishing such a connection using a Randomized Control Trial could attract the interest of large donors and potentially challenge many of the dominant assumptions guiding development and peacebuilding policy (2012). For Siddiqi and Sandefur,"[t]o cross that line from the law and justice folks to the rest of the development community was to try to establish the claim that getting these justice sector issues sorted out was going to have material returns, economic returns defined in a more standard way, so that was the holy grail to us" (Sandefur, 2012 Personal Interview).

However, in the absence of other legal empowerment studies from which an estimate could be derived, the design of the survey was shaped by other factors. Given that feeling 'empowered' is a subjective and highly normative indicator, Siddiqi and Sandefur used economic indicators as a proxy. They reasoned an improvement in material conditions – a quantifiable increase in disposable income, for example, may indicate a successfully resolved child support dispute – would reflect the economic spill-over effects of a legal empowerment intervention. In other words the CJA programme was being assessed on its ability to improve the material and economic conditions in treated communities.

'The liberal peace' offers a perfectly adequate theoretical framework to capture these dynamics. Indeed, the use of RCTs is situated in the broader international institutional context of results-based or conditional aid (Zanotti, 2006). According to Zanotti, conditionality represents an "endeavour to modify behaviour by making inclusion/exclusion from a particular association conditional upon the achievement of a given set of benchmarks" (2006, p.159). On this reading, RCTs function as a technology of governance through which international donors can shape the ways in which post-conflict states develop, the priorities they assign, and the forms of governance that can be established. Under this

rubric the politics of peace and the process of development can be depoliticised and technocratically managed through 'disinterested' institutions (Zanotti, 2006; Fraser, 2005). Indeed, Randomised Control Trials function as the 'gold standard' for determining which peacebuilding programmes are effective, which are not, and why. Under this triple-A rating, RCT-based evaluations can have been used to legitimise certain peacebuilding practices while displacing others. On this reading, RCTs function to sustain what Foucault called regimes of truth (2007, pp.131–132). In this way, RCTs provide organizations with a powerful means for steering resources, influencing governmental politics, and shaping bio-political interventions (Foucault, 2003, p.243; Zanotti, 2006).

The critique of 'the liberal peace' invokes a similar critique (Richmond & Mitchell, 2012, p.20) which captures the ways in which RCTs and result-based aid reinforces attempts to depoliticise the process of governing. However, exploring the contingencies at play in how these regimes of truth are established and maintained requires a different vantage point. The aim of this chapter is to trace the process through which 'truth' is produced, to map the unfolding politics of truth, while highlighting the plasticity and flexibility of this process. Over the following pages, the contingent process of piloting an RCT is mapped as the CSAE survey team moves through and between CJA-treated communities. We attempt to measure the impacts generated by the CJAs as they balanced the tasks of being non-disruptively disruptive. However, before proceeding, it is important to understand the nature and function of a Randomised Control Trial.

What are Randomised Control Trials?

Since the early 2000s, the use of randomised control trials in peacebuilding and development contexts has proliferated. Originally developed to assess the effectiveness of pharmaceutical interventions , RCTs are commonly considered the "gold standard" in assessing effect and attributing cause (U.S. Department of Education, 2003; See also Cartwright, 2007; Barrett & Carter, 2010). In explaining how RCTs are so effective, Siddiqi used a simple medical analogy when training the enumerators: if a researcher suspects that drug A is an effective treatment for an illness X, they would need a way to prove it; randomised control trials are a particularly effective way of doing so. For example, a large group of people, infected with illness X are *randomly* divided into two groups. Drug A is administered to the first group (the *treatment* group) while Drug A is withheld from the second group (the *control* group). If Drug A were effective in treating the illness, then one would expect to see a dramatic difference between the treatment group and the control groups over time. In the case of the CJA programme, legal empowerment is the 'treatment'.

The scientific strength of RCT-based methodologies lies in the process of randomization. Treatment and control groups are randomly assigned from a large enough sample so that any essential differences between treatment and control groups should be evenly distributed and rendered statistically negligible. Secondly, by dividing treatment and control groups, the effects of treatment can be measured comparatively. This generates 'counterfactual' data: what would have happened if the drug had not been administered at all. Hence, after the passage of time any difference between treatment and control groups can be directly and causally attributed to the intervention. However, it was not until

relatively recently that RCTs were imported into development economics by what have become known as the randomistas (see Tkacia, 2010). In their book *Poor Economics: a Radical Rethinking of the way to Fight Global Poverty,* Banerjee and Duflo of the Abdul Latif Jamil Poverty Action Lab (J-PAL) at MIT introduce a selection of findings generated by RCTs into the debate on international aid (Banerjee & Duflo, 2011b). Acknowledging the oversimplification, they argue that the international aid debate centres on the differentiation between 'aid is good' on the one hand and 'aid is bad' on the other. They represent the former camp through Jeffery Sachs' notion of the 'poverty trap', in which aid is necessary if poor people are to be able to escape (2005). The latter camp, represented by William Easterly (2007) and Dambisa Moyo (2009), argues that aid destroys development and harms local economies (Easterly, 2007, p.241). Proposing that aid itself is the poverty trap, Easterly and Moyo argue that giving away something for nothing leads poor people not to value it (Banerjee & Duflo, 2011b, p.3).

It is into this debate that the randomistas introduce their findings. Positioning themselves against the "universal answers" represented as the aid-is-good, aid-is-bad debate, Banerjee and Duflo caution against throwing the baby out with the bath water, instead championing an approach which seeks out whatever policy works to alleviate poverty and raise living standards in the developing world (2011b, p.14). The randomistas position themselves against the polemical aid debate, which they maintain is more about the application of world-view and the politics of given (ideological) dispositions to aid policy than about the engagement with actors, context, and evidence. In this sense the 'radical potential' of RCTs in development and peacebuilding is that these studies have become part and parcel of development while at the same time challenging and overturning conventional 'common sense' development practices. The randomistas claim to offer an approach to development policy which is 'evidence-based', which engages with the 'realities' of 'the field' in order to inform policy with evidence of 'what actually works'. They find that doing so means confronting the problems of development through the micro, particular, contextual and local lenses provided by randomised controlled methodologies. Banerjee and Duflo contend that this approach reflects a "shift in perspective from INSTITUTIONS in capital letters to institutions in lower case – the 'view from below'" (Banerjee & Duflo, 2011b, p.243; Rohini & Udry, 2005). Understood this way, the *raison d'etre* of RCT-based practices is to upset the conventional wisdom and guiding assumptions of peacebuilding and development orthodox.

These so-called 'randomistas' are at work in a number of sites, evaluating a range of development practices in Liberia and far beyond (Banerjee & Duflo, 2011a). In June 2011, while the CSAE survey team was piloting, the Human Rights Center at UC Berkeley's School of Law published findings from a national RCT in Liberia revealing that local-level land disputes tied to the conflict comprised 25% of unresolved disputes in Liberia. Taking this data into account, the study recommended increasing "access to and quality of the formal justice system and [to] strengthen existing dispute resolution mechanisms at the local level" (Vinck et al., 2011, p.5). In 2012, the International Development Law Organization (IDLO) published a study related to customary land rights in Liberia, Mozambique, and Uganda (Knight et al., 2012). This survey found that customary land titling processes are more effective than formal mechanisms and that their customary capacities should be utilised in the peacebuilding process. Chris Blattman's work in Liberia via Innovations for Poverty Action (IPA) is entirely focused on managing randomised controlled surveys in the field. IPA conducts impact evaluations on a range of different projects deployed by a number of different NGOs and development organizations. Of Blattman's more

recent RCT-based experiments, he finds that a modest Alternative Dispute Resolution (ADR) education campaign "have the potential to change behavior around longstanding disputes over valuable resources […] After training, land disputes are resolved at higher rates, less violently, and with more satisfactory outcomes, especially longstanding land disputes" (Blattman et al., 2014, p.20). Taken together, these RCTs challenge the predominant development and peacebuilding assumption that a strong state is the antidote to oppressive customary systems.

However, RCTs are not without its controversy even within the field of development economics in which RCTs are critiqued for efficacy and ethics (see Leamer, 1983; Ravallion, 2009; Barrett & Carter, 2010). And, as mentioned above, RCT's provide fertile soil for critical explorations into the politics of truth production (Zanotti, 2006; Foucault, 2007). Of course, a critical approach must treat the revolutionary, post-ideological claims of the randomistas with due skepticism and take seriously the ways in which they can be used to justify and entrench depoliticizing and dehumanizing technologies of governing. However, according to Law, the methods through which regimes of truth are extended and maintained are performative. The performativity of these technologies undercuts the notion that surveys like the CJA impact evaluation represent "…a hegemonically enacted version of reality and politics from which there is no escape" (Law, 2009, p.250). Rather, the coherence attributed to these assemblages is instead a messy, often ad hoc process, dislocated by the ontological politics of heterogeneous sites (2009, pp.250–251). Adopting Law's practice-based position that RCT-based methods are performative, the contingencies, modifications, and changes that emerged in the CJA impact evaluation can be explored. In this way, both the radical claims of the randomistas and the ethical and political critiques against them can be grounded and assessed as them contingently emerge across complex heterogeneous sites. This process of practical hybridity unfolded as the CSAE survey team moved through and between 176 Liberian communities attempting to assess the impact of 14 different CJAs.

It was a complex undertaking. The end-line required re-surveying all original 176 communities (88 'treatment' and 88 'control') for a total of 2,100 household surveys spread out across five counties – Maryland, Grand Gedeh, Nimba, Lofa and Bong. The team reasoned that the survey would require roughly 25-30 enumerators, divided into 5 teams of five (one per county), could average three to four surveys each per day, indicated that the survey would be in the field at just over a month. As such, organizing, unrolling and implementing an RCT of this size in rural Liberia is a labour intensive and an expensive enterprise with many moving parts and unforeseen variables. This being the case, Siddiqi and Sandefur wanted to pilot the survey in a few communities first. The aim was to test the water – to pre-assess whether the CJA programme was registering a detectable material impact in their communities. Its purpose was two-fold; a) to measure the general background level of recognition and familiarity in the community of the JPC, the CJA and the services they provide; and b) to locate those individual clients who did open cases, survey them, and collect greater detail of any impacts as a result of CJA 'treatment'.

Once the team was assembled, Siddiqi and Sandefur set about finalizing the 'survey instrument' they wanted to pilot. The survey instrument is the actual digital multiple choice questionnaire which is uploaded to the hand-held computers or Personal Digital Assistants (PDAs). The PDAs display an interactive digital interface which the enumerator reads aloud to the respondent. The survey instrument prompts the enumerator to ask the respondent a question and displays the optional answers for

selection. The answers are then recorded on the PDA and saved for later regression analysis using 'Stata' econometric software. The survey instrument was designed to measure changes in concrete, material indicators such as increased income, more food on the table or higher attendance at school. By comparing these material markers across both treatment and control communities, the survey was able to detect any changes in the material quality of life in the treatment communities which could then be causally attributed to the CJA intervention (see Chapter Six). However, before launching the end-line, some piloting was required in order to work out the logistical and technological bugs, but more importantly, to determine what to expect.

Piloting: Round One

Once the instrument was finalised and the enumerators were trained, the survey team (now including twelve enumerators) set out for the first day of piloting in two small communities: Tarsah and Gayatea. These communities consisted of about 50-60 'structures' – large contiguous but internally divided dwellings which house a number of 'households' or families, each with its own exterior entrance. These two communities were located in Bong County where Harry Momodu is the CJA. The purpose of the piloting exercise was to stress-test the research strategy and to develop the practical understanding required to survey every household in a community. They are dynamic and lively; many situations of everyday life – from preparing food to dispensing justice – are performed in these communities. Members of these communities live, work, trade, farm, raise children and grow old there. Justice practices in these communities are predominantly customary in nature; the formal justice system and state institutions are largely absent in everyday life. And to the extent it is present, the history of formal justice in these communities, it is viewed with suspicion (International Crisis Group, 2006; Isser & Lubkemann, 2009).

When we arrived, we split into two groups. Each group was assigned to one of the communities. The teams set out to interview one adult member of each and every household in the 50-60 structure communities.[14] The survey instruments were estimated to take about 20 minutes to complete. We anticipated a long day. However, we arrived to find that the communities were mostly empty, save for the very young and the very elderly. Among the community members present, familiarity with the CJA was virtually zero. The situation was similar in the second town. In discussing matters with the deputy town chief, it turned out that it was a 'market day' which meant that most of the community was away at market. Those community members who remained were mostly subsistence farmers, also away for the day in their fields, as they were every day. In addition to the low recognition of the CJA in both towns, it appeared that the everyday life of these communities would make piloting during the day problematic (Tarsah and Gayatea, 2011 Participant Observation). However, it also reflected a problem in the design of the programme as the CJAs visited mostly during the day.

It was clear on the first day that the piloting strategy needed to be reassessed. Quickly, Siddiqi and Sandefur dispatched a small team of enumerators to the town we scheduled to visit the following day –

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[14] Initially the team piloted a chalking strategy to identify and track which households had been surveyed and which had not. However, the strategy onerous and time-consuming and was quickly abandoned

Baila. Their job was to a) make preparations in Baila in advance of the team's visit and b) to identify the priority clients and households who had opened cases with the CJAs. The team was directed to enlist the chief's help in persuading the community members to remain in the community instead of going to their farms early in the morning so we could interview them. Baila was situated along a thoroughfare connecting the Central Counties to the South West. The community CJA was Otis Toe, who had been recently promoted to Bong County lead monitor. In Baila he opened 19 cases and closed 10 of them. However, it was a much larger community than either Tarsah or Gayatea; Baila contained roughly 130 structures.

We arrived early, with the full team rather than splitting them, and the enumerators immediately set to work on the surveys. The change in strategy proved somewhat of an improvement; the deputy town Chief was aware of our arrival and greeted us along with a many more community members. Yet the majority was away at their farms. Meanwhile, the town's new CJA Prince Nimlay (assigned to replace Otis Toe) arrived along with Harry Momodu, the CJA from the villages we visited the previous day. We joined the deputy chief in the town palava hut for a discussion about the CJA's work in the communities. We discovered that the lack of familiarity we encountered on the previous day was due to the way we asked about the CJA. In their communities they were not known as the JPC or as CLAs but as 'the human rights man' reflecting the political meaning which the community had ascribed to him.

We discussed Tarah and Gayatea with Momodu, who expressed frustration over the difficulty of translating the community's interest in the formal law and their rights into cases. He suggested that the impact of the programme isn't that he has helped specific clients. Instead he cited the less tangible element of community education and awareness-raising which as having the more significant impacts. He noted that these impacts are expressed when community members increasingly express "I know my rights" (Momodu, 2011). In describing the impact of their work in the community, they emphasised two aspects. First, the more general social impacts flowing from wide-net strategies such as community advocacy and providing general-awareness of the law to the broader community. Second, their relationship with customary institutions: "Chiefs find that the JPC – coming into the chief's house, eating with the chief – raises the chief's standing in the community, as he is seen to more closely associate with the law" (Nimlay, 2011). Prince Nimlay found that the presence of the JPC and general awareness of the law in the community, provides the chief some legitimate cover in resolving difficult disputes or providing them with an option to pass the case to the CJA, whom community members find less biased (Nimlay, 2011). These discussions revealed the ways in which the chief had appropriated and re-translated the CJA's legal empowerment practices, deferring problematic cases to the CJA in a way which simultaneously strengthens the his restorative customary claim authority, reinforcing his legitimacy (Akrich, 1992).

While the enumerators were conducting surveys, the Research Assistants (myself included) were charged with locating individuals who had opened cases with the CJA to collect some qualitative information regarding their experiences. I spoke with a community shopkeeper (a relatively high socio-economic position vis-à-vis the more typical client, a subsistence farmer). He recounted his experience through an interpreter:

I had a conflict with my friend about a loan we took from the ARC (American Refugee Committee). We could not talk, we argued. I paid my loan back but he refused to pay back his half and we were both responsible for the loan. So I had to pay it all back and my friend owed me the difference. I heard about [the CJA]. We agreed that he would mediate the case. He arranged for my money to be repaid and now the case is finished and we are friends again (Anonymous, 2011b).

However, another team found and interviewed previous clients with very different results. These interviews were summarised in the following excerpt from a memo written by Sandefur following the first round of piloting:

In the largest community we visited for the pre-test, Baila, the research team tracked down the eight individuals (nine cases) in the CLA database who had given consent to monitoring visits. Two of these nine cases in the CLA database were brought by the general town chief. The chief reported that the CLAs had visited regularly and that he lodged them in his own home. He described their successful intervention in a personal land dispute of his (referred to NRC and resolved in the chief's favour) and a case in which the chief had been assaulted and taken the accused to magistrate's court (JPC intervened and mediated the case). However, conversations with the other clients in the CLA database produced very different answers. The pattern was similar during each interview: the client had attended a single information session in the community. At the end of the meeting they had had a brief conversation with [the CLA] about their case. After that initial contact, no one besides the chief reported any further follow-up on their cases, or even seeing [the CLA] in the community again (CSAE Evaluation Team, 2011b, p.2 see Appendix C).

By the end of the second day of piloting, both quantitatively and qualitatively, it appeared that the general recognition and familiarity with the JPC and CJA service was lower than expected. However, it is important to understand how an RCT-based methodology defines 'impact': in an randomised control trial one is "looking for a correlation which is significantly different from zero," one which can be expressed with a "95% confidence variable" (Sandefur, 2012 Personal Interview). For the CJA programme to register an impact which was 'significant', the RCT must determine with a 95% statistical degree of confidence that the CJA programme had *more than zero impact*. In other words, there is a low threshold required for demonstrate impact (more than nothing); however, such impacts must be determined with a very high degree of confidence (95%). After the first round of piloting, the team was unable to detect any significant impacts.

Zero-Impact?

When the team returned to Gbarnga that evening, the team reviewed the data; it did not reflect the community-level impacts the survey was designed to measure. Siddiqi and Sandefur were concerned that the data pointed toward a 'zero-impact' outcome:

"As we all know at this point, the basic methodology being used for the [CJA] evaluation [RCTs] will compare outcomes – and their improvement over time – between treatment and control communities. These outcomes range from subjective perceptions of justice ("How satisfied were you with the resolution...?") to objective welfare indicators that successful dispute resolution might affect, such as child support payments by absentee fathers and, in turn, child nutrition and school

enrolment. If, as we currently fear, the end-line survey detects no significant difference in these outcome indicators between treatment and control communities, two obvious categories of explanation would emerge: (a) legal aid in this context simply doesn't work; there is a flaw in the project design; or (b) the project design was never really tested because it was not adequately implemented. Our basic concern is that launching an end-line survey now will find no affect from two years of [CJA] work, and that the explanation for this is likely in category (b). As such, $65k in additional survey research will teach us very little about what might work in the area of dispute resolution, or how future programs should be designed" (CSAE Evaluation Team, 2011b, pp.2–3).

Summarizing the practical situation at the end of the first phase of piloting, Siddiqi and Sandefur concluded that, "…our experience in Bong [County] raised doubts about whether investing [more funds] on a survey at this point would yield interesting results, from either a research or program perspective" (CSAE Evaluation Team, 2011b, p.1). The memo cited low awareness and take-up of CLA services and poor case-follow-up as contributing factors to the low impact assessment (see Artefact 2).
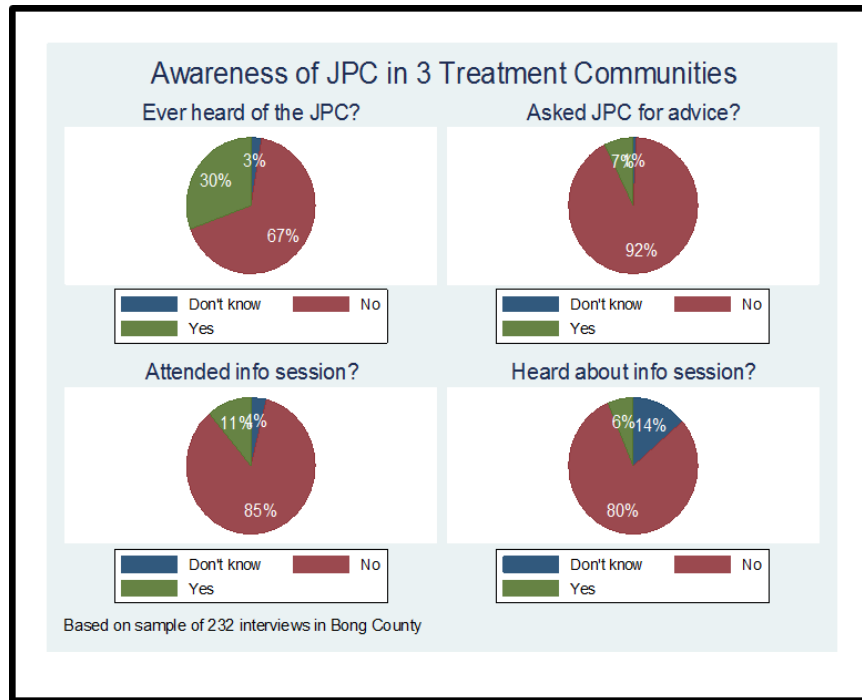
Artefact 2: Awareness of CJAs (CSAE Evaluation Team, 2011a, p.1. see Appendix C)

However, it was not a simple case of the CJA programme having no impact; after all, the CJAs had opened and resolved many cases. At that time (2.5 year in the field), the mobile programme had opened 1,868 new cases, resolving 47%. Based on internal TCC monitoring, follow-up interviews conducted with clients, JPC case records, and interviews with the CJAs themselves indicated that the intervention was making an impact. Indeed, some of the data collected in the first round of piloting suggested that the programme *was,* in fact, making an impact. The problem was rather that the CJA intervention was not generating the *kinds of impacts that were anticipated when the survey was originally structured and designed to measure.* The survey was designed to measure impacts at the community-level. However, it emerged in the first round of piloting that the impacts the CJAs were registering were individual-level

impacts. The CJAs were impacting *the individual clients* who decided to open a case with the CLA. This suggested a discrepancy between the impacts the survey was designed to detect and the impacts the CJA practices were actually registering. The first round of piloting hinted at a deeper structural problem in the survey design, and with it, the design of the CJA programme.

When the CJA programme was designed and the baseline survey was structured, the CSAE, the Carter Center and the JPC were expecting the programme to register a *community* level impact. The survey was designed and structured to be a *community*-level impact evaluation. Randomization was conducted at the community level; the survey was intended to measure the impact of the CJA intervention between treatment *communities* which received a CLA intervention and the control *communities* which did not. However, it appeared that the impacts that the practices of the CJA were actually registering were greatest amongst treated *individuals,* not treated communities. The community-level design was based on both TCC's and CSAE's assumption that over time, exposure to continual CJA interventions would register significant and measureable differences between treatment and control communities. In this case, the RCT would attribute these impacts to the CJA intervention. Essentially, the survey was designed on the assumption that the programme would generate *different* impacts than it actually did.

Yet, because the intervention was structured and the survey was designed as a *community*-level evaluation, the finer-grained, individual-level impacts were lost against the large backdrop of the community. However, it is important to note that zero-impact evaluations can generate equally useful data for informing and influencing policy. Siddiqi pointed to an intervention in Kenya where teachers were provided flipcharts as an education aid. The impact was assessed by measuring changes in test scores. A non-randomised comparative study conducted on the flipchart intervention found that it registered significant impacts on test scores; however, when the survey was repeated using randomised control methods, it was determined that the flipcharts had zero impact (Glewwe et al., 2004). Bilal noted that "[t]his zero-impact study was significant because it's a policy which makes total sense, it's not complicated, it has been done everywhere. Finding that it had no impact was policy-relevant. It's important for people to know about that. It is academically interesting in terms of how we think about education" (Siddiqi, 2012). Similarly, Sandefur invoked a zero-impact evaluation by Banerjee and Duflo which evaluated micro-lending programmes in India (2010). He noted that the reason this survey "made a huge splash" was *because* it was a zero-impact outcome:

> *[An] enormous industry in development is predicated on the idea that the group lending, micro-finance model works and changes the world and lifts poverty. And there was lots of qualitative evidence and a deep belief this was really effective and so finding a non-result was worth spending a lot of money on research to find out* (Sandefur, 2012 Personal Interview).

While these structural, survey design issues were concerning, more pressing at the time, however, was the fact that the pilot sample thus far was very small and isolated to one county, three communities and two CJAs. Therefore the sample was too small to conclusively determine if the CJA programme had zero-impact. In order to ensure the results from Bong County were not outliers, the team set out for a second phase of piloting.

Piloting: Round Two

The second round of piloting covered three counties, and eight communities which were serviced by four different CJAs. The strategy was to divide the enumerators into small groups (4 per community). The RAs (including myself) would act as roving monitors, traveling from community to community to assist the enumerators. We spoke with town elders and observed the CJAs conducting some surveys (mostly in local dialects). In a change from the first round, we found the community leaders and town elders were familiar with their CJAs and regarded their services highly. However, this second round of piloting involved an additional component: identifying problems and obstacles which might be preventing community members from opening cases with the CJA. Moving beyond simply increasing the sample size and collecting data, the team also adopted a more pro-active approach which involved piloting some new techniques designed to address any programmatic impediments which may be preventing community members from approaching the CJA.

With these objectives in mind, the team set out to expand the pilot sample from Bong County into Nimba and Lofa counties in order to determine whether the data collected in the first round of piloting was anomalous. To this end, a new strategy was devised, taking into account some lessons learned in the first piloting phase. First, the community-wide piloting strategy was abandoned. This threshold was demanding a very high degree of coordination. Enumerators had to manage the process of surveying an adult member of every household in the community as they came and went from the market and the farm. Therefore, it was wasting time and resources. In phase two we provided the enumerators with a list of clients who had opened cases with the CLA. The enumerators were instructed to locate and prioritise surveying these treated clients. Additionally, a new section was added to the survey instrument – the "Quick Assessment Survey" (QAS). It was administered to an additional 363 community members selected at random from the general population. The QAS probed the interviewee's contact and interaction with the CJA: Had they heard of the CJA? Had they attended an awareness-raising session? Did they have a dispute, and if so, what was preventing them from seeking out the CJA's services? The aim of the QAS was to gauge the degree of recognition and familiarity of the CJA in general community population who were *not* treated by the CJA. The outcomes of this first objective can be seen (see Artefact 3).

County	Town	Assigned CLA	Interviews
Bong	Foloblai	█████████	49
Bong	Gbenequelle	█████████	66
Lofa	Salayea	█████████	44
Lofa	Sucroma	█████████	46
Nimba	Flumpa	█████████	41
Nimba	Zuluyee	█████████	23
Nimba	Gbedin	█████████	48
Nimba	Kitoma	█████████	45

Total respondents: 363   **Women: 200**
Total clients found: 44   **Men: 163**

Artefact 3: Quick Assessment Survey (QAS)
(CSAE Evaluation Team, 2011b, slide 6, see Appendix D)

The second objective of round two was to a) identify any impediments which disincentive greater uptake of the CJA services and b) pilot some new techniques designed to increase the CJA's case-intake. The team identified the CJA who opened and closed the most cases: Zayzay Sawie. He opened 169 cases and closed 145 of these, almost double the average rate. The team arranged to observe him giving an awareness-raising session in his community Flelah to determine how he was able to generate and close so many cases. The team found that he frequently used a mega-phone to notify and mobilise the community in advance of his awareness-raising sessions. We requested that, in addition to his normal community mobilization routine, Sawie conduct a thorough mobilization the night before the session, using his megaphone to inform the community of the time, location and topic of the following day's session. An hour prior to the session, another community mobilization was undertaken, using the megaphone in a final attempt to increase turnout.

The session was also attended by two enumerators. Rather than administering surveys, their task was first, to track attendance levels (which peaked at 40 people) and second, to translate and transcribe the awareness-raising session (conducted in the regional Kpelle dialect). Their goal was to track and record which attendees were asking questions, what those questions were, and to determine if whether these questions revealed a legitimate dispute and therefore a potential new case for Sawie.[15] If a potential case was revealed during the discussion, then the enumerator would pass that information on to the CJA for a follow-up after the session. Lastly, the enumerators administered a final screening to the attendees. Once the session concluded, we requested that the attendee remain behind for a brief set of voluntary screening question administered by the enumerators. These screening questions were designed to identify reasons why *potential* clients are not becoming *actual* clients.

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[15] 'Legitimate' cases were identified and distinguished as first-hand familial disputes after the team noted a number of attendees asking hypothetical questions or asking about 'their friend from another community'.

The awareness-raising session was hosted in a large, dark community room just outside of the town centre. The topic was domestic violence. During the session, Zayzay Sawie spoke about women's rights under formal law as well as the illegality and consequences of domestic violence. Enacting his legal empowerment training, he then spoke of the deleterious effects of domestic violence on the community and the household, which he defined very broadly to include economic and psychological violence. The session generated a significant number of questions from the audience. Sawie was asked a question by a woman in the Kpelle dialect. She self-identified as never attending an awareness- raising session before. Her hair was tussled and her skin and dress were covered in dirt. An infant was pressed to her chest. She was weeping. A female community elder sitting next to me, leaned over and made a punching gesture saying "every day she is beaten and her husband sends all their money to his other family in Sinoe." The woman had been beaten that morning. Sawie suggested that he could help but the woman left shortly after, without being screened and did not return to open a case with Sawie (Flelah, 2011 Participant Observation).

Initially the questions were related to the day's topic of domestic violence; however, the questions then strayed to the topic of land and inheritance law, where the conversation remained. The questions highlighted the centrality of the inheritance law which Harry Momodu previously indicated was tied to all issues (Momodu, 2011). Inheritance and land cases are notoriously difficult to resolve (Knight et al., 2012). The enumerators took notes and follow-ups with attendees with legitimate disputes were conducted when the session concluded. This approach generated four new cases for Sawie, the most cases he has ever opened in a single day. However, the substantial attendance and the high number of questions suggested that there were many other unresolved disputes in the community which Sawie's assistance was not being sought in resolving. The session screening exercise revealed that this was indeed the case: there were a significant number of legitimate disputes and potential cases in the community that were not being taken to the CJA.

On the return from Ganta to Gbarnga, I arranged to meet with Teta Jalloh, a high-performing CLA from Nimba county in her community, Socopa. She was scheduled to give an awareness-raising session on the topic of the criminal justice system. However, unlike Sawie's community, Socopa was an hour from Jalloh's home near Ganta. Because of the great distance, no mobilization was conducted the previous evening. Furthermore, en route to the community that morning, her mega-phone had been damaged while strapped to the back of the motorbike and therefore, could not be used for community mobilization that morning. However, she did meet with the chief and enlisted his help in dispatching the town crier. I met Jalloh alone with no enumerators. Therefore, rather than conducting a full screening as was done previously, I planned simply to observe the session and note the attendance, content, discussion and whether any new cases were registered. Attendance was lower than at Flelah, with roughly 25 attendees coming and going throughout the session. While the questions were continuous, covered a wide range of disputes, and revealed many potential clients in the community, nobody approached Jalloh to follow up their question. No new cases were generated that day; indeed, only one case had ever been opened in that community. Jalloh regarded this as a typical awareness-raising session insofar as there were numerous questions ranging across legal topics and concerns, questions

which indicated legitimate disputes, yet no one followed up with Jalloh or opened a new case (Socopa, 2011 Participant Observation).

Tension: the Survey Design and Legal Empowerment Practice

After two rounds of piloting, the spectre of a zero-impact loomed. However, this finding was also deceiving. The CJAs were, in fact, making an impact on an individual level; however, these individual-level impacts were not detectable by the community-level survey design. Siddiqi and Sandefur identified a number of factors at play in the apparent mismatch between the CJA programme and the survey design. One reason they identified was risk. Compared to more conventional health or education-based programmes, which are more typically subjected to RCT methodology, legal empowerment was a relatively new practice. RCTs and legal empowerment had never been paired before.

As late as 2008 legal empowerment was considered a 'wishy-washy' dimension of development and certainly not something which would significantly impact child mortality, nutrition, and education. At the time the CJA programme was designed, the findings from community-clinic study by Björkman and Svensson which originally piqued their interests were only preliminary (2009). In 2008 no randomised control trial had ever correlated similar impacts with legal empowerment. A World Bank assessment of Timap undertaken in 2009 was qualitative – it was not an RCT-based evaluation (Dale, 2009). Siddiqi noted that "outside of Timap, the Liberia paralegal programme is pretty much a signature programme…" Because the CJA intervention itself was so unique, the concern was that "nobody would care because the intervention itself is so complicated and complex that people would say 'well you told us about this really, really interesting programme that has no impact, doesn't tell us anything about *why* it doesn't have an impact, [and] doesn't tell us anything about what the impact *could* have been'" (Siddiqi, 2012). Yet Siddiqi and Sandefur reasoned that if they could demonstrate a positive correlation between legal empowerment and key development indicators (see Chapter Six) the implications for development and peacebuilding policy were worth the risk.

Therefore they identified 'expectation' as contributing factor to the potential zero-impact. Because of the unique nature of the CJA programme, there was no reliable way to estimate the potential impact. The CSAE and The Carter Center overestimated the potential impact the programme would generate. This proved to be another exacerbating factor which increased the gap between survey design and actual impact over time. According to Siddiqi,

> *The objective was 'access to justice broadly speaking, to communities rather than to particular kinds of individuals'. So the program set out, rather naively, assuming that community level impact was the objective, community level impact was what the program was designed around and that community-level impact was what we were going to test for. So all of our results assumed that enough people would have been impacted by the presence of these paralegals in order to create a community level impact* (Siddiqi, 2012 Personal Interview).

Justin remarked that "[i]n retrospect, our evaluation design was probably more fragile than we realised at the time to really robust implementation and high take-up rates. And that fragility got exposed by basically the opposite happening" (Sandefur, 2012). Tom Crick of The Carter Center agrees, concluding

that "[p]robably, we ended up being overly guided by the randomization without enough common sense going into it" (Crick, 2012 Personal Interview). However, from The Carter Center's perspective, the CJA programme had opened 1,868 new cases as of March 2011 – an impact which, according to Tom was indeed significantly less than zero in qualitative terms: "my conclusion was that the instrument being used to determine the presence of the CJAs in the communities was much too sophisticated, to put it one way, or just wasn't the right tool because we had cases from all of the places but the survey found there was no knowledge of the CJAs" (Crick, 2012). Furthermore, it was reflected in both the CJA training and in their practices that opening cases was *not* the bottom-line objective of the CJA programme. Just as the survey prioritised the practices of the RCT evaluation methodology, the Carter Center reinforced legal empowerment in their training. Therefore, *the survey team was detecting the priorities emphasised in their training* (see Chapter Seven). According to their training, new cases must be initiated by an informed and legally empowered individual or community. It was this practical understanding which was revealed in the first round of piloting.

Both The Carter Center and the CSAE concluded that the possibility of a zero-impact evaluation reflected a tension between the demands of the RCT methodology and the design of the CJA programme itself. On the one hand, the survey was designed to detect improvements to the material quality of life on a community-level. However, this design required a more proactive legal empowerment approach which prioritises case-intake, management and resolution. On the other hand, there is the practical understanding of legal empowerment described by practitioners such as Golub (2003) and Maru (2006), and implemented by the JPC and the CJAs in their communities. This approach prioritises a more indirect, circumspect, community-sensitive approach. This passive legal empowerment approach was inscribed into the CJA program by the JPC who was weary of the destabilising effects more proactive posture to case generation (Mawolo, 2011 Personal Interview; see Chapter Seven)

To this point, Siddiqi notes that the indirect approach to legal empowerment which relies on informed community members to seek out a paralegal assumes "that the choice on the Liberian's side is going to be compromised if we tell them that they have a problem that could be solved. But then, you also have to assume that Liberians have some kind of a free choice in terms of knowing who you are, what your objective is, even knowing you exist" (Siddiqi, 2012). Acknowledging the survey design flaws and their overestimation of service take-up, Siddiqi notes that from the methodological perspective of the RCT, the CJA's priority should have been to open cases.

> *Now the paralegals were actually fulfilling [many] roles but if their impact was supposed to come from taking cases then they should have just focused on that and increased the number of cases they were taking in order to have a community-level impact. But they weren't allowed to solicit cases, they didn't see themselves as really doing that* (Siddiqi, 2012 Personal Interview)*.*

Phrased another way, the original design of the survey, and therefore the CJA programme, was unsettled by a process of translation in which the *practice* of 'legal empowerment' became increasingly dislocated from its designed purpose as it was appropriated by the JPC and re-translated into the Liberian context where generating "impact" runs counter to the restorative essence of justice in these communities.

Siddiqi points to this contingent process of *translation* as the "evolution" of the CJA practices between the base and end-line surveys: "Our evaluation set out to measure a set of indicators that we eventually realised the programme was never geared to change. Or rather, it may have wanted to change them but as the design of the programme *evolved* we realised it wasn't actually attempting to change them…" (Siddiqi, 2012 emphasis added). In other words, a contributing factor in the mismatch between survey design and the actual the programmatic impact, stemmed from *changes in CJA's legal empowerment practice themselves*. As Siddiqi noted, the CJA programme and the survey were originally designed on the premise that opening and resolving individual cases would spill over into the community and move the living standard of the community gradually upward (Siddiqi, 2012). However, as the JPC *translated* legal empowerment into Liberia and as the CJAs re-translated legal empowerment into their communities, the practice of legal empowerment 'evolved' or changed; it emerged in different ways in different sites. According to Siddiqi, *the CJA's practice indicated that opening cases was not their ultimate priority*; when community members were not opening cases with the CJA, their practices did not shift to more aggressively pursuing cases but instead, "what they've focused on is educating the population which may or may not have much of an impact but is not the channel they wanted to have an impact through…" (Siddiqi, 2012). Nevertheless, for Siddiqi and Sandefur the consequence of this 'evolution' of the CJA practices was that the programme was not making impacts that the survey was designed to measure. When the team returned to Monrovia to regroup, we turned to the practice of redesigning the survey and the evaluation process in order to detect those individual-level impacts.

Summary

After two rounds of piloting, the practical situation with which the CSAE survey team was grappling began to shift and new priorities emerged. The gap between the community-level survey design and the actual legal empowerment practices of the CJAs reflected a process of practical hybridity in which the CJA programme was appropriated from the designers and retranslated by the practitioner (Akrich, 1992). As Siddiqi indicated, the CJAs did not treat case in-take and resolution as the single priority. Instead, the CJA's practices 'evolved' and case in-take was treated as one among many practices; CJAs treated awareness-raising and legal education as equal objectives rather than as an indirect or passive means to increase case-intake (Siddiqi, 2012).This process of practical hybridity was shaped by the translation of legal empowerment in which both the CJA programme, as well as the RCT designed to assess its impact, became destabilised.

Of course there is another narrative running through this story. When explored through the lens of theoretical hybridity, the RCT-based methodology functions to produce the 'proof' which underwrites the extension of 'the liberal peace' into Liberian communities. It manifests as the demand for results, quantifiable impacts, measurable by reductive econometric technologies. On this reading, the prospect of a zero-impact outcome appears as 'local' resistance to 'the liberal peace'. It emerges as infra-politics, as the low levels of uptake; it surfaces in the refusal to use the CJA's services to resolve their dispute. However, as discussed above, this reading omits a number of significant tensions and expressions of agency.

If explored through the dynamic lens of the practical situation, a different spectrum of dynamics comes into focus. While RCTs may be a technology of power, they are performative, that is to say they must be used, enacted, and therefore RCTs are contingent on practice not the other way round (Law, 2009). The performative process through which the 'gold standard' of evidence, facts, and truth is produced can be messy and highly contingent. The practices which the survey was designed to measure changed as they were translated from site to site, assuming different shapes in the process. On this view, the CJA programme emerged as more than a 'liberal' intervention which failed because it was not taken up by 'locals' in the community. It was a process of practical hybridity in which the practice of 'legal empowerment' was never firm, but constantly destabilised through an on-going process of translation in which The Carter Center, the CSAE survey team, the JPC, and the individual CJAs assumed active rolls, exerting their agency, each translating legal empowerment in different ways. In this process of practical hybridity, legal empowerment was embodied in different ways, appropriated by actors for their own purposes and according to their own significance.

Chapter Nine
The Lightning Round

While the first phase of piloting raised some concerns about a zero-impact evaluation, the second phase confirmed them. Despite higher levels of recognition revealed in the second round, uptake of the CJAs' services remained too low to register impacts at the community level. However, the second round also confirmed that the CJAs were affecting the lives of the individual community members who sought out their assistance. These findings suggested a tension between the community-level survey design and the ways in which legal empowerment is translated by the CJAs into their communities. Though the contributing factors were outlined in the previous chapter, this tension ultimately reflects a process of practical hybridity – the organised, yet unstable, translations of 'legal empowerment' as it is appropriated in new sites for different purposes.

After the second round of piloting, the process of practical hybridity at play in the CJA impact evaluation continued to unfold as the CSAE survey team considered ways to modify the RCT-based survey design. Siddiqi and Sandefur developed and pitched a major overhaul of both the CJA practices and the survey design to The Carter Center. This overhaul was styled 'The Lightning Round' (LR). Their aim in proposing the Lightning Round was twofold: a) to generate data which could point to why the CJA programme did not register larger community-level impacts, and b) to determine what changes could be made to the CJA's practices which could generate greater community-level justice practices. The Lightning Round was a three-month exercise in which the CJAs were integrated fully within the survey. During the LR, the CSAE redesigned the structure of the CJA programme and developed new and different techniques for practicing legal empowerment designed to generate more cases and therefore greater impacts.

Over the course of the LR, both the RCT-based methodology and the legal empowerment practices of the CJAs underwent a process of practical hybridity as the CSAE survey team attempted to re-translate and stabilise 'legal empowerment' in order to generate new data and greater insights into how the program could greater impacts. While RCT practitioners are commonly embedded in the programmes they survey, The Lightning Round represents a fairly unique intervention insofar as it intervenes during the late stages of the existing CJA programme. In other words, was an uncommon adaptation, a substantial change from how it was designed (Sandefur, 2012). The LR was a total redesign of an existing programme for a three-month period during which the CSAE assumed operational control of the CJA program and instituted a more active approach to legal empowerment in which the primary objective was to generate new cases. Rather than treating awareness-raising as one of many legal empowerment goals, the awareness-raising session was incorporated into a more organised and regimented strategy designed to identify, open, and resolve disputes.

On one hand, the Lightning Round reflects the logic and rationale of 'the liberal peace'. The LR is part of a larger assemblage of development economists and practitioners using quantitative methodologies to collect vast amounts of data for the purposes of developing more effective interventionary technologies for governing contingent spaces and cultivating 'productive' life (Jaeger, 2010; Grayson, 2008; Dillon & Reid, 2001). To this point, during the LR the problems, disputes, and traumas of everyday community life become objectified, sorted into treatment and control groups according to the demands of the survey

rather than the client's need. Contrary to the legal empowerment approaches emphasised in the training, the LR translation emphasised a more direct, proactive and more conspicuous approach to legal empowerment for the purposes of generating new cases and collecting new data.

However, on the other hand, while the LR represents an exercise of bio-politics, it is also a performative process, and therefore a contingent one (Law, 2009). Through this process of practical hybridity, RCTs become unstable as practitioners develop creative, ad hoc innovations in which RCTs are translated in new ways and put to use for different purposes. This more complex picture emerged in Chapter 6, where RCTs were used to generate quantitative data supporting the *Looking for Justice* Report, which challenged the predominant top-down, formal justice approaches then favoured by National elites and their international donors. On this reading, these bio-technologies can be translated in ways which displace existing regimes of practice; RCTs can be used for the purpose of contesting and unsettling power, precluding its consolidation. To be clear, the argument is not that the end justifies the means but that the process through which the end is contingently and continually renegotiated must also be explored. The aim is to engage with the uncertain process of practical hybridity through which a 'liberal' peace is becoming translated into a post-liberal peace (Richmond, 2011a).

The Practical Situation

When the survey team returned to Monrovia, Siddiqi (with Sandefur in Washington D.C.) considered their new practical situation: at the community-level, the CJAs were having no impact. The problem therefore was to understand why, and then determine how their legal empowerment practices could be adjusted in such a way to generate greater impacts in the community. Accordingly, the team began considering where *programmatic* improvements, modifications, adjustments and tweaks could be made to CJA practices quickly and cheaply in order to produce some measurable impacts and therefore, useful data. Simply put, *the team began to think of ways of completely overhauling both the survey and the CLA programme in order generate new data*. The thinking was that even if there was a zero-impact outcome, the team could intervene in the short-term to generate some academic and policy-relevant data about *why* it didn't work and more importantly what *could* have worked better. However, to be clear, the aim was not simply to change the outcome for the purpose of avoiding a zero-impact assessment; rather the strategy was to ensure that if there was a zero-impact outcome, it would generate as much academic and policy-relevant data as possible. The survey team's labour shifted to ascertaining what did not work, why it didn't work, what did work, why, and what could work better to improve other legal empowerment interventions.

In order to obtain this data, the design of the survey also had to be changed. However, the original community-level survey design was not altered; the full end-line survey of all original 176 communities (88 treatment, 88 control) was left in place so it would provide essential comparative data. That said, the end-line survey was delayed for three months while the LR was in the field. Nevertheless, Siddiqi and Sandefur found room to manoeuvre *within* this community-level survey structure in a way which was methodologically consistent with the original RCT design. However; this innovation required a change not only in the survey design but also in the legal empowerment practices of the CJAs

themselves. To this end, the survey team began a) to identify 'weak links' in the CJA programme which may deter community members from approaching the CJAs for help, b) to remove impediments and disincentives to case-intake, and c) to increase the CJAs case loads as quickly and as dramatically as possible.

Fortunately for the survey team, the second round also generated new sources of data that provided insight into why CJA case intake was lower than forecasted. Both the quantitative and qualitative data from the second round of piloting confirmed the problems that were flagged up in the first round: low recognition and uptake at the community-level. However, the second round also supplied an additional layer of data which proved useful for understanding *why* take-up of JPC services was lower than expected and hinting at what could be done to modify it. First, Siddiqi and Sandefur's concerns regarding the 'zero-impact' finding were born out by the broader sample. The quick assessment survey (QAS) was administered to 363 people (200 women and 163 men), 44 of whom were clients. It revealed that the general level of the JPC and CJA recognition in the community (79 percent) was higher than suggested in the first round. However, the new data also found that of the 79 percent who had heard of the JPC, only half (49 percent) attended an awareness-raising session (see Artefact 4).
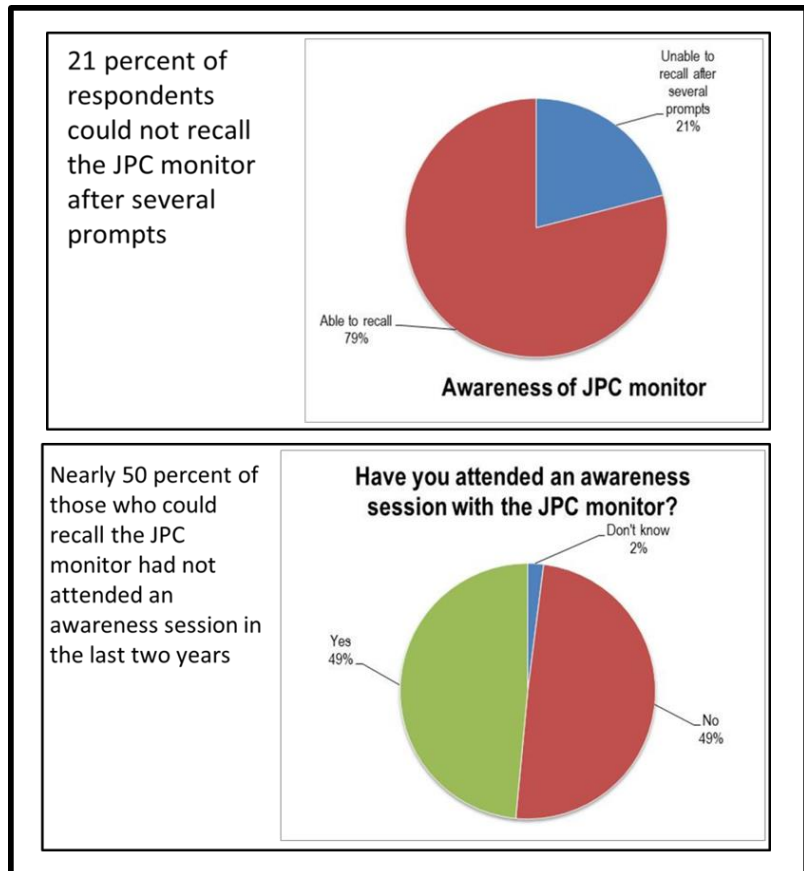
Artefact 4: Level of Community Awareness
(CSAE Evaluation Team, 2011b, slide 7, see Appendix D)

Second, combined with data from the awareness-raising screening exercise conducted with Zayzay Sawie in Flehlah, the QAS revealed that of those community members who did attend the awareness-raising sessions, only 17 percent actually approached the CJA with legitimate disputes (identified in the awareness-raising screening form). The majority of the attendees at the sessions simply weren't opening cases. However, the data also provided some indications of why this was the case and what was standing in the way. According to data collected in the screening exercise, of the attendees who did have a dispute but did not approach the CJA for assistance, 17% said they did not know how to approach the CJA and 8% said they were unaware of what the CJA could do for them. The team reasoned that the attending community members were simply unaware of what to do next (see Artefact 5).

Few questions raised in awareness session translated into cases.

Reasons for this:

- Participants may not know how to approach CLAs.
- Participants may not know how the CLA can help with problems.
- Participants did not seem to realize that they needed to take action.
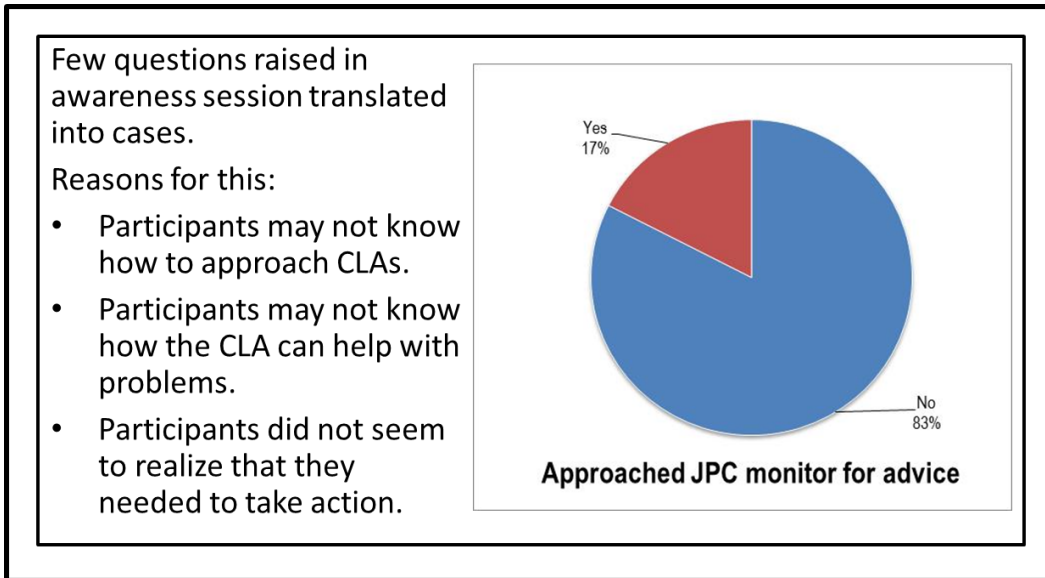
Artefact 5: Case Intake (CSAE Evaluation Team, 2011b, slide 10)

Lastly, the second round focused on those community members who did open cases with the CJA. The goal was to assess case follow-up and case closure among clients in order to identify any potential blockages. Among these respondents we found that of all the cases that had ever been opened only 55 percent had been resolved (see Artefact 6).

Obstacles identified:

- Case and village workload seems to detract from a more rigorous follow-up.
- Long distances traveled.
- Time and energy required for awareness raising cuts into case in-take and follow-up.
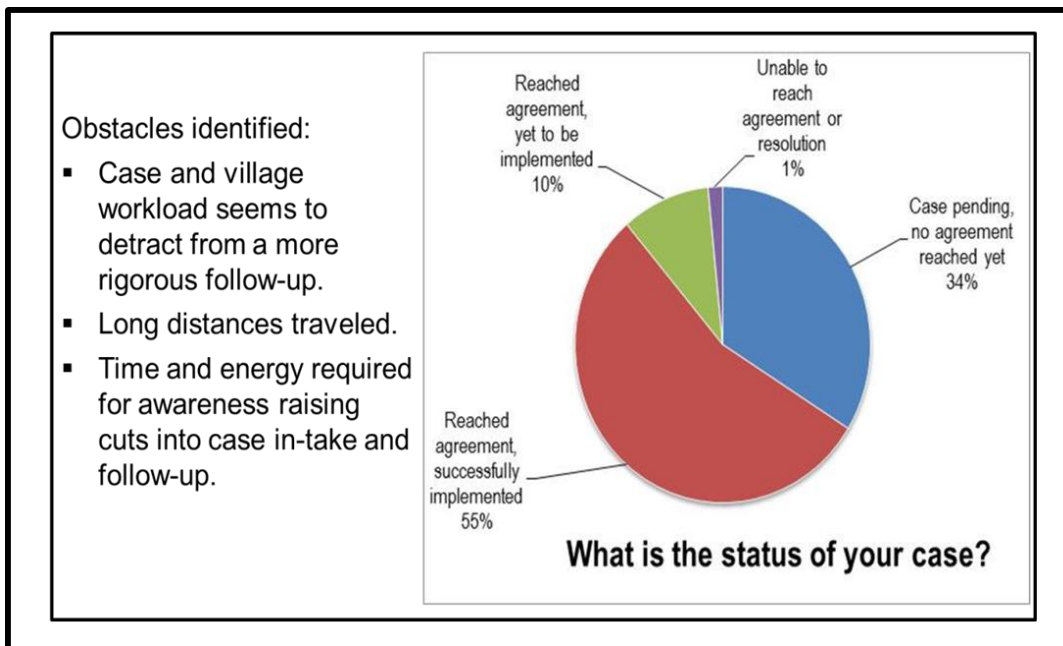
Artefact 6: Case Follow-up and Closure (CSAE Evaluation Team, 2011b, slide 12)

The second round of piloting began to illuminate the reasons behind the zero-impact. Again, the tension between the RCT-based design and the CJA's legal empowerment practices was implicated. This tension was expressed in the survey data as low recognition of the CJA and low levels of case in-take. The survey team identified these as programmatic problems which, if undertaken more proactively, could yield greater impacts. Therefore, in addition to the problems associated with the survey design, there were also programmatic factors concerning the CJA's legal empowerment practices implicated in the zero-impact outcome. Regarding these programmatic dimensions, the survey team began to consider the CJA's practices as *a chain of interactions* between the CJA and community members (see Figure 6). Along this chain of interaction, were key points of interface in which a community member who may potentially have a dispute which they would like resolved comes into contact with the CJA whose job it is to help them do so.

The team identified four crucial points of interface separated by three weak links: a) community mobilization: community members need to be aware of the JPC, their services and when and where they are holding awareness -raising sessions; b) awareness-raising sessions: community members must be aware that they have a legitimate legal dispute and they must be aware that the CLA offers one avenue to resolve that dispute; and c) case intake: a client must choose to open a case with the CJA – the JPC does not resolve disputes, it resolves cases; and d) case management and resolution: the ultimate objective. As the team arranged these four points of interface into a chain of interaction, then one can identify the weak links: community mobilisation, case intake, and case management. The survey team sought not only to identify these weak links and obstacles to transforming unresolved disputes into resolved cases, but to also overcome them by developing new practices to increase the CJA's case-load as dramatically as possible.
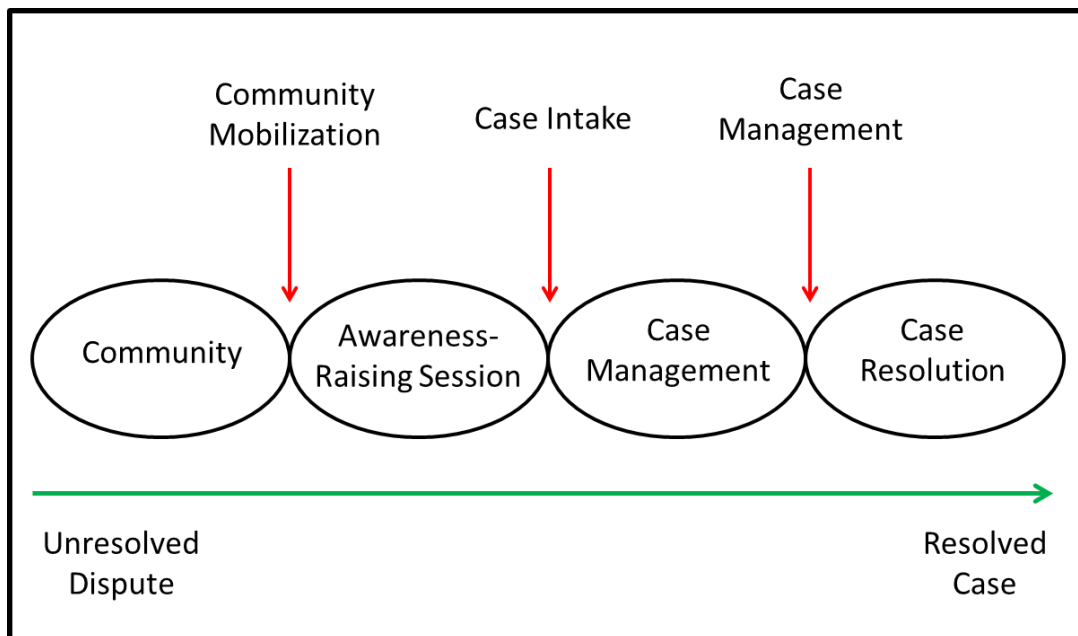

Figure 6: Weak Links in the Chain of Interaction

Community Mobilization

The first programmatic impediment the team confronted was ensuring that as many community members turn out for awareness-raising sessions as possible. Clearly, in order to open a case with the CJA, a community member must first be aware of the services they provide and understand that the CJA offers them a potential pathway to resolving their unresolved dispute. In this way, awareness-raising represents a crucial performance that functions as a catalyst for generating new cases. Hence, the CJA programme places a heavy emphasis on the awareness-raising session. It is understood as the primary means for disseminating information about rights under the formal rule of law. If no one attends the awareness-raising session, there is a problem. Therefore, community mobilization – turning people out to the awareness-raising session – is a key moment of interface between the CJA and the wider community. However, the team determined that this aspect of the programme was not receiving enough attention. Interviews from the first round of piloting along with follow-up discussions with the mobile monitors indicated that for most CJAs, the primary means of mobilization was the town crier, who was often deployed just prior to the commencement of the session. When we found that Zayzay Sawie had an unusually high rate of case resolution, it turned out that he was only one of two CJAs using a megaphone to mobilise on a regular basis.

By field-testing and comparing different techniques, the survey team found community mobilization was a key factor in increasing attendance in three ways. First, the frequency and timing of the mobilization yielded significant contrasts. Sawie conducted a thorough mobilization the evening before the session in which the time, location and topic of the session was conveyed. Sawie also conducted another 30-minute mobilization the morning of the session, just before it began. This sustained engagement by Sawie was also enabled by the fact that he lived in a close-by community, just 20 minutes down the road. Meanwhile Teta Jalloh's community, Socopa, was not located close to where she lived and therefore she was unable to reasonably conduct community mobilization the evening before the session. Sawie also used his own megaphone as he mobilised which of course increased the range of his voice but also generated a bit of a buzz in and of itself. Meanwhile, Jalloh, the only monitor aside from Sawie with a megaphone, arrived in her community to find that it had broken en route. So she left to enlist the help of the chief and the town crier. We also found that the venue of the session was important. As mentioned Sawie had 40 attendees coming and going throughout the session. However, the venue Sawie used was a closed, indoor community centre on the edge of town, compared with Jalloh, who used an open-air Palava Hut in the town centre. Jalloh's venue selection opened her discussion to many passersby and therefore attracted a number of new attendees, increasing her number over time to a high of 25. Despite reiterating throughout the session who she was ("Teta Jalloh from the JPC") and what services she provided ("I am here to help resolve any disputes you are having") she was not able to convert attendance into new cases. The team concluded that mobilization was a weak link in the chain, which required attention.

Case Intake

The second programmatic impediment we identified was that legitimate disputes revealed during awareness-raising sessions were not being converted into cases. The CJAs were not following up (it emerged from the screening form that many of the attendees had unresolved disputes). Yet, very few

(17%) approached the CLA for help in resolving their case while 83% did not, all of which indicated many unresolved disputes yet very few cases. Recall the story in the previous chapter about the woman who was beaten the morning of the awareness-raising session in Flelah. Distraught, the woman left the session before she was screened. Following the session, Sawie was resistant to the suggestion that he follow up directly with her; she obviously had a dispute and Sawie was there to solve it. So why not follow up directly? Sawie cited his empowerment training, noting that the community member must seek out the CJAs assistance in resolving their dispute, they must choose to open a case. This instance exemplified what was found generally. People were attending the awareness-raising sessions, they were asking questions, those questions revealed legitimate legal disputes, and the CJA would provide them with legal information and their rights under the law. But this interaction was not resulting in an open case. The following excerpt from the Lightning Round Proposal points to this 'weak link' in which legitimate disputes were not being converted into open cases.

> *… some of those who asked questions seemed satisfied simply by the fact that a CLA had answered their question, but did not seem inclined to take follow-up action. In one instance, a question was raised about inheritance, to which the [CJA] responded that the participant was entitled to recourse. The participant did not, however, follow up this case with the [CJAs who] seem to be under the impression that they should neither actively encourage participants in awareness-raising sessions to come to them with cases, nor follow up on disputes raised by participants during the awareness session. While registering a case with the [CJA] should be the client's prerogative, a more active encouragement or follow-up of cases raised could greatly raise impact and catch the relatively large number of cases that fall through the cracks due to lack of understanding or communication between participants and the [CJA]* (CSAE Evaluation Team, 2011a, p.2) (See Appendix E).

When considered alongside the QAS findings (indicating that 8 percent of respondents who attended an awareness-raising session did not know what the CJA could do for them while 17 percent stated that they did not know how to approach the CJA), the excerpt above suggested to the survey team that case-intake as a fundamental weakness at a crucial moment of interface between the CJA and a community member with an unresolved dispute. Therefore, the team identified the reticence of CJAs to follow-up more directly on legitimate disputes was indeed a 'crack' through which many cases were 'falling' and recommended a more proactive approach.

Case Management

The third and final programmatic impediment was case management. Once a CJA did open a case, they simply did not have the time to diligently manage it through to resolution. In follow-up interviews, the CJAs identified several problems in the programme design which were preventing more expeditious case resolution. These issues had to do with programme's schedule. The mobile monitors were each assigned ten communities which they were required to visit twice a month. The programme requires that a CJA spends 21 days per month in their communities. Often, the distance between the communities was significant, sometimes entailing hours of travel by motorbike and additional walking. It emerged that the majority of the CJA's time was spent in transit between their communities. Tom Crick of TCC Atlanta notes that when the intervention was designed in consultation with Siddiqi and Sandefur, "we didn't put enough thought in at the front end or whoever was analysing it didn't say 'that's not doable', so there

was a lot of time wasted going back and forth or people didn't go back and forth as much as they should have…" (Crick, 2012). While in their communities, the CJAs were required to maintain a schedule of awareness-raising sessions, alternating topics with each visit. The heavy emphasis on awareness takes time away from client-follow ups and case management. On the days when they were not required to be in their communities, their time was spent arranging administrative requirements for the month. As a result, open or unresolved cases were, at best undercutting broader community-level recognition, and at worst, undermining the CJA's credibility at in the community.

In collaboration with The Carter Center, the survey team proposed a change of plan. The practical situation was as follows: two rounds of piloting a) turned up a number of programmatic impediments preventing the CJA programme from registering impacts at the community-level impacts; yet b) the survey team also learned that the CJA programme was indeed impacting the individuals who *did* seek out CJA assistance; nevertheless, c) the RCT-based, community-level survey design was simply the wrong tool to use for detecting the individual impacts that CJA practices were actually generating. From Carter's perspective, they were eager to avoid a data-less zero-impact evaluation because such an outcome would not reflect the impact the programme was making at the individual-level. Indeed, based on Carter's internal monitoring and evaluation processes and their case file data, it was clear to them that the CJA programme was having a substantial impact, despite the methodological threshold and design of the RCT. After all, The Carter Center and the JPC had received USAID funding to expand the CJA programme into two new counties. Additionally, the CJA programme was only one aspect of TCC's multi-layered Access to Justice Initiative (see Chapter Six).

Nevertheless, the team began grappling with changes, tweaks, and modifications which could be quickly implemented not only to the structure of the survey, but also to the legal empowerment practices of the CJA programme itself. However, in order to remain consistent with their randomised-controlled methodology, the team would have to be able to measure these individual-level impacts *within* the existing structure of the community-level survey. In other words, in order to capture the impacts on *treated individuals* (individuals who did seek out and open a case with the CLA), the team would have to develop *an entirely new survey.* Siddiqi and Sandefur would have to design and implement an entirely new base-line, a new end-line, a new process of randomization designed to compare treatment and control *individuals* rather than communities (CSAE Evaluation Team, 2011c slide 3). Siddiqi noted that in order to get through the constraints of the evaluation design, this entirely new individual-level randomised control trial would have to be structured within the existing framework of the community-level survey design (Siddiqi, 2012). In sum, the original plan for the end-line survey was being radically overhauled in order to assess the individual level impacts as well as generate the policy-relevant data.

The Lightning Round

After the first round of piloting suggested a possible 'zero-impact' evaluation, Siddiqi and Sandefur began exploring possibilities for intervening in programming aspects of the project, to change CJA practices. There were two aims of this intervention: to generate many *new* cases as quickly as possible, and then to expeditiously move these *new* cases through to resolution. The Lightning Round (LR) was a sweeping redesign of the entire end-line structure as well as the CJA practices themselves. In its total scope, the LR aimed to open 600 *new* cases, spilt them into treatment and control groups, then resolve the treatment group's disputes within three months. The caseload was divided among 14 teams; therefore each team had to generate 44 new cases. These 44 cases were again divided in half – 22 treatment cases and 22 control cases. Given that each team was assigned 6 LR communities, a team must open an average of eight new cases per community – four treatment and four control (see Artefact 7).
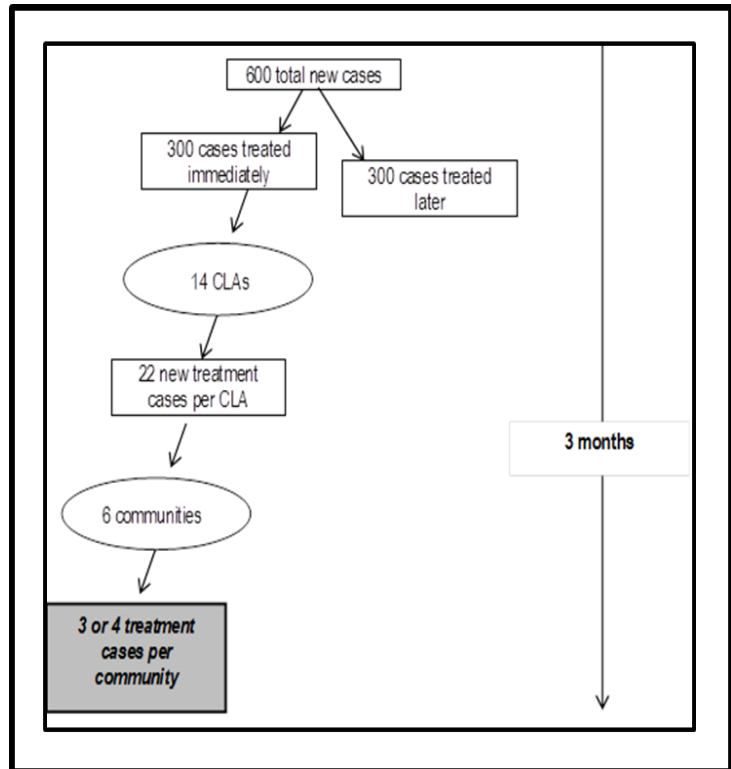
Artefact 7: Design of the Lightning Round Survey
(CSAE Evaluation Team, 2011c p.2, see Appendix F)

Considering that in the 28 months of its existence, the mobile CJA programme generated a total of 1,868 cases, opening 600 new cases was an ambitious target for a 3-month window. In fact, 600 new cases represented nearly one-third of the programme's total cases over two and a half years. The reasoning behind the large sample size was again methodological. The dictates of RCTs require as broad a sample as possible for randomization in order to eliminate any essential differences between treatment and control groups. In order to meet this target, a number of changes, modifications, adjustments and tweaks were required. Changes to both the RCT-based practices of the CSAE survey team and the legal empowerment practices of the CJAs were proposed.

Changing the CJA's Legal Empowerment Practices

Following from the 'weak links' in the chain of interactions, the team suggested a number of modifications to CJA programming. First, Maryland County was not included in the LR. The Carter Center planned to drop the programme in that county due to low-uptake and high cost (due to its remote location). Therefore, the LR would only deploy in four counties (Bong, Lofa, Nimba and Grand Gedeh), rather than five. Additionally, it was determined that the CJA's high workload was prohibitive.

Therefore, the second programmatic modification the LR implemented was to reduce the CJAs community-load during the LR from ten to six communities. It was determined that the CJA's range of obligations, number of communities, field schedules, administrative tasks, and the amount of time spent in transit between communities, were detracting from the their ability to close cases. The six communities were selected in consultation with the CJA who serviced them and the lead-monitors familiar with their case-loads and schedule. The criteria for this selection were the community's demonstrated history of opening cases with the CJA and the community's proximity to the CJA's home-base.

In another significant departure from the original programme design, The Lightning Round paired each CJA with a full-time enumerator for a total of 14 CJA-enumerator teams. Labour within the team was divided so that the CJA was exclusively responsible for all aspects related to 'the case' while the enumerators managed all matters pertaining to the LR survey. Because of their training and existing practical understanding in legal empowerment, the CJAs would be responsible for opening new cases, managing the case in-take process, and then following the case through to resolution. Because of their practical understanding of field surveys and technical experience, the enumerators were responsible for the LR survey. In reversal of normal practice, the peacebuilding programme was embedded within the survey designed to evaluate it rather than vice versa. During the Lightning Round, the RCT and legal empowerment were collapsed into the same practice, arranged and organised into a tightly overlapping 3-month practical situation.

Text Box A: The Lighting Round Schedule
The lightning round will consist of 14 teams of CLAs, CSOs, and enumerators who will each focus on 6 communities. Communities will be chosen in a way so to minimize travel time and maximize time spent with clients. CLAs, supported by CSOs and enumerators, will visit these communities in 3-day increments (staying in each community for approximately 48 hours) according to the following schedule

- Day 1: enter the community in the evening to conduct mobilization and follow-up existing cases.
- Day 2: conduct morning mobilization, carry out awareness raising session, take in new cases and take steps to resolve these, and follow-up existing cases.
- Day 3: work on existing cases, including those taken in the previous day, exit the community in the afternoon.

After the first week of activity, awareness raising may be eliminated from the schedule so that CLAs can focus only on case follow-up and resolution. During this time, CLAs can still take on new cases should they be approached by people with problems.

This schedule is a guideline that should be generally adhered to in order to maximize activities of the lightning round. However, it can be altered in those instances where it is necessary to do so for the purposes of case in-take, follow-up, resolution.

Artefact 8: The Lightning Round Schedule (per community)[16]
(CSAE Evaluation Team, 2011c, p.1. see Appendix F)

The narrow three-month window demanded a more intense daily pace. Therefore, the CJA's work schedule was completely overhauled during the LR. Each team would visit a new community every three

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[16] Originally the plan created scope for using banners and music, however, constrained by time and budget these practices were abandoned.

calendar days (or 48 hours) (see Artefact   8). This pace would allow the teams to cover three communities per week (no work on Sundays). At the rate of three communities per week, the team could cover all six of their LR communities in the first two weeks. The rationale behind this intense initial scheduling was to create space for a two-phased approach to the Lightning Round. While phase-one focused on case intake, phase-two emphasised case management and resolution.

Phase-one was concentrated in the first two weeks of the Lightning Round and focused on the team's first visit to their communities. During this phase the team was concerned with case intake; their objective was to generate new cases. This meant changing mobilization, awareness-raising, and case-intake practices. According to the LR strategy, the revised schedule was designed to allot sufficient transportation time for community mobilization both the night prior to the session and the morning of the session. This double-mobilization strategy entailed arriving the evening before the session, meeting the chief and introducing the project, spending the night in the community and then conducting a thorough mobilization early in the morning before the community departs for their farms. For this purpose CSAE equipped each team with a new megaphone and lights to use in mobilizing the community at night.[17] The objective was to mobilise in such a way as to generate some interest in the community and some excitement around the session the following day, thereby maximizing attendance. To this end, the LR created scope to use The Carter Center's network of civil society organizations (CSOs) to assist in the initial community mobilization. Many of these CSOs had visited these communities over the course of their work with the JPC as part of Carter's civic education programme. The team reasoned that these groups could use drama and improvisational techniques to good effect in generating some buzz and turning out a crowd for the sessions.

Figure 7: Pathway for Lightning Round Clients

During the awareness-raising session, the enumerator played a vital role. As the CJA conducts the session, facilitating a discussion, taking questions and providing answers, the enumerators were responsible for tracking the questions from the audience, identifying which questions revealed

legitimate disputes, and collecting details about those disputes. During the awareness-raising session the CJA and enumerator work as a team to ensure that the enumerator records the community member's name, and some detail about the dispute. Upon concluding the awareness-raising session, the CJA is supposed to reiterate who they are and what they do: "we are from the JPC, we are here to assist you people resolve your disputes for free". According to the LR strategy, the CJA then directs the attendees toward the enumerator should they wish to register their dispute and open a case. In order to provide a more private opportunity for more sensitive disputes to be registered, the CJA was instructed to designate a discrete location where community members could register their cases at a later time.

However, in another departure from their legal empowerment practices, the CJAs would use the data collected by the enumerator during the session to follow-up directly with any attendees who did not open a new case, but whose question during the Q&A revealed a potential case. The CJA would discretely approach the attendee after the session, offer their assistance a final time, and provide them an opportunity to register their dispute. Once the team generated a pool of eight community members with legitimate disputes, the CJA then conducted a brief, final screening interview with the potential clients to determine the merits of the case. If the case had merit,[18] and if the potential client requested the CJAs assistance in resolving that dispute, then the enumerator was directed to administer a short case-in-take survey on their PDA. With phase-one of the Lightning Round nearly completed, the final step was crucial: determining which of these eight new cases would be 'treated' immediately and which would not. At this point in the Lightning Round process, the changes in the survey design became relevant (see Artefact 9).

Changing the CSAE's RCT-based practices

As the enumerator administered the case intake survey on the PDA, each case was *individually* randomised. These eight new cases are randomized into treatment and control groups through an automated process performed algorithmically on the PDA. Recall that in the baseline/end-line survey, each community was randomised according to 'treatment' and 'control' *communities*. Now, under the LR design, the new cases would be *individually* randomised; the LR was designed to compare new treatment individuals to new control individuals. Once the teams generated and randomised their eight LR cases, half (four) were processed into the treatment group and would receive CJA assistance immediately. The other four individual disputes went to the control group. The control group would receive CJA assistance after the LR was completed three months later.

Therefore, the second phase of the LR consisted of assisting and resolving the new treatment cases. This second phase constituted the bulk of the Lightning Round's 3-month duration. The reasoning for allocating time in this way was to create sufficient space for the CJAs to manage their LR cases through to resolution. In phase-two, the CJA ceased taking new cases for the remainder of the LR and focused entirely on resolving their treatment cases. During the second phase, the enumerators were no longer required (although they would return at the end of the 3-month period to conduct the end-line). In phase-two the CJA was alone to manage their new cases through to resolution. Structured in this way,

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[18] 'legitimate dispute' was used to distinguish between an actual, legitimate dispute which the CJA could provide assistance in resolving as opposed to a hypothetical or abstract legal question.

the Lightning Round was designed as a self-contained, stand-alone randomised control trial. The original community-based survey structure was left entirely intact. The individual-level Lightning Round survey was designed to fit inside the community-level survey. The 'case intake survey' simultaneously functioned as a baseline survey for the Lightning Round. From the cases registered via the 'case-intake survey', the respondents were randomly assigned to entirely new treatment or control groups. For three months the 'treatment' group would be treated and the 'control' group would not. After a three-month period, an end-line survey would be administered, both treatment and control *individuals* could be compared, and the impact of the LR could be assessed at the individual-level. Designed as such, the Lightning Round is an individual-level impact evaluation packed inside a community-level impact evaluation – a survey within a survey.

As such, the *individual* end-line was seamlessly blended back into the original *community*-level impact evaluation. The Lightning Round was incorporated into the broader 176 community end-line survey. (CSAE Evaluation Team, 2011b, p.4, see Appendix C)

 shows the entire structure of the redesigned survey where boxes B and C represent the totality of the Lightning Round. The following is an excerpt from the LR proposal which explains the diagram in more detail:

> The Venn diagram below provides a simple summary of the evaluation design and how the lightning round would fit into it. The diagram divides all individuals in the 176 [original communities surveyed in the baseline] into five groups. Groups A through D reside [entirely within the original 88] treatment communities, while group E comprises everyone in the [original 88] control communities. Within treatment communities only some fraction of individuals took a case to the JPC (group A), while others might do so during a lightning round (groups B and C), while yet others will simply opt not to do so (group D) (CSAE Evaluation Team, 2011b, p.4).
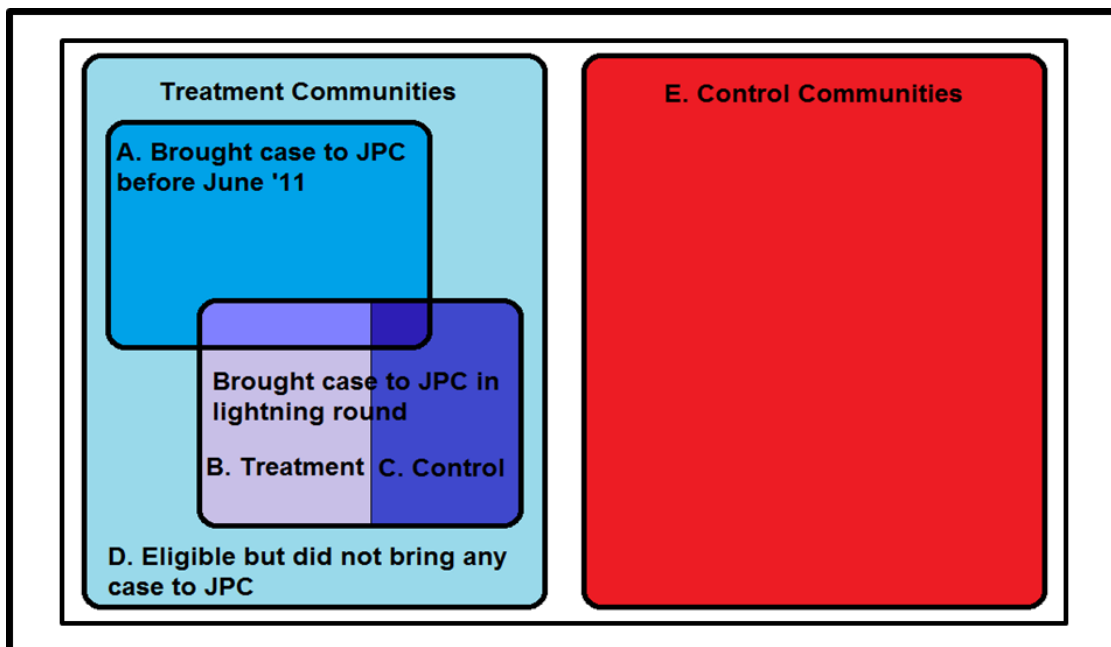
Artefact 9: The Design of the Combined Lightning Round and End-line Surveys
(CSAE Evaluation Team, 2011b, p.4, see Appendix C)

By redesigning the survey in this way Bilal and Justin increased the range of practices under evaluation. They could not only compare results within the LR (groups b and c) but also take advantage of a number of new comparative possibilities the re-designed survey opened up. In explaining the rationale for such a substantial intervention in the CJA programme, Siddiqi and Sandefur offer the following reasoning to the Carter Center:

> *This individual randomization allows us to overcome the problem of low take-up by restricting our attention to the set of people who have brought forward a case. 50% would be treated before the end-line survey, ensuring an ideal proportion of treated individuals for the statistical analysis…*

> *Individual randomization also allows us to separately identify the direct versus indirect effects of the [CJAs]. Direct effects would be computed by comparing groups B and C. Both groups will have experienced all the indirect benefits of the program. They will only differ in whether they have benefited from direct case intervention before the end-line survey….*

> *Indirect effects would be measured by use of the original evaluation design: if there is no indirect effect of the [CJA] s on non-clients, then the entire difference between treatment and control communities should be explained by the effects we measure with individual randomization. However, if the differences between treatment and control villages are larger than can be explained by differences between treatment and control individuals (from the lightning round), this provides evidence of alternative channels of impact* (CSAE Evaluation Team, 2011b).

Recalling the motivations behind the LR, Sandefur explained that it was a "slightly more artificial environment [in which we could] focus in on actual cases that came to the CLAs" (Sandefur, 2012). In this artificial environment, the LR created enough space to try to prove the concept: that legal empowerment (under certain, specific laboratory conditions) can generate concrete improvements in standard of living indicators. In order to test their hypothesis, Siddiqi and Sandefur were able to work around the methodological constraints of the community-level survey by creating an entirely new individual-level randomised control evaluation. In order to arrange the practice necessary to create the LR's artificial conditions, the CSAE survey team became directly involved. The team intervened in the daily operations of the CJA programme for a 3-month period, overseeing the development and implementation of a new field schedule, purchasing new equipment for the CJAs, rearranging the communities on the schedule, managing the process while in the field, and providing the additional funding. Essentially, the CSAE assumed programmatic control of the CJA programme and oversaw the daily operations daily of the CJAs throughout the three-month duration of the Lightning Round. By focusing exclusively on individual cases through this practical intensification in their assigned communities, any initial increases in the material standard of living could be assessed in these LR treatment cases. However, in addition to attempting to affect the material standard of living for individual clients, the LR also sought to pilot new practices which could replicate these impacts on a community scale. Therefore the Lightning Round was also essentially a piloting exercise for an entirely new range of practices and techniques which, if they could demonstrate impact, could contribute to the formulation of future legal empowerment policy (see Chapter 10).

However, The Carter Center raised some concerns. First they wanted to ensure that the CJAs had time to wrap-up any pending cases which were close to a resolution. They were also concerned about

reducing the LR treatment communities from ten to six. Furthermore they delayed launch for a week so that pending cases in the remaining four communities could be closed or passed to the stationary and lead CJAs. Finally, they wanted to ensure that there was a 'serious-case clause' built into the individual randomization which would allow serious cases such as rape, murder or other violent crime to go directly into the 'treatment' group. After those concerns were addressed, Carter gave CSAE the green light.

Piloting the Lightning Round

Once The Carter Center gave the go-ahead, the team began to design the Lightning Round pilot. Of course, the LR intervention could not be piloted *per se*; once the cases are opened they have to be seen through to resolution– the genie does not go back in the bottle. Yet, Siddiqi and Sandefur also wanted to ensure that the LR would be able to accomplish what it set out for itself. While some programmatic tweaks were piloted by Zayzay Sawie in Flelah (see Chapter 8), the LR survey instruments and the new survey design modifications were untested. Siddiqi and Sandefur also wanted to test the viability of the three-day schedule, work out bugs in the instrument, and verify that generating an average of eight cases per community was a reasonable expectation. Therefore the LR was piloted/launched or 'plaunched' on June 23rd in two communities. In order to avoid disrupting their current schedule, we arranged to rendezvous with the CJAs in the communities where they were scheduled to be giving awareness-raising sessions.

The survey team split into two groups. One went to Lofa County and was serviced by mobile CJA Alfred Topay; I was in the second team going to Nimba County with Matthew (the second RA) and two enumerators Williwu Vah and Fatu Weah. We arranged to meet with Teta Jalloh (a Nimba County CJA) in her community, Central Gehwee. Our intention was to meet her in the community at 1900, the evening before the awareness-raising session, in order to mobilise community members. We also arranged for a local CSO Inter-Visionary Actists (IVA), a human rights drama group that works with TCC and the JPC regularly, to meet with us at 6:30am the following morning. Part of the piloting strategy was to determine if CSOs could be used during the first phase in order to help generate some buzz in the community. However, they were an expensive gamble and a potentially complicating factor in maintaining an otherwise tightly orchestrated LR schedule.

Central Gehwee was a few kilometres off of the main road into Sanniquellie. We arrived after dark so as to ensure that our mobilization would reach the maximum number of people. On the road into town we passed a number of women and children returning from the farms and markets. We arrived just after 1900 but Jalloh was not there. Waiting for her to arrive, we set about introducing ourselves and requesting to meet with the chief. The community youth-leader came forward and took us to see the town chief. The chief was familiar with Jalloh and the JPC. It emerged that Jalloh was in the midst of resolving a serious traffic accident which proved very disruptive to the community; it involved one of the community members on a motorbike who was badly injured by a large truck operated by an international electric company. Jalloh was able to negotiate a small settlement with their lawyer despite the company's refusal of liability. Matthew explained our intention to the chief: mobilise the community

that evening for a large awareness-raising session the following morning with Jalloh. The chief gave his permission to proceed; however, since Jalloh had not arrived, we enlisted the help of the community youth-leader to mobilise the community. He recorded a message into the megaphone in the local dialect stating who we were, the time, place and topic of the awareness-raising session. We played the message back as we circulated through the town, answering questions in the process. The youth leader mentioned that we would want to begin the session earlier than we scheduled as many of the community members worked in a nearby factory in Sanniquellie. We phoned ahead to the CSO adjusting our meeting time for 0600.

We returned to the community the following morning at dawn (0600) and began to mobilise the community again. Jalloh arrived shortly after and explained that she was not able to meet the previous evening because the community was too far away from her home and nobody had provided her with money for lodging, food or fuel. She only had the resources for one, non-overnight return trip (problem #1). With Jalloh we continued to mobilise while waiting for the CSOs to arrive. She spoke into the megaphone as we walked amongst the structures: "we are here to create awareness about the rule of law. We are here to teach you people about what the rule of law says." Forty-five minutes passed as we waited for the CSOs to arrive and many of the community members had dispersed. As we continued to mobilise we noticed that many people were going about their business – cooking and eating breakfast, bathing their children, getting ready for work and heading to their farms (Central Gehwee, 2011 Participant Observation). Fatu Weah, an enumerator, commented on how "reluctant" people seemed (Weah, 2011), while Jalloh mentioned that Central Gehwee is one of her more open communities (despite having opened only one case there – the recently injured man). She attributed that 'openness' to Gehwee's close proximity to Sanniquellie, the capital of Nimba County. She remarked that many of her communities have a "fortress mentality" (problem #2) and that despite going to some of her communities for two years, she has yet to open a single case (Jalloh, 2011).

The drama CSO arrived nearly an hour after the community youth leader suggested we be there to reach the most people (problem #3). The venue was an open outdoor square with chairs arranged in a semi-circle. About 20 young adult men attended and only one adult female. Once the drama began, however, passers-by collected quickly, totalling 40 adults and numerous young children. The topic of the drama was the criminal justice system and the law surrounding bail bonds (a typical practice is for the magistrate not to return bond moneys). The drama was well received by the crowd. During intermission Jalloh spoke on her megaphone explaining the rights one has under the law regarding the return of bond fees. Just as the second drama started, it began to rain heavily. The crowd was forced indoors to a small community centre. It was over-crowded and many attendees were unable to fit so they left (problem #4). With the community-centre filled to capacity, the session continued to the second drama topic, domestic violence, which was again well-received by those in attendance. The drama was again followed by Jalloh's discussion concerning the law on domestic violence. Lastly, the drama group and Jalloh teamed-up in a performance that demonstrated the mediation services provided by the JPC in the case of a property dispute between a husband and wife. This was again followed by a discussion and review of the law (Central Gehwee, 2011 Participant Observation).

By this time, however, many of the attendees trickled out, leaving behind only a small number of young women and elderly men for the question and answer session, and indeed, very few questions were asked. In total, the question and answer session revealed five potential disputes. After the follow-up screening, only four new cases emerged as 'legitimate' – well short of the eight cases needed for the community (problem #5). To complicate matters further, Jalloh wasn't able to stay for the full 3-day period. It turned out that her scheduled visit was only to deliver the man involved in the motorbike accident his compensation check. She had a long-standing commitment to speak at her son's high school graduation later that afternoon and had to depart immediately (problem #6). Because of the legal and ethical guidelines laid out in The Carter Center, only the CJAs were able to provide legal information and open cases; Jalloh was leaving directly after the session and the enumerator could not conduct follow-up and provide the necessary counsel. However, Matthew, Williwu Vah and Fatu Weah were able to collect the case and contact details of the session attendees whose questions indicated legitimate unresolved disputes. I arranged with the town chief for a team to return the following week with Jalloh to re-plaunch and follow-up on the case-leads generated that day. We then returned to Monrovia.

The survey team determined that taken together, the late arrival of the CSOs, the general disinterest exhibited by the community , the rain, the low attendance at the session, the low volume of questions, and the generation of no new cases represented a failure to plaunch in Central Gehwee. However, despite the short-fall in Nimba, the plaunch in Lofa produced very different results. There, the plaunch proved the Lightning Round concept. The Lofa team hit their target of exactly eight new cases. This concept gained further support when the follow-up team returned to Central Gehwee the following week, ran another awareness-raising session, and collected the 8 new cases required. The comparison between the two plaunches also helped the team narrow the intervention model. Regrouping back in Monrovia, the team set about preparing to fully launch the Lightning Round. Incorporating the totality of the data collected, and the 'lessons learned' from both rounds of piloting and the plaunches, the survey team compiled a 'best practice' field manual and field checklist. Matthew collected all the necessary equipment, safety gear, megaphones, arranged motorbike rentals for the teams, and purchased new motorbikes for the monitors. The team also began to recruit and train a final team of enumerators. Belonging to IPA's research network, Siddiqi learned that they were concluding a different large survey after which time their experienced enumerators became available. They were familiar with the PDA technology, with survey procedures, and were comfortable being in the field for extended periods of time.

Meanwhile, Siddiqi and Sandefur set about arranging funding and finalizing the survey instrument and strategy. Upon further comparison, the plaunches indicated that the CSOs were more trouble than they were worth. In Lofa county, the CSO did not have a significant impact on turn out, and nevertheless, the CSOs were able to generate the requisite 8 new cases. In Central Gehwee coordinating with the CSOs proved to be too disruptive to what was a very narrow early morning window when the maximum audience could be reached. The team decided to abandon the CSO dimension. The LR launched the following Monday, July 11th. I departed Liberia for the final time on July 15th 2011.

Some Preliminary Results

The Lighting Round data is still being compiled and compared against the larger body of community-level end-line data. However, in terms of raw numbers, the Lightning Round generated a total of 443 new cases (249 treatment/194 control) out of a target of 667, generating 66% of the new cases the LR was designed to randomise. Each team averaged 5.3 new cases per community with an average of 30-35 attending awareness-raising sessions. Of the new cases, 16 percent were persistent non-support (child support dispute), 12 percent were property disputes, 11 percent were loving disputes (relationship disputes), 10 percent were neglect, and 8 percent were marital disputes (CSAE Evaluation Team, n.d. slide 2-3). Part of the reason for the shortfall in data was technical in nature. A large portion of the data (25%) was deleted or erased as it was transferred between the PDAs in the field. Nevertheless, in making sense of the LR data using an RCT-based practical understanding, Siddiqi noted that the Lightning Round revealed

> *[something] very close to statistical significance […] on child nutrition, on household nutrition and on subjective wellbeing, on how happy are you are. A lot of the people who took the paralegal [services and] were selected for treatment in the Lightning Round said they were happy relative to those in the control group. The households of the treatment side were also better nourished….*(Siddiqi, 2012 Personal Interview).

The Lightning Round indicated that over its three month duration, there were "significant short-term impacts on both direct and indirect justice-related outcome," finding that the LR clients "report better and fairer case resolution, display greater legal knowledge, and pay fewer bribes" (Siddiqi & Sandefur, 2012, p.1). Regarding the material standard of living indicators that they initially sought to capture, the data indicated that "…legal aid has significant down-stream impact on household welfare, with clients reporting significant reductions in household food insecurity – especially among children – and greater likelihood of child support payments from absentee fathers" (2012, p.1).

As it relates to the dual nature of the Liberian justice, the LR also generated evidence suggesting that an increase in familiarity and knowledge of the formal law does not correlate with an increase in the use of the formal justice system. The results reveal that clients are "more likely to support the de facto dualistic legal system relative to either the statutory or customary system alone" (2012, p.1). In other words, even the relatively more intensive and proactive legal empowerment approach practiced in the LR did not translate into an increased preference for formal justice. Taking into account the data collected during the LR, Siddiqi and Sandefur offer the following "interpretation":

> *… there are large socioeconomic gains to be had from improving access to justice and reviving dead letter laws. Moreover, our results suggest that [these] gains can be achieved not by bringing the rural poor into the formal domain of magistrates' courts, government offices, and police stations, but by bringing the formal law into the organizational forms of the custom, through third-party mediation, advocacy, and reconciliation* (Siddiqi & Sandefur, 2012, p.1).

Of course, these are only very preliminary findings. The following sections trace some of the emerging changes in practices generated by the close practical collaboration between TCC and the CSAE as they circulate back into the practical situation and the sites defining it where they will be put to use.

Legal Empowerment After RCTs

After the LR and end-line surveys were completed, a number of changes were implemented in the CJA programme design and practice. Indeed many of the changes TCC instituted took effect immediately after the end-line survey was completed in late-2011. These initial changes reflect constraints imposed on the CJA programme by the RCT-based evaluation design rather than any feedback from the data collected from the surveys. Many of the changes The Cater Center and the JPC implemented were the result of two and a half years of legal empowerment programming in Liberia, which would have otherwise been undertaken long before had the programme not been locked into the RCT-based survey design. These immediate changes indicate the degree of order imposed on the *design* of the CJA, JPC, and The Carter Center legal empowerment practices (Crick, 2012).

Chief among these constraints was the strict treatment and control framework. Designed as it was (see Chapter 8), this framework locked the CJAs into ten communities which were randomly selected according to the methodological demands of the impact evaluation rather than the programmatic needs in terms of CJAs. Once freed from this design constraint, the CJAs and the JPC were allowed more independent discretion in selecting the communities in which they operate. As Crick notes, "one of the challenges we had in sticking with the control/treatment design was that in the original set-up […] it wasn't very efficient in terms of where some of the treatment villages were" (Crick, 2012). To address this design problem, the CJAs conducted a mapping exercise to reapportion the communities they were visiting. They were provided a number of considerations and, in consultation with their lead CJAs, they selected new communities based on travel time and cost, how well they worked in that community in the past, proximity to regional and county justice centres, access to justice actors and courts, and familiarity with the community culture, custom and dialect (Clevenger, 2012 Personal Interview).

A second change was the abandonment of the distinction between stationary and mobile CJAs. Recall that the mobile CJA programme was an outcome of a collaborative meeting between the CSAE and The Carter Center in which the mobile dimension was a programmatic innovation upon the existing stationary model (see Chapter 7). It was specifically this mobile dimension of the CJA programme that Siddiqi and Sandefur wanted to evaluate. However, this distinction made more sense in terms of RCT practice than legal empowerment practice. The Carter Centre and the JPC determined that the ability to be mobile was more effective than the stationary model. They opted for an integrated framework in which all CJAs were primarily mobile, while holding weekly office hours at their local JPC station (Clevenger, 2012).

A third change was made in the CJA's emphasis by incorporating their 'portfolio' of responsibilities into another joint Carter Center/JPC collaboration related to justice accountability pre-trial detention. In addition to their work in the communities, the justice accountability initiative expanded the existing monitoring aspect of their work. In their more robust monitoring capacity, CJAs increasingly monitor actors in the formal system, keeping a "scorecard" on how accountable these formal justice actors are to their mandate and the law (Clevenger, 2012). A fourth change in the CJA programme is oversight. The Carter Center was in the midst expanding both their internal monitoring and evaluation systems and their in-field monitoring of CJA activities. Commenting on Carter's recent improvements in oversight, Jeff Austin recalled that the amount of JPC lead-monitors (senior CJA supervisors) increased from only

one lead-monitor for all five counties, to one lead-monitor for each of the five counties. That first line of JPC oversight was complemented by Carter Centre monitors whose random monitoring practices were reinforced. That second layer of oversight was also supported by TCC's new and expanded in-house legal staff. Counsellor Reeves, previously the only Liberian lawyer on TCC staff and stationed in Monrovia, is now supported by two additional regional legal staff in Gbarnga in Bong County and another in Zwedru in Grand Gedeh County (Austin, 2012). This additional legal staff was enroled to support an expansion of the CJA programme. During the CJA training in Gbarnga (see Chapter 7) ten new CJAs were being trained to extend service into Grand Bassa County, increasing the number of CJAs in the field from 34 to 44. Service was also extended into Montserrado County, where Monrovia is located. This brings the CJAs into underserved and densely populated urban areas, where the lines between customary or formal law are less pronounced. This expansion was funded by USAID and Humanity United and the CJA programme will continue to expand between 2012-2014, translating legal empowerment practices into new communities (The Carter Center, 2011a).

Summary

The existing critique of the liberal peace captures the overwhelming majority of the dynamics at play in designing at attempting to launch the Lightning Round. It re-appropriated and re-translated 'legal empowerment' for the purpose of collecting data useful for developing more effective intervention strategies and generating academic and policy impact (Foucault, 2003; Jaeger, 2010). Contrary to the legal empowerment practices reinforced in the CJA training, the LR encouraged a more assertive approach to seeking out and resolving cases involving a more active presence in their communities which implied further unsettling the existing community justice mechanisms and patterns. Read through the critical lens of 'the liberal peace', The LR demonstrates how international actors deploy techno-methodologies and bio-political strategies in order to develop yet more effective ways to extend the governing reach of the liberal state. In this way, the LR represents a governmental process designed to intervene in the everyday justice practices of community for the purpose of collecting data and developing more 'impactful' legal empowerment techniques for regulating and displacing those everyday practices (Chandler, 2010a). Meanwhile, the infra-political effects of 'the local' also appeared as the LR unfolded (Richmond, 2011a; Scott, 2009). 'Local' resistance emerged as the 'fortress mentality', as low up-take, and the general indifference and apathy in the communities. Critical agency surfaced simply as community members continued about their everyday business; infra-politics were expressed as the choice against opening a case with the CJA.

At the same time, however, the LR was a contingent and performative process of translation in which the tension between order and change is exacerbated as complex living sites demand creative translations or organised practices. The 'liberal peace' reading tends to emphasise the bio-political nature of international intervention at the expense of subtler and more complex processes (Mitchell, 2011). On the bio-political reading, the LR (and RCTs generally speaking) functions as the statistical methodology which "enables the state to be preserved in its strength." According to Foucault, statistics were developed as the "knowledge of the state"; their collection formed an "apparatus of knowledge" which was "an essential dimension of the exercise of power" (Foucault, 2003, p.275). However, as

Foucault also emphasised, the exercise of power is an embodied, localised and therefore comprised of contingent phenomena. The generation of an apparatus of knowledge, the exercise of statistical, quantitative methodologies of power, and the production of truth is performative; it is contingent on practices emerging in complex sites (Law, 2009). The process by which data is collected, processed, and social truths can be produced is uncertain, messy, and perpetually becoming unsettled by an on-going process of practical hybridity.

By tracing emerging practices driving these post-liberal processes, we can expose the exercise of power as an expression of control and instrumentality while at the same time exploring how power can be practiced in ways which disrupt systems of domination and injustice. Through this process, the technology of the state can be appropriated by other actors, used in new ways and for different purposes. As the 'gold-standard' language of power, the data produced using RCTs can be used in way which poses problems for power, disrupts existing regimes of domination, and unsettles the organised flow of patterned practices. While RCTs may produce data which can be used to develop more effective peacebuilding policies, this data may point away from the state and from its formal, rationalised, procedural institutions. Indeed, as was demonstrated in Chapter Six, RCTs can be used to displace the existing formal justice system along with its elite national and international support. In this case, RCTs were appropriated in the *Looking for Justice* Report to show how 'liberal' justice interventions were undermining the customary justice practices and with them, Liberian peace and security (Isser & Lubkemann, 2009). RCTs were used to challenge the bio-political practice of micro-lending (Banerjee et al., 2010); they were used to promote decentralised community-based and run health clinics (Björkman & Svensson, 2009); RCTs have supported recommendations to utilise the capacities of customary justice systems and conflict resolution mechanisms to resolve the substantial problem of land titling disputes in Liberia, where it is the formal system which lacks capacity (Vinck et al., 2011; Knight et al., 2012). Each of these findings problematises the existing top-down, formal, orthodox approaches to peacebuilding and development. While these techno-methods may indeed be used in the service of power, they may also be used in ways which contest it.

Conclusion

The process of hybridity that unfolded throughout the design, implementation, and evaluation of the CJA programme was complex and dynamic. While many aspects of this process could be revealed through the theoretical lens of 'the liberal peace' and 'the local', other important expressions of critical agency and demonstrations of power elude capture. Contrary to theoretical hybridity which begins with the liberal-local distinction, the process of practical hybridity that emerged throughout the CJA programme was shaped as actors struggled and improvised to translate their practices into and across arrays of complex living sites. The process of practical hybridity at play in the CJA programme cut across this theoretical frontier separating 'liberal' from 'local'; through this process, the boundaries between 'the liberal peace' and 'the local', between 'customary' and 'formal' justice became unstable. Instead, what emerged was an uncertain process driven by the situated appropriation and re-translation of legal empowerment between and across many different sites and many different ways. The way legal empowerment was designed to be practiced and how the RCT was engineered to unfold were stretched and deformed by the proactive and contingent process of practical hybridity.

As mentioned throughout, 90% of these dynamics could be understood through the theoretical lens of 'the liberal peace' and 'the local'. However, theoretical hybridity is less attuned to detecting the contingent processes of translation at play *within* international peace building projects and can therefore conceal the remaining 10% –the very practices actively reshaping what is 'local' or what is 'liberal' about peace and peacebuilding. The theoretical approach can obscure the ways in which international actors and practices can become significant factors in displacing the institutions and practices associated with 'the liberal peace'. These international actors and practices can play an important role in animating and shaping the nascent post-liberal peace taking shape in Liberia (Richmond, 2009a; 2011a). The argument advanced in this thesis is that the complex and contingent processes of hybridity have become captured by the very shapes and names designed to explain and understand them. As a consequence, important aspects of hybridity can be obscured from view.

However, the liberal-local distinction is also a consequence of how hybridity emerged in the PCS literature. On the one hand, problem-solving approaches deploy the liberal-local binary for the purposes of developing more effective hybrid governing strategies (Belloni & Jarstad, 2012; Belloni, 2012). These approaches tend to maintain the position that 'the local' can be reconciled within the framework of a liberal state, arguing that 'the liberal peace' should not be abandoned or replaced "…with a non-liberal or 'post-liberal' alternative" (Paris, 2010, p.340). Critical approaches, on the other hand, invoke 'the liberal peace' and 'the local' to explore how the latter disrupts the former, resulting in a hybrid process (Richmond, 2010; 2011b). From this position, the critical literature treats 'local' resistance, and critical agency in ways which pull 'the liberal peace', bending it into an emerging post-liberal peace. Yet in both cases, the theoretical distinction between 'the liberal peace' and 'the local' is essential to defining, understanding and engaging with hybridity. Problem-solving approaches tend to emphasise the centrality of 'the liberal peace' at the expense of engaging with the local agency which confounds it. Critical approaches, on the other hand, tend to overemphasise the coherence of 'the liberal peace', obscuring the ways in which international actors can subvert entrenched peacebuilding practices and shape new emerging post-liberal practices (Newman, 2009).

The critical literature has responded by moving toward 'the everyday'. Growing wary of the liberal-local binary, recently, Richmond has advanced 'the everyday' as an alternative way of engaging with hybridity (2011a, p.20). For him, the everyday unfolds in sites and functions as the subtle acts of resistance which show up in everyday life (2011a; Richmond & Mitchell, 2012). Through everyday sites, Richmond has problematised and redefined 'the local' as the site on which peacebuilding activity unfolds; 'the liberal peace' remains packed away in its theoretical black box, the activities and controversies inside, concealed from view (Richmond & Mitchell, 2012, p.20).

The methodological strategy developed for exploring the introduction and evaluation of the CJA programme, extends Richmond's critical argument across the liberal-local divide; it engages with how international actors and processes can also work to shape and stretch practices anchored in 'the liberal peace' into a post-liberal peace. To this end, Richmond's site-based understanding of everyday, site-based practices provided the methodological point of departure for the investigation of the CJA impact evaluation. However, in order to avoid reinforcing another theoretical distinction between practice and sites, agency and structure, or resistance in the context of power, Schatzki's site-based ontology of practice was also incorporated. Schatzki's approach collapses any ontological distinction between practices and sites; for him, sites are animated by the organised practices circulating thorough them imbuing them with fluctuating meaning (Schatzki, 2002; Caldwell, 2012). The organised nature of purposeful practices emerging in complex living sites transforms any site-practice distinction into a dynamic condition called the practical situation (Woodward et al., 2010).

The practical situation is defined here as the imminently unfolding moment of instability generated by the translations of practices into complex living sites. Rather than superimposing *a priori* distinctions between 'the liberal peace' and 'the local' in order to render these complex hybrid phenomena intelligible, the practical situation is a methodological strategy for exploring how actors use their practices in new and different ways and for alternative purposes. From the inside position of the practical situation, the fluctuating circulation of power and the oscillating articulation of critical agency and resistance can be decoupled from the liberal-local binary and instead grounded in the reflexive, intersubjective, relational tension of actors practicing in sites (Richmond & Mitchell, 2012; Schatzki, 2002; Latour, 2004). In contending with a practical situation, actors must actively manage the translative tension between design and practice, order and change, between being and becoming.

Contrary to theoretical hybridity, in which practices are rendered contingent upon the theoretical shapes and names developed to represent them, a practical situation is contingent on the practices animating it. Understood this way, the boundaries and hierarchies that define theoretical hybridity become unstable, dependent variables, subject to the heterogeneous and oscillating ontological processes of practical hybridity. On this reading, 'the liberal peace' and 'the local' become secondary effects of practices, byproducts conditional on their unstable translation by practitioners into and across many complex living sites (Callon, 1986; Law, 1999; Latour, 1999a).

Through the proactive process of translation, the tension between order and change becomes aggravated as order emerges in new ways, opening up to becoming something different, to take on another meaning. Through this process of translation, the order inscribed on the CJA programme by its given designers became stretched and deformed as the CSAE, The Carter Center, the JPC and the

individual CJAs laboured to translate *the meaning* of legal empowerment into organised, stable practices amidst complex living everyday sites (Akrich, 1992). Despite each of the actors labouring to organise and stabilise these new legal empowerment practices, the exercise ultimately surrendered to a uncertain process of translation in which legal empowerment was re-appropriated and practiced in ways which frustrated the stabilisation of legal empowerment. The tensions shaping the CJA programme gave way to a highly contingent process of practical hybridity in which the meaning of justice in Liberia began to slip. How formal justice is organised and what traditional justice amounts to became unstable, creating room for new justice practices and different justice practitioners and driving the process through which the liberal peace is becoming a post-liberal peace. However, this narrative is only one of many themes and dynamics which show up in the course of the CJA impact evaluation. Why tell this one?

Some Reflections and Limitations: Position and Power

The story of unrolling and assessing the CJA programme reveals a tension between narratives. On one hand, the process was a bio-political technology of social engineering (Richmond & Mitchell, 2012, p.12; Chandler, 2010a). The CJA programme was an international peacebuilding project designed to transform the justice practices of rural Liberian communities. The Lightning Round represented a redoubling of those efforts through an instrumental deployment of powerful techno-methodologies designed to generate data for the purpose developing more effective (impactful) legal empowerment interventions. At the same time, these powerful international bio-political interventions were perpetually undermined by 'the local'. Indeed, the Liberian preference for customary justice was reflected in the generally low take-up of the CJA's services. Although the CJA programme generated smaller impacts on the individual-level, they fell far short of the anticipated community-level impacts the survey was designed to detect. According to a theoretical reading, this discrepancy can be attributed to expressions and manifestation of 'local' critical-agency, resistance, and infra-politics (Richmond, 2012). The zero-impact outcome was, in many ways, a byproduct of the findings revealed in the ICG Report as well as the USIP study which found that Liberians simply prefer the practices of customary system because they reflects their understanding of justice (International Crisis Group, 2006; Isser & Lubkemann, 2009; Schia & de Carvalho, 2009). Given that the existing literature captures 90% of the dynamics at play in the CJA programme and the CSAE impact evaluation and already draws critical attention to discourses, methodologies, and structures of international power, why tell the 10% story? Had I lost my critical bearings, become too sympathetic with my co-participant and been co-opted by power?

Positionality

This question raises the issue of my insider position. As mentioned in Chapter Four, my participation in the CJA impact evaluation changed my dissertation. The project was originally proposed as a post-colonial analysis of 'local' resistance to deep-penetrating, bio-political 'liberal' peace interventions. However, after my participation (and despite the prevalence of the liberal-power and local-resistance dynamics I observed), I found myself constructing a narrative from the insider perspective. From this position, these powerful biopolitical and techno-methodologies were being practiced in a way which displaced liberal monopoly on justice and created political space for justice practices which were more

relevant to the everyday justice needs of Liberian communities. Had my insider position corrupted my outside 'critical distance'? Was I mistaking a story of power for a story of emancipation?

By telling a story as it unfolds in practice, we can avoid this false choice and instead explore the ways in which both power and emancipatory agency emerge in uncertain ways as practitioners respond to complex and dynamic material and relational conditions. However, as mentioned in Chapter Four, tracing this active process and managing my insider-outside position, aggravated some ethical tensions. As an outside researcher, I approached my insider role from the critical ethical position that deep penetrating international interventions into post-colonial societies are inherently problematic. The critical ethic involves exposing systems of power that masquerade as emancipation (Richmond, 2011a, p.123). Yet as an insider, I quickly found myself operating according to a more activist development-based ethic in which abstaining from intervening to change systems that disempower the poor and marginalised is ethically problematic. I want to briefly reflect on two points at which these insider-outsider tensions were particularly aggravated.

The first point of tension emerged when the survey team decided to adopt a more interventionary and disruptive approach to the CJAs legal empowerment practices. From my position as a critical, outside researcher, this was quite problematic. My role transformed from the one I envisioned when I enrolled in the project. Rather than the passive data collection and participant observation role I anticipated, I was operating upon the ethical terrain of a social experiment. The Lightning Round proposed an experimental question: what *could* work? How could legal empowerment be practiced in a way which makes a positive impact of infant mortality and alleviates poverty? Guiding this experimental rationale, the Lighting Round re-translated legal empowerment according to the methodological priorities of the RCT rather than prioritising the client's needs and the restorative customary practices emphasised by The Carter Center and the JPC. Enacting the Lightning Round, I participated in implementing practice which, upon reflection, had the potential to jeopardise the JPC's reputation in their community, to possibly exacerbating contentious community disputes. However, as a participant from the inside position, it is also troubling to simply impose an outside ethical judgement when my inside experience leaves me with a more complex picture.

The second insider-outsider reflexive ethical conflict arose from the randomisation process used during the Lightning Round. When it was originally designed, the randomisation process was a transparent lottery. Potential clients would drop their names in a hat, so to speak, and the enumerator would pull out one of two differently coloured candies to determine which client would be sorted into the treatment group for immediate assistance, and which would be tracked into the control group and have to wait three months for help. However, in the course of training, the lottery proved ethically problematic – it was too complicated and error-prone, creating a potential for conflicts over the process. Instead, the survey team decided on an automated randomisation process. An algorithm was programmed into the enumerators' PDAs which would automatically randomise the clients. In collaboration with The Carter Center and the JPC, it was determined that, despite the lack of transparency and susceptibility to potential claims of interference or bias from control clients, the algorithm was a more ethical process. Yet, from a reflective outside critical perspective, this process of randomisation is highly problematic. In denying treatment from the control clients, the randomisation

process again prioritises the methodological demands of the survey over the justice needs of the clients. These priorities are also in tension with the legal empowerment imperatives reinforced in the training. This ethical tension was raised by The Carter Center, who insisted that a mechanism be put in place to ensure immediate assistance for clients with urgent or violent cases. Having met this request, the Lightning Round was allowed to proceed.

Upon reflection, the Lightning Round unfolded upon ethical terrain beyond the boundaries of "first, do no harm." The LR experiment proceeded despite it being entirely clear that latent community conflict would not be exacerbated. Yet this project unfolded upon a development-based ethic. On this reading, it is unethical *not* to intervene to change systems which perpetuate disempowerment and poverty. Indeed, this more activist ethic enables the participatory approach I adopted as an insider-outsider researcher. According to Manzo and Brightbill, a participatory ethic moves beyond the principle of do not harm and instead seeks to create social change (Cahill et al., 2007, p.308), arguing instead that participatory research is shaped by an ethic of "…social justice suggests that it is in fact unethical to look in on circumstances of pain and poverty and yet do nothing" (Manzo & Brightbill, 2007, p.35) However, from a critical perspective this approach leads to the question: social justice according to whom and for what purpose? The CJA programme was more complex that the outside critical ethics implies. Was it an extension of the formal liberal state into Liberian communities? Or was the CJA programme part of a post-liberal project which is challenging the liberal formal monopoly of justice, creating political space for customary justice practice? From the position of an insider, however, the answer to these questions are not so clear.

Reflecting on these points of critical tension, the ethnomethodolgoical basis of both Schatzki and Latour's practice approaches provide a way of exploring these difficult questions in complex material relations of everyday sites. Their approaches proceed on the basis that important dynamics (10%) are lost in translation as researchers perform the theoretical task of abstracting complex situated practices back into the academic language of its established frames of meaning. The overlap between Schatzki and Latour's approaches instead emphasises the methodological task of accounting for practices as they emerge in sites. This methodological task allows us to explore the ethically problematic dimensions of peacebuilding and development practices *in addition to* those aspects which displace and disrupt existing systems of power and domination. Following the practices of the CJA impact evaluation, I was able to expose both the persistence, and adaptability power bio-power as well as its fragility, its susceptibility to re-appropriation, and its potential to be translated in emancipatory ways which may disrupt existing systems of injustice and disempowerment. However, as discussed above, attempting to map these emerging processes I found myself outside the established ethical terrain critical theory, standing upon the ethically unstable terrain upon which the uncertain proportions of the post-liberal world are taking shape.

Here the clear positional tension between critical outsider and participatory insider exposes yet another ethical tension between institutional ethical and ethics in everyday research practice (Cahill et al., 2007). Institutional ethics are neat, and pre-sanitised; they capture how a project is designed to unfold and the ethical obligation one anticipates in advance. Institutional ethics demand that a research project conform to the limitations established by the ethical reviewing body. Just as the CSAE's evaluation

project was approved by the Institutional Review Board (IRB), so too was my participatory project approved by ethical review board as the University of St. Andrews (See Appendix H). However, in the everyday ethical practices of research, the neat lines and clear priorities delineated in institutional ethics bend back toward the everyday demands of research practice. This mirrors the unstable process of situated translation at play in practical hybridity – a process in which the organised nature of design confronts the complexities of everyday ethical practice. In the ethical space where the Lightning Round unfolded, "impact" emerged as significant factor in shaping the decisions to implement it.

At the edges of these decisions to move forward with the Lightning Round, one can see the contours of the political economy of impact. The CSAE first became involved with the CJA program because they believed that establishing a connection between concrete, material development priorities such as child mortality, alleviation of poverty, or increases in school attendance on one hand and low-cost, unconventional legal empowerment approaches would be impactful. Despite their ethical and practical reservations to the Lightning Round, both The Carter Center and the JPC decided to proceed. Why? Perhaps because the ICG Report and The USIP survey had an impact. These reports provided The Carter Center with powerful tools which they leveraged to create political space for customary justice and expand their Access to Justice programming in Liberia. Reflexively speaking, the political economy of impact was also influencing my decisions and their justifications. Despite finding myself participating practices which I, as a critical scholar found ethically uncomfortable, I did not intervene, I did not excuse myself. Instead, I thought, "this is going to be amazing for my PhD!" Therefore, beyond being a reflexive exercise which acknowledges these tensions, I hesitate to impose an outside critical ethical judgement on the complex ethics of everyday practices. Instead, the ethical position I adopted in re-translating this story is to highlight both the expression of emancipatory agency as well as the ethically problematic exercises of bio-political power at play in a complex and uncertain emerging process of practical hybridity.

What about Power?

While an inside, autoethnographic position is, of course, susceptible to critiques of capture, outsider positions do not automatically inoculate against subjectivity or automatically legitimise the pretence of objectivity (Dwyer & Buckle, 2009). The narrative of the CJA impact evaluation is only that – one example, one case, one story. Therefore, it can be argued that the account of practical hybridity presented here suffers from over-localization and therefore de-contextualization. That is to say that the narrow focus of the case is artificially isolated from the broader arc of Liberian history and the international political economy. Additionally, it can be argued that the analysis of the CJA impact evaluation is not situated within the broader context in which RCTs are increasingly incorporated into the statebuilding repertoire; nor is legal empowerment contextualised within the broader trends of justice practices in peacebuilding and development. Yet just as theoretical hybridity obscures the contingencies at play in micro-local interactions, the methodological approach developed here is be detached from international structures of power, global neo-liberal economic conditions, or transcendental universal norms. While these may be considered blind spots, the aim of the thesis was not to develop a 'truer' account of complex hybrid processes.

According to John Law, "if we want to understand the mechanics of power and organization, it is important not to start out assuming whatever we wish to explain" (Law, 1992, p.1). Therefore, this dissertation was designed to engage with a specific problem (Brigg & Bleiker, 2010); it was developed for the explicit purpose of exploring the phenomena which eluded detection by theoretical approaches. By emphasizing the ways in which power becomes arrogated and rewritten, it may also be claimed that the account of the implementation and evaluation of the CJA programme ignores power. Without 'the liberal peace,' the narrative presented does not adequately engage with how practices are pre-determined and constrained by international modes of power. Still, this critique presumes the liberal-local boundary and the relationships between power and resistance, between bio-political and emancipatory peacebuilding it preserves.

Instead of ignoring power, the process of practical hybridity at play throughout the CJA programming discloses an alternative understanding of power. Rather than being theoretically anchored in the difference between 'the liberal peace' and 'the local', the oscillation of power revealed through the course of the CJA programme was a sustained through uncertain process of translation. Attempting to move away from theories of power based on a diffusion model in which power is projected through an initial force and then broken down by a process of resistance, Latour's methodological approach to exploring power is grounded in translation. Through the act of translation, power "…is in the hands of people; each of these people may act in many different ways […], modifying it, or deflecting it, or betraying it, or adding to it, or appropriating it. The faithful transmission of [power] by a large number of people is a rarity in such a model and if it occurs it requires explanation" (1987b, p.267). The unfolding contingent translations at play in the CJA programme emerged as process of practical hybridity which cut across the limits of power and emancipation circumscribed by theoretical hybridity, deforming and reshaping how power circulates in Liberia and redefining the limits of emancipation, and in the process, unsettling what is 'liberal' or local about peace. This uncertain process of practical hybridity was not entirely an outcome generated by a tension between the liberal peace and the local. It was also a proactive process of uncertain translation through which the post-liberal world is taking shape.

Indeed, the 'liberal' shape and name affixed to the exercise of power is precisely what is at stake in this thesis; the notion of practical hybridity represents an attempt to disrupt the ways in which theoretical hybridity authorises and delimits how power can be exercised and how resistance can be expressed. That said, my account of the CJA impact evaluation does not preclude many different readings, translations and interpretations. While the dynamic between 'the liberal peace' and 'the local' emerged as an important tension at play in the CJA impact evaluation, it was only one of many. Following an ANT-informed methodological approach, the aim of this dissertation was not to translate the practices of the CJA impact evaluation into the outsider theoretical language of IR and PCS, but instead to develop a strategy for exploring the contingent post-liberal dynamics which transgress the theoretical limitations projected onto them. The goal was to ground an investigation of power and emancipation in the material complexity of sites as opposed to invoking theories to explain them. As it the CJA program and the CSAE impact evaluation emerged, it continued to unfold along uncertain, non-linear points of translation in which legal empowerment practices was appropriated and transformed in new ways and for different purposes.

Points of Translation

The process of practical hybridity animated by the CJA programme and evaluation emerged as the contingent, often creative, sometimes messy translations through which the established patterns of justice practices in Liberia gradually became displaced. The CJA programme was designed in the context of the ICG report findings which suggested endemic mistrust of the formal system and a preference for customary justice practices (International Crisis Group, 2006). In order to address this problem, the Liberian Minister of Justice reached out to The Carter Center to develop new justice programming which could help bridge the gaps between formal and customary justice systems. However, the Liberian legal establishment was resistant to legitimizing customary justice, a view which was reflected in the majority of Liberia's peacebuilding policy in the mid-2000s.

To address this problem, TCC initiated a process of enrolment in order to enlist the labour of other actors and different national and international organizations which share a stake in advancing and supporting customary justice practitioners, such as USIP (Callon, 1986). Additionally, TCC reached out and enrolled a range of customary justice practitioners and organization, such as the National Traditional Council (NTC), and brought them into the formal process of negotiating how justice can be practiced in Liberia. The Carter Center established a close working relationship with the JPC, a local NGO, and partnered with them to implement a number of justice-based programming in rural communities. Through their associations with the JPC, The Carter Center initiated the Civil Society Organization (CSO) programme. The CSOs were dispatched to communities to raise awareness of the formal law. However, they began to receive feedback for more information and a greater demand for legal assistance. From this need, the CJA impact evaluation was born. Introducing the CJA programme into Liberia disrupted the circulation of both formal and customary justice practices there open ups political space for justice actors and different justice practices. Yet, at the same time, the new practices of legal empowerment were subject to being appropriated by these new practitioners and translated in other ways and used for new purposes in different sites. These contingent points of translation manifested as an ongoing and unstable process of practical hybridity.

Translation Point A: Appropriating Legal Empowerment

Amidst the instability generated by the ICG Report, TCC began to consider developing new ways of practicing justice in Liberia. Upon hearing about the Timap paralegal project in Sierra Leone, The Carter Center reached out to them for a potential model to be used to meet the justice demands in rural Liberian communities. Timap was the original paralegal-based legal empowerment programme. At the same time, Bilal and Justin of the CSAE were consulting Timap to find a legal empowerment project to evaluate with a RCT-based methodology. Through their mutual association with Timap, the CSAE was enrolled into the CJA programme; it was enfolded into the programme's practical situation and adopted a shared stake in its outcome.

As Timap's paralegal legal empowerment model was imported from Sierra Leone and translated into Liberia by The Carter Center, the JPC, and the CSAE, the institutional structures shaping these legal empowerment practices were changed. For instance, in Timap, the co-country directors were more directly involved in the daily operations, case-management and oversight of the paralegals; there were

very few degrees of separation between those who designed Timap and those who were enacting its practices. Nor was Timap constrained by strict requirements of a RCT. However, as legal empowerment was translated into the CJA programme, the distance between The Carter Center (the programme designers) and the CJAs (the practitioners) was increased and new dimensions of were added as the JPC and the CSAE were incorporated into the project design phase. Timap was built from scratch; it was directly administered and overseen by the country co-directors. The CJA programme, on the other hand, worked through the existing institutional structure of the JPC. While this decision was made to improve the long-term sustainability of the programme, working through the JPC also created another layer of administration between TCC and the CJAs in the communities. Additionally, Timap was a largely stationary model based in offices located in the communities the paralegals serves. Although, when it was translated into the CJA programme, the stationary, community-based model became a mobile model which projected the programme outside of the larger town-centres and into smaller, more remote communities.

Yet, The Carter Center was also interested in structuring the CJA programme in such a way as to be able to assess the impact of the programme over time. Therefore, the CJA programme was imbedded within the framework of a Randomised Control Trial. The design of this RCT-based methodology required that a base-line survey was conducted in 176 Liberian communities in order to determine how justice was practiced before the CJA intervention. These 176 communities were then separated into 88 'treatment' and 88 'control' communities in which the former would receive the CJA's legal empowerment 'treatment', while the CJAs did not visit the latter 'control' group. After two years' time, all 176 communities would be resurveyed for an end-line evaluation. By comparing the base and end-line surveys, the team could determine impact of the CJA programme over time. However, the data from the baseline survey was used in a way which further unsettled the assumptions informing Liberia's peacebuilding policy at the time.

Translation Point B: Practicing Power Differently

As Siddiqi and Sandefur were enroled into the CJA programme, they adopted a shared stake in the practical situation it was developed to engage. Through this process, they partnered with USIP and became involved with the *Looking for Justice* Report (L4J) (Isser & Lubkemann, 2009). The L4J Report incorporated the data from the baseline survey conducted just before the mobile CJA programme was launched. The L4J Report combined both qualitative and quantitative practices in ways that were disruptive to the Liberian legal establishment as well as pointing to some shortcomings in the customary system (women, ethnic minorities, and the poor would prefer another justice option).The data presented in the L4J Report echoed some of the ICG findings; L4J indicated that the formal justice system was viewed with high degree of negativity. Yet the L4J presented detailed evidence as to why. It was too expensive, too bureaucratic, too unaccountable, too procedural and impersonal. More importantly, however, L4J indicated that the formal justice system simply did not reflect the restorative values of customary Liberian community life. The formal system pits neighbour against neighbour, plaintiffs against defendants, generating a winner and a loser – an approach which is antithetical to the restorative nature of Liberian customary justice practices and therefore, a threat to community order. Going beyond the ICG Report, *Looking for Justice* argued that the attempt to extend the formal justice

system of the Liberian state into rural communities was having an *adverse* effect on Liberia's peace and security (2009, p.14).

These findings cut against the assumptions guiding orthodox peacebuilding and development practices; they ran contrary to the prevailing justice-sector reform work being undertaken in Liberia and challenged Liberian legal establishment. The *Looking for Justice* Report presented an array of 'evidence' which was based on tracing the justice practices of Liberians through their everyday justice-based decisions and supported by RCT-based data. These 'powerful' Western techno-methods and tools of bio-colonialism were appropriated and translated in a way which unsettled the core assumptions of 'the liberal peace'. This point of translation discloses the ways in which practices associated with 'the liberal peace' can be used in creative ways to displace other practices associated with 'the liberal peace'. In other words, this point of translation reveals how the techno-methodological language of power was appropriated and used in a different way, for the purpose of challenging the entrenched top-down, formal justice practices associated with 'the liberal peace' in order to create room for new justice actors and different justice practices. When the theoretical black box labeled 'the liberal peace' is pried open, new dynamics emerge which play a substantial role in shaping the emerging post-liberal peace.

While the survey's baseline data was incorporated into the L4J Report, the baseline survey was embedded in a broader RCT-based framework in which the baseline data could be compared against the end-line data, and the impact of the CJA programme could be determined. The RCT-based survey was designed in a way which defined 'impact' largely through economic proxies such as material improvements in key quality of life indicators such as household income, school enrolment and their corresponding effects in communities. In order to generate these community-level impacts, a proactive role for the CJA in opening and resolving cases was envisaged. In this way, the RCT framework depended on an active, direct and robust approach to practicing legal empowerment. Yet the primacy of case generation became displaced by the re-translations of legal empowerment. These points of translation lined up along an axis which cut across the liberal-local division; the arc along which these translation points line up runs perpendicular to the liberal-local axis.

Translation Point C: New Cases or Legal Empowerment?

However, the priority which the CSAE assigned to 'impact' and the emphasis on case generation advanced by The Carter Center were not simply passively received and re-transmitted by the JPC, nor was it resisted. While the JPC works through the extensive Catholic network in rural Liberia, it is a local NGO, staffed by local Liberians who grow up in local communities and are familiar with the customary justice practices which circulate in there. As such, the JPC raised concerns about the potentially disruptive consequences of an aggressive legal empowerment approach (Austin, 2012; Mawolo, 2011). As Thomas Mawalo of JPC Cape Palmas argued, "We don't look for cases, we don't go into communities and stick our noses into problems looking for cases" (Mawolo, 2011).

He drew nuanced distinctions between the positive and negative aspect of customary justice while also pointing out the ways in which the punitive, win-lose approaches practiced by the formal system upset the restorative, win-win approach practiced by the customary system, turning neighbour against neighbour (2011).Therefore, the JPC associates who participated in importing and designing the CJA

programme emphasised a more indirect approach which would be less upsetting to the restorative justice systems at play in the communities in which they were operating. The indirect, passive legal empowerment practices advocated by the JPC were in tension with the RCT-based approach, which depended on a proactive direct use of legal empowerment. Indeed the more circumspect approach to legal empowerment favoured by the JPC was reflected in the course of the CJA training; however, it also reflected a negotiated *strategic* practice of legal empowerment.

Translation Point D: Strategic Legal Empowerment – a Compromise

During the CJA training, a tension emerged between how the CJA programme was designed to emerge and the translation of legal empowerment practices into sites. On the one hand, the design of the CJA programme reflected input from the CSAE: they translated legal empowerment into an RCT-based framework which depended on large-community-level impacts. On the other hand, the practices of the CJA programme reflected the JPC's translations: CJAs were trained not to proactively solicit cases or disrupt the customary practices of the community. In this process, the practice of legal empowerment again became unstable. The CJAs were trained not to directly solicit cases. Instead, they were trained to use the tools of awareness-raising and legal education in order to create a condition in the community – a practical situation – in which community members would feel empowered to approach the CJA for assistance. This manifested in the training as strategic legal empowerment strategy to passively shape the conditions in which different justice practices become possible. The strategic practice of legal empowerment that was reinforced in the course of their training, directed CJAs to use their various legal empowerment tools as a means of generating new cases. The training revealed the central tension embedded in the design of the CJA programme: the RCT-based imperative to generate new cases as a measure of 'impact' and the legal empowerment-based demand to be non-disruptive. Yet even this strategic approach to case generation gave way to the fundamental instability of translation and therefore a process of practical hybridity.

Translation Point E: Translating Legal Empowerment into Communities

During the initial piloting, the tension between the CJA programmes' design and its practice was expressed as a potential zero-impact evaluation. The piloting exercise indicated that the circumspect strategic approach to case generation favored by the JPC and prioritised in the CJA training was again displaced as the CJAs managed their precarious practical situation: to generate new cases and large community-level impacts while doing so without soliciting clients or disrupting communities. Grappling with this complex practical situation, The CJAs re-appropriated the strategic use of legal empowerment, translating it into their communities in different ways.

Rather than treating case generation as the single objective and then using their legal empowerment as a means for achieving that end, the CJAs' practices indicated that case generation was practiced as one of their many legal empowerment tools, alongside awareness-raising and legal education. Indeed, many of the CJAs felt that these less 'impactful' legal empowerment practices were, in fact, of had the greatest impact (Momodu, 2011; Nimlay, 2011). Therefore, the CJAs translated legal empowerment as a measure of legal education as opposed to a measure of resolved disputes. Yet even by this yardstick, the CJAs were registering low-levels of awareness in the community. To this point, piloting also

demonstrated that while there may be no community-level impacts, there were individual-level impacts. Those community members who had opened a case with the CJAs saw an improvement in their material condition. These individual-level impacts hint at the way individual community members made their own calculations about legal empowerment; it points to how community members determined how the CJA's legal empowerment practices could be useful to advance their own interests in the community. However, for the CSAE survey team, individual-level impacts translated into zero community-level impacts.

Translation Point F: The Lightning Round

For Siddiqi and Sandefur the low levels of awareness combined with the presence individual-level impacts suggested that a) if more of the community could be made aware of the CJA services, and b) if the CJAs took a more proactive role in identifying, opening and resolving cases, then perhaps these individual-level impacts could be converted into community-level impacts. If not, then at least they could collect data which would indicate *what could be done differently* in order to generate greater impacts in future projects. Therefore, the survey team pitched the idea of the Lightning Round to The Carter Center.

The Lightning Round attempted to close the translation gaps by integrating the CJA intervention with the RCT framework. First, the RCT-based survey design was adjusted. The community-level structure was left intact, as it could provide important comparative data. However, within the community-level framework, an entirely self-standing, individual-level micro-survey was constructed. This individual-level LR survey included a new base-line survey, a new randomization process, new treatment and control groups, and a new three-month treatment window. The end-line was folded into the existing community-level end-line. While the structure of an RCT is highly rigid, in practice they become plastic and malleable, amenable to improvised reconfigurations and impromptu adaptations.

Secondly, the Lightning Round proposed a dramatic overhaul of the CJA's legal empowerment practices in which a more proactive approach was adopted. Contrary to the CJA's emphasis on legal education, the LR outlined a more direct strategic use of the awareness-raising sessions. The CJA were provided with megaphones and partnered with an enumerator. The team worked together to generate some buzz and interest in the community. Here the explicit aim was to be disruptive, to draw as large a crowd as possible so as to advertise the JPC and CJA services. During the awareness-raising session, the CJA/enumerator teams worked to identify potential cases revealed during the session, to encourage people to register their cases after the session, and then to follow-up with attendees who did not register, but whose questions indicated legitimate disputes. However, the awareness-raising sessions were only used during the initial visits to the community and for the specific purpose of generating eight new Lightning Round cases per community – four treatment individuals and four control individuals. The control cases were screened for emergencies, and then set aside for the three-month duration of the LR while the CJAs focused exclusively on managing and resolving their new LR cases.

The Lightning Round represented a significant intervention into the daily operations of a peacebuilding programme. It entailed subsuming legal empowerment practices under the RCT-based framework of the Lightning Round. In other words, rather than using RCTs to assess the impact of the CJA programme, the

CJA programme was being used to generate impacts which could be detected by the RCT. During the LR the distance between designer and user was dramatically reduced; the room for the CJAs to translate legal empowerment into their community was constrained and more strictly scripted. In these artificial laboratory conditions, this social experiment was able to demonstrate something very close to statistically significant economic improvements in treated individuals. Consequently, the impacts the LR generated were relatively more reflective of the survey design than the CJAs translations of them.

Translation Point G: After the Survey

While the results of the LR and the broader end-line survey remain preliminary, initial data suggests that the LR delivered concrete improvements to quality of life indicators for those individuals treated by the CJA. If this holds up, then the Lightning Round was successful in testing the kinds of conditions in which legal empowerment practices could be scaled-up to deliver broader impacts. However, upon completion of the LR (and the end-line survey) the CJA programme was no longer constrained by the RCT-based survey design. As such, the TCC and JPC attempted to redefine legal empowerment practices, taking into account the problems they were prevented from addressing under the RCT configuration. The programme was expanded into new counties, added more legal expertise, synthesised the mobile-stationary model, and began to diversify away from a community-centric focus and began increasing the monitoring of formal state justice practices. For the most part, the legal empowerment approaches adopted during the Lightning Round were not carried over and the CJA programme attempted to re-re-stabilise a less disruptive legal empowerment practice.

A Process of Practical Hybridity

These translation points add up to a process of practical hybridity. The process of practical hybridity that unfolded in the course of implementing the CJA programme and evaluation changed legal empowerment. As the CJAs attempted to translate their practical understanding of legal empowerment into their communities, these practices were adjusted, modified, altered and tweaked in different ways across a multitude of Liberian communities. The uncertain process of practical hybridity generated an unstable tension between how the CJA programme was designed and how it is was practiced. In this unsettled space, new and different justice practices proliferated in ways which reflected their creative re-translations and appropriated uses, stretching them between design and practice. This process of practical hybridity pulled and deformed the design of the CJA programme, reshaping it as it was translating in and across many different communities. Through this process, order was bent, remoulded into change, redirecting what justice practices are in the process of becoming. Through this productive process, peacebuilding practices are brought forth in new and different ways, appropriated by new actors and translated for different purposes. Contrary to the stabilisation of peace, practical hybridity is an ongoing contestation and redefinition of the justice in Liberia.

The narrative of practical hybridity presented over the preceding pages and chapters discloses the important tensions at play in transforming the liberal peace in to a post-liberal one. It highlights the ways in which international actors and practices can displace the assemblages legitimized through 'the liberal peace' and shape the emerging post-liberal peace. However, it is also important to note that the

methodological approach used to explore processes of practical hybridity *does not preclude engaging with the bio-political techno-methods which are also at play in this process*. The narrative of the CJA presented in this thesis also engaged with the very processes which have become captured by 'the liberal peace'.

Liberal-Local Tensions

As discussed above, the story presented over the preceding pages and chapters reflects many tensions associated with the dynamics between 'the liberal peace' and 'the local'. The CJA programme was designed to fill the justice gaps of the poor and marginalised (such as women, ethnic minorities and the poor) within the customary system. For this purpose CJAs were equipped with a number of legal empowerment 'tools' and trained in how to practices them. The CJAs were also trained to use bio-political, psycho-social techniques which would allow them to practice legal empowerment practices designed to discretely disrupt the everyday customary justice practices of their 'treatment' communities in order to generate demonstrable 'impacts'. Attempting to register some impact in the communities where customary justice practices circulate, new justice actors and different justice practices were introduced.

On this reading, the CJA's bio-political legal empowerment practices were embedded in a techno-methodological structure called a Randomised Control Trial (RCT) which sorted the real-life human disputes shaping the dramas and tensions of everyday community life into treatment and control groups via an automated algorithmic process. The data produced through this dehumanizing process converts the messy contingencies of everyday into a social truth affixed with the stamp, 'gold-standard'. Yet, these 'liberal' bio-technologies were unable to deliver the impacts they anticipated; 'the local' proved resistant; local community members simply were not taking-up the CJA's services.

According to this liberal-local reading, the hybrid process at play in the implementation and evaluation of the CJA programme was a byproduct of 'local' resistance to a 'liberal' peacebuilding project. Understood this way, the Lightning Round was a response to 'local' infra-politics, the ambivalence and apathy toward the CJAs in local communities. Community members carried on with their everyday practices – they went to their farms, they cooked for their children, they went to market, and they mostly continued to seek out customary solutions to their everyday justice needs. However, if community members did find the CJA's services useful to them; if their practices could be opportunistically appropriated and used by local actors then they would do so. Yet, this did not constitute 'impact' on a community-level. As Sandefur pointed out, "they voted with their feet" (2012).

Tensions in the Practical Situation:

However, when the process of practical hybridity at play in the CJA programme is engaged methodologically, through a practical situation, then the liberal-local tension appears as one of many other important dynamics. While these liberal-local dynamics were indeed significant factors in shaping the process of hybridity unfolding through CJA programme, other factors are excluded from this narrative. Importantly, these excluded factors tend to be the very hybrid processes which deform the theoretical shapes designed to explain them. In this way, practical hybridity is the process through which the boundary rendering the 'the liberal peace' and 'the local' theoretically useful, is becoming unstable.

Theoretical hybridity does not capture the critical agency, the expressions of resistance, and the demonstrations of power practiced by international actors which shape (and continue to re-shape) how justice is practiced in Liberia. The process of implementing and evaluating the CJA programme functioned to displace the formal justice peacebuilding practices then favored by international donors and their partners in the Liberian legal establishment. The practical understanding of legal empowerment informing the CJA's practices in their communities was designed as an alternative to the top-down, state-centric, procedural, formal justice practices associated with international peacebuilding and development interventions. Theoretical hybridity omits the process by which the CJA programme challenges the 'the liberal peace'. The practical situation defining the use to legal empowerment in Liberia was to displace the potentially negative effects of pursuing a state-centric procedural justice policy in rural Liberia in which customary justice practices were criminalised.

Contrary to theoretical hybridity the tensions defining the practical situation were not limited to those circumscribed by 'the liberal peace' and 'the local'. Rather, the tension defining this CJAs' practical situation, stretched order into change; it pulled between the way the CJA programme was designed to use legal empowerment and the way the CJAs translated legal empowerment into their communities (Akrich, 1992). The tensions at play in the practical situation were constantly aggravated by the active appropriation and improvised translation of both legal empowerment and RCT-based practices amidst and between complex rural Liberian communities. This tension gave way to a process of practical hybridity: the unstable and indeterminate appropriation of organised, purposeful practices which were retranslated in new ways and for different purposes. Understood this way, practical hybridity is not the outcome but the source, not effect but cause. Contrary to theoretical hybridity, practical hybridity is the engine of change through which peacebuilding is being stretched into a post-liberal peace.

So what does practice theory tell us about the actual peacebuilding? What is the value added? Using a practice approach to researching peacebuilding practice, we can explore the 10% post-liberal remainder obscured behind the clear liberal-local boundaries of theoretical hybridity. I arrive at this claim reflexively as I struggled to translate the complex, situated and contingent hybrid processes I experienced as an insider back into the outside, critical framework of theoretical hybridity. While theoretical hybridity, explained 90% of the power/resistance relationship *between* the international intervention and the local communities, it obscured the very practices cutting *across* this theoretical frontier – the post-liberal practices challenging what is 'liberal' or 'local' about justice, peace, power and emancipation. In addition to being the kind international bio-political social experiment described by 'the liberal peace' (Richmond, 2011a; Chandler, 2010a) the CJA programme and the CSAE impact evaluation are *also* challenging the notion of formal, institutional state justice which sits at the normative core of 'the liberal peace'. They also represent different ways of practicing justice, development and peacebuilding, practices which are actively reshaping what the post-liberal world is becoming. Therefore, a practice approach does not preclude an engagement with the exercise of international power or expressions of local emancipatory agency. Rather, it disentangles the circulation of power and meaning emancipatory agency from the liberal-local binary and creates space to engage with how the power and emancipation are contingently brought fourth amid the uncertainly of everyday living sites. Developing post-liberal methodological practices to identify and trace the processes of

practical hybridity actively transforming the liberal peace into and uncertain post-liberal world represents an important research project.

Some Implications: Practicing a Post-Liberal Peace

Theoretical hybridity begins with the distinction between 'the liberal peace' and 'the local' and then attempts to locate their facsimile in the world. Through this approach, the dynamism and change at play in hybrid process has become captured by the very shapes designed to explain and understand them. The ontological process of hybridity has become ensnared by the nouns, the shapes, names and properties ascribed to different liberal-local entities in order make sense of it. While, the properties and dynamics which have been theoretically distributed between 'the liberal peace' and 'the local' were present in the CJA impact evaluation, they emerged as only one of the many tensions which were aggravated throughout the process of introducing and attempting to stabilise the CJA programme. If explored through the theoretical lens of 'the liberal peace' and 'the local' some very important dimensions of the hybrid process at play in reshaping the practice of justice in Liberia would be obscured from view. Significant expressions of critical agency and creative uses of power would remain concealed by the t shapes constructed to explain these very processes.

Contrary to the theoretical approach, practical hybridity is ontologically grounded in sites. The process of practical hybridity is not one shaped by interactions between 'the liberal peace' and 'the local'; rather the distinction between them becomes unstable as actors arbitrate, contest and reshape these very boundaries. Formulated as practice and grounded in sites, hybridity is not a noun; practical hybridity is not a theoretical framework for exploring the interactions between different entities. Instead it is a verb; it is action, it is the movement, dynamism, and cross-cutting tensions at play as organised purposeful practices must be translated into and between complex living sites (Callon, 1986; Latour, 1987b; Schatzki, 2002). The process of practical hybridity is one which cuts across the liberal-local distinction, displacing what is 'liberal' or 'local' about peacebuilding. These fluctuations in practices organise bodies and things, moving them across theoretical frontiers, distributing new practices in different sites for varying purposes, bringing new practices about through often improvised, ad hoc translations. Through the process of practical hybridity, 'the liberal peace' is re-appropriated, and translated in new and different ways, becoming deformed and transformed into what Richmond calls a post-liberal peace (Richmond, 2009a; 2011a; 2013a).

The process of practical hybridity revealed in the course of the implementation and evaluation of the CJA programme is absolutely essential to understanding the nascent post-liberal processes at play in Liberia. For Richmond the processes shaping an emerging post-liberal peace transpire in the everyday practices of sites (Richmond & Mitchell, 2012, p.12). A post-liberal peace, according to Richmond, "…entails a praxis that would enable political, social, and economic organisations and institutions to represent and respect the communities [with which] they are effectively in a contractual relationship" (2009a, p.572). Although he notes that it is difficult to imagine a post-liberal peace emerging in a way which does not maintain some "…conception of democracy, law, human rights, and development or welfare support…," he argues that a greater emphasis on local care "…may allow for a hybridised

localised and internationalised praxes of peacebuilding to emerge that are more locally sustainable, resilient, and legitimate…" (2009a, p.572).

For Richmond, this post-liberal approach engages with the everyday; it proceeds according to local needs, focuses on local context, and emphasises local care. He finds that these everyday approaches allow for a locally appropriated process of flexible, contingent peace formation to unfold. The everyday practices which bend and mould 'the liberal peace', transforming it into an uncertain and contested process of peace formation, stretches out over a series of unstable connections and linkages between different sites which circulate beyond their immediate context across what Richmond observes as "…transversal, transnational networks [that merge] both the liberal and the local, the global north and south" (2013a, p.389). Circulating through these networks, these post-liberal peace formation processes may "… lead to a modification of current global statebuilding agendas and a refocusing on needs at the civil level, rather than mainly on rights" (2009a, p.572). However, Richmond concludes that 'the site' and 'the everyday' remain "'fuzzy' concepts, requiring more research in order to open up more critical understandings of peace" (2009a, p.570). For this reason he calls for better methodological approaches to explore these everyday, post-liberal peace formation processes (2011a, p.140). The practical situation represents one methodological strategy designed to circumvent the problematic effect of the liberal-local binary and explore the process of practical hybridity reshaping what peacebuilding practices are becoming.

Methodologies: Researching Hybridity Differently

A practice-based approach for exploring post-liberal processes of peace formation provides IR and PCS with a pathway around the theoretical trap in which 'the liberal peace' and 'the local' become endlessly reproduced. Practical hybridity provides a new way to engage with the emerging, transversal, transnational, de-essentialised site-based, everyday processes championed by Richmond (2011a, p.14). A post-liberal methodological practice treats the binaries and boundaries theoretically circumscribe complex hybrid processes as the phenomena requiring an explanation (Latour, 1999a). By prioritizing methodology over theory, dualistic constructions, essentialised differences, entrenched hierarchies, core and periphery boundaries, and established epistemologies can be explored as the objects of critique (Latour, 1999a; Rouse, 2007).

This is not an historical, deconstructive or genealogical task. What is required is a practice for assembling a living genealogy of the emerging present. New arrangements and combinations of methodological tools and techniques are required in order to trace emerging practices as they are put to use ordering a post-liberal world. In other words, to capture the emerging practices remaking peace in the post-liberal world, post-liberal methodologies are required. The post-liberal world is emerging through the proactive, creative labour of practitioners enacting practices in new and different ways in and across multiplicities of sites. A post-liberal account of peacebuilding practices therefore adopts the task of accounting for the changes in 'the way things are done' and therefore a post-liberal methodology maps the movement of actors as they traverse through and between sites establishing new connections (Latour, 2004). Such an approach accounts for the contingencies at play as practitioners deploy their world-making capacities, pre-empting the foreclosure of identity, culture, institution and driving a

process which is reshaping what the limits of power and the meaning of emancipation are becoming in the emerging post-liberal world.

An account of post-liberal processes of peace formation must be attentive to the many often subtle, but sometimes dramatic changes that emerge amidst complex living sites. A post-liberal methodology prioritises local, specific, micro, site-based accounts of emerging hybridity rather than the general, abstract, extra-material, metaphysical explanations of practice. A post-liberal posture emphasises, follows and accounts for the practices which establish, maintain and circulate through, between and across such distinctions, confounding theory and escaping reductive explanations. A post-liberal method traces emerging practices as they overrun established, structured epistemologies, accounting for *emerging* practices and how they disrupt, change, redefine, reorder, and replace existing epistemological distinctions, boundaries, categories and theories which are assumed to comprise their constitutive elements. On a post-liberal reading, 'the liberal peace' and 'the local' become unstable projections, discursive manifestations of power, discipline, and censorship which are perpetually becoming undermined by emerging practices. From here the seam connecting sites of legal empowerment can be traced as practitioners labour to stitch them together, as actors work to accrete sites, bodies, information, as new technology is incorporated into practices, as practitioners produce artefacts which establish pathways, build the linkages, and extend and stabilise the channels through which new practices can circulate and re-shape the contours of the emerging post-liberal world.

Appendix A: Liberia Security and Justice Regional Hubs

**UNITED NATIONS
PEACEBUILDING COMMISSION**

Liberia Security and Justice Regional Hubs

The PBC requires US$ 8 million for co-financing of 4 regional Justice and Security Hubs

PHOTO
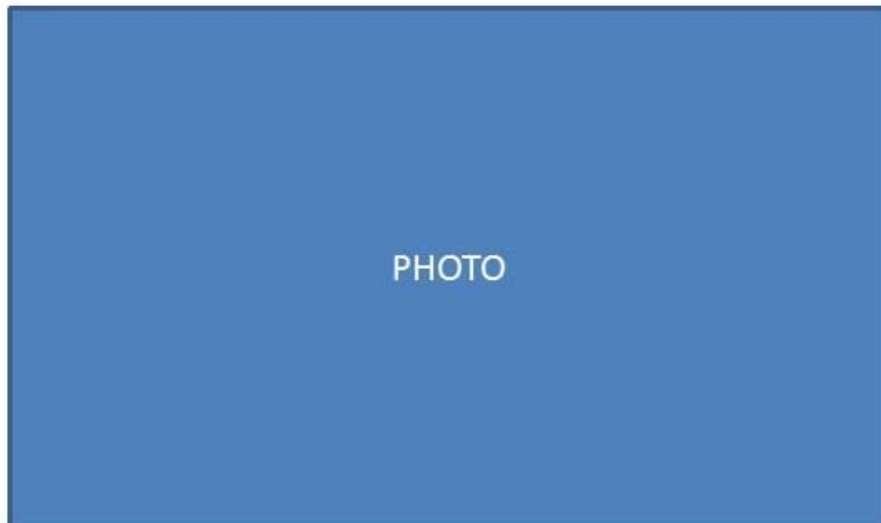
Background

In September 2010, Liberia was placed on the agenda of the Peacebuilding Commission (PBC). In the Statement of Mutual Commitment (SMC), the Government of Liberia and the PBC identified three (3) peacebuilding priorities as the focus of the PBC's engagement with Liberia: strengthening rule of law, security sector reform and promoting national reconciliation.

Funding Proposal

The SMC commits the Government of Liberia, among other interventions, to undertake the establishment and maintenance of five (5) Regional Hubs, initiating work on the first Hub by the end of 2010. The SMC also commits the members of the PBC, to contribute, individually and collectively, to supporting Liberia in its peacebuilding efforts by: help in consolidating the country's peacebuilding efforts, including supporting the establishment of the regional hubs for justice security. This funding proposal aims to solicit financial support to co-finance 4 of the 5 regional hubs for justice and security, herein referred to as the hubs.

Project Objectives

The Regional Hubs are designed to extend security and justice services to all Liberians throughout the country. The Regional Hubs bring together a regional Liberian National Police headquarters (including a robust Police Support Unit element), Bureau of Immigration and Naturalisation (BIN) and elements of the justice system such as county attorneys, public defenders, magistrates and judges. Building upon the National Security Strategy and the strategic plans of the Ministry of Justice, Liberian National Police (LNP) and Bureau of Immigration and Naturalization (BIN), the Hub project is a holistic approach to providing security and delivering justice throughout the country by:

▪Fostering linkages among rule of law actors—LNP, BIN, Corrections, Judiciary, public defense and prosecution;
▪Increasing security response capacity;
▪Improved work facilities; and
▪Reinforced administrative effectiveness and accountability

The Hub responds to Liberians' current concerns about consolidation of peace in the country. Recent consultations carried out by Interpeace revealed that Liberians felt that "existing [justice and security] facilities were often understaffed, its officials poorly trained, badly equipped and unmotivated". A United States Institute for Peace (USIP) study with research undertaken in 2008 and 2009 reached similar conclusions also adding concerns about inaccessibility. These points relate to a few of the root causes identified by the Truth and Reconciliation Commission in terms of centralized governance; a historically weak and unreliable judiciary; and dual political, social and legal systems, which polarized and widen disparities between Liberians.

2

Description

Five Regional Hubs will be developed servicing a total of 14 counties with the LNP Headquarters based in the capital Monrovia covering Montserrado County. The below map using different colors along county borders, delineates the coverage of each Hub, the location of which is indicated by a similarly colored dot.

Hub 1: Gbarnga
Counties: Bong, Nimba, Lofa

Hub 2: Harper
Counties: Maryland, Grand Kru, River Gee

Hub 3: Zwedru
Counties: Grand Gedeh, Sinoe

Hub 4: Tubmanburg
Counties: Bomi, Gd Cape Mount and Gborpulu

Hub 5: BuchananCounties: River Cess, Grand Bassa, Margibi

Below is a site layout that has been designed for the first Hub in Gbarnga and which will serve as a model for the next four (4) Hubs adapting as appropriate for the local circumstances. This plan, which is 19 acres in total, shows all the components that have been included in the Hub. Following serious deliberations, it was decided to include the Magistrate and Circuit Courts within the Hub complex. As indicated below, the courts have been located a considerable distance from the security elements of the Hub complex to signify the distinction between the Judiciary and the Executive branches of government.

4

National Security Providers

The Hub is a forward base of operations for the LNP and the BIN. Officers from Specialized Units (Emergency Response Unit and the Police Support Unit) of the LNP and from BIN will be permanently based at the Hub for dispatch in the counties covered by the Hub in support of locally deployed Officers. The practice has been to dispatch such support from Monrovia, which due to distance has significantly delay of deployment. The

> In a recent survey by University of California, Berkeley one in three respondents stated that nobody provides security in their locality.

proximity of the Hub will rectify this situation by enabling the Government to more quickly respond to security incidents as well as increase the presence of security actors.

The Administrative Building will provide operational support to the police and justice entities in the three counties through the following services:
➢ Police desk operations
➢ Records and information dissemination
➢ Copies of police reports
➢ Criminal Records Checks

REGIONAL HUB - ADMINISTRATIVE BUILDING

The Operation and Command Center fills a core need for security actors, who currently lack reliable communication tools in remote parts of the county. This Center will enable security actors throughout the three counties to communicate with each other.

REGIONAL HUB – OPERATIONS & COMMAND CENTER

The Training School, linked to the National Police Academy, will provide training programmes that build upon the basic training provided upon recruitment.

REGIONAL HUB – TRAINING SCHOOL BUILDING

5

The **Public Support Office** has been incorporated into the Hub as a way to fight corruption, which has been a core complaint amongst Liberians as documented in a number of surveys and studies. This Office will receive civilian complaints about the police and other security and justice actors.

Transparency International's 2010 Global Corruption Monitor rated Liberia 3.3 with 0 being highly corrupt and 10 being very clean.

REGIONAL HUB - PUBLIC SUPPORT SERVICES BUILDING

This Office is complementary to the work of the Professional Standards Division of the Police that is based in LNP Headquarters with a mandate to uphold accountability and professionalism of the LNP.

The Hub provides common services for all actors operating out of the Hub including: **a logistics base, vehicle maintenance facility**, budget and procurement section, human resources and finance services.

REGIONAL HUB – WORK SHOP

Courts

Unlike the LNP and BIN, the courts in the Hub do not have regional coverage. The Circuit Court only has authority within the county in which it is located. The Magistrate Courts only cover part of the county with other Magistrate Courts adjudicating cases in other sections.

COURT PHOTO

As documented in a number of studies and surveys only a minority of Liberians use the formal legal system. This is a result of limited knowledge of the justice system as well as greater accessibility and acceptance of traditional courts. As enumerated in a following section an array of projects alongside the Hub are being pursued to strengthen the justice system.

Community Outreach

A key component of the Hub is community outreach that engages communities in establishing the Hub. Historical marginalization, abuse and weaknesses of the State outside of the capital make it imperative to discuss with communities increases of government presence in the interior of the country. Rural Liberians are apprehensive of a repeat of the past via the extension of power and domination by a Monrovian elite. Community outreach will build upon on-going activities such as community policing, legal assistance and rights awareness projects.

County-based security and justice facilities

As indicated in the map delineating the coverage of the Hubs, the project extends beyond establishing a regional headquarters. The project aims to improve security and justice throughout the country and towards this end provisions have been made to rehabilitate or construct prisons, courts and police stations in the counties as necessary.

6

Supporting Interventions

With an aim for justice and security providers to provide fair and accountable professional services support is ongoing or foreseen in the following ways:

- Strengthening of existing management and accountability mechanisms in all security and justice institutions
- Establishment of record-keeping system for the courts
- Provisions of legal aid by civil society organizations
- Deployment of human rights monitors
- Institutionalization of alternative dispute resolution

Status

The Gbarnga Hub will be completed at the end of 2011 and is entirely financed by the Peacebuilding Fund (PBF). In the first half of 2011, the land was cleared, (see picture on the right). The second part of 2011 entails construction of the buildings. This Hub covers Bong, Lofa and Nimba Counties which were severely impacted by the war and are assessed to be areas that continue to confront tensions, including ethnic tensions and land disputes. Coverage of this hub also includes border areas with Côte d'Ivoire, Guinea and Sierra Leone.

Hubs 2 and 3 should be carried out simultaneously in Harper and Zwedru once land deeds are secured and 70% deployment into the Gbarnga hub has been achieved. These are areas, which border Cote d'Ivoire and have been impacted by the Ivorian crisis through circulation of arms and combattants, as well as arrival and hosting of refugees. Developments for Hubs 4 and 5 in Tubmanburg and Buchanan will start once the land is acquired. The estimated costs of the 4 Regional Hubs is US$ 16 million of which the PBF will provide 50% of the costs.

Risk

Sustainability of the project depends on the ability of the Liberian Government to assume reoccurring costs within the national budget of Liberia. This risk is being mitigated by ensuring linkages and support to the Ministry of Finance. Additionally, it is planned for the World Bank to carry out an expenditure budget review of the Liberian justice and security sectors that will assist in advising the Government on how to gradually assume the recurrent costs of the Hubs within its budget.

Partners

- **Government of Liberia:** Minister of Justice, LNP Inspector General, BIN Commissioner, Solicitor General, Assistant Minister for the Bureau for Corrections and Rehabilitation

- **Gbarnga:** Institutional Coordination Board composed by the County Superintendents, Principal Judge of the Circuit Court, County Attorneys, Regional Police/ BCR Commander, Head of BIN, and Public Defender to be formed.

- **International Community:** UNDP, UNOPS, UNMIL, Carter Center and American Bar Association

7

Financing needs : US$ 8,000,000

The PBC Liberia Configuration is requesting a total of US$ 8 million for the development of the 4 additional Hubs.
As noted in the below table, this funding would be complementary to the allocation of the Peacebuilding Fund, which is covering the costs of the first Hub complex and supporting interventions, as well as 50% for the next 4 Hubs. These are estimated costs that may needed to be adjusted as the remaining 4 Regional Hubs are further elaborated per each locational specifics.

Allocation	US$ amount	Financing
Gbarnga hub and associated costs	6,755,000	100% (PBF)
4 additional hubs	16,000,000	50% (PBF)
Total needs	8,000,000	0%

8

Appendix B:

Community Legal Advisors Program in South East and Central Liberia

THE CARTER CENTER

Waging Peace. Fighting Disease. Building Hope.

Carter Center/JPC Community Legal Advisors
Program in South East and Central Liberia

Overview

As part of its multifaceted Access to Justice Program in Liberia, The Carter Center (TCC) is working with the Catholic Justice and Peace Commission (JPC) to provide a network of Community Legal Advisors (CLAs) in eight rural counties, helping to fill a critical gap in the provision of justice to marginalized citizens.

To date, 34 local citizens have been trained as CLAs to provide free legal advice, mediation, and civic education to help guide individuals and communities through the various statutory and customary options available for resolving local dispute. The JPC CLAs also monitor prisons, police and courts (both customary and statutory). CLAs provide an important independent alternative to statutory justice systems which are often not trusted by the people and to customary remedies which often do not operate with a clear understanding of the national law. They make rule of law relevant to ordinary Liberians, while providing important competition and monitoring to the existing institutions on the ground.

Origins

This demand-driven program developed from civic education efforts begun in 2006. Under a Memorandum of Understanding (MOU) with the Ministry of Justice (MoJ), TCC-supported Civil Society Organizations (CSOs), including the JPC, began sensitization and dialogue on the rule of law in six rural counties. From these interactions and subsequent surveys, it was clear that there was little trust in representatives of the state, that indigenous leaders or judicial practices did not always enjoy popular legitimacy, and that overall understanding of the law was extremely low. In short, rural citizens had minimal access to anything recognizable as the rule of law, a situation that would sustain marginalization and could be harmful to the peace.

The initial CSO civic educators were asked increasingly to solve individual and community disputes, something they were not qualified to do. Looking for ways to meet this demand, TCC and JPC consulted with the MoJ and a Sierra Leonean paralegal organization, Timap for Justice. In November 2007, the JPC CLA pilot project began in the five southeastern counties.   In January 2009, the program expanded to work also in the Central region. Case loads and the quality of service have been gradually improving. In 2009, CLAs opened 1445 cases and concluded 851.

> *"In the Southeast, the JPC is now a household name – TCC has brought them to that level"*
>
> *– Caroline S. Doe,*

Current Programming
There are currently 33 CLAs working in 8 counties (see figure 1). Of these, 17 are "stationary monitors", operating drop-in clinics at JPC offices based in 10 towns. A further 16 are "mobile monitors," serving remote rural communities by motorbike. They are provided with guidance and assistance by a team of four lead monitors, three of whom also handle cases as stationary monitors (and are included in the 33 CLA total), and by JPC support staff in regional headquarters in Harper and Gbarnga. They can refer for legal advice to TCC staff attorneys.

TCC supports the JPC through sub-grants and a continuing training program that builds and refreshes legal knowledge and teaches skills such as mediation, leadership, psychosocial understanding, and record keeping. TCC field officers based in Harper and Gbarnga provide ongoing technical advice to CLAs and work with JPC administrative offices to develop strong financial and administrative procedures as well as accurate record keeping and data gathering. The JPC's regional coordinators have each visited Sierra Leone to learn directly from the Timap experience. The CLA program works closely with related TCC Access to Justice projects, including on-going civic education and capacity building for traditional leaders.

Monitoring and Evaluation
To ensure continuing improvements, CLAs are monitored through accompanied observation visits as well as unaccompanied community visits. During unaccompanied community visits, quantitative data is collected to ascertain whether community understanding of rule of law concepts is increasing. Follow up visits are made with consenting CLA clients. Case data is aggregated centrally, where it is regularly analyzed by program staff.

TCC has received extensive monitoring and evaluation support from researchers at the Centre for the Study of African Economies at Oxford University, who are conducting an extensive impact evaluation of the program's mobile monitors, comparing rule of law indicators in treatment communities receiving CLA visits against control communities not receiving visits. Following a baseline study made in March 2009, follow up assessments were made in September/October 2009 and March 2010. A final survey is expected in December 2010.

The Cater Center and the Catholic Justice and Peace Commission
Founded in 1982, TCC advances human rights and alleviates human suffering worldwide. The Atlanta-based non-profit has worked in more than 70 countries and has a strong record of engagement in Africa and in post-conflict situations globally. In 2005, the Center supported the elections through civic education in rural areas and long and short term election observation.

Following the elections, TCC began discussions with the new government to evaluate possible options for further assistance. President Sirleaf publicly welcomed TCC's partnership. www.cartercenter.org/liberia

The JPC has been engaged in human rights and rule of law awareness since 1991. Through monitors stationed throughout Liberia they have a grassroots presence more extensive than any other human rights organization. Over the course of Liberia's fourteen year civil war, it was these monitors who pursued cases of pressing justice and acted as a watchdog in their communities. (Information on the JPC's work in the South East is at www.jpccapepalmas.com)

Figure 1. - Overview of Community Legal Advisor Program for 2009
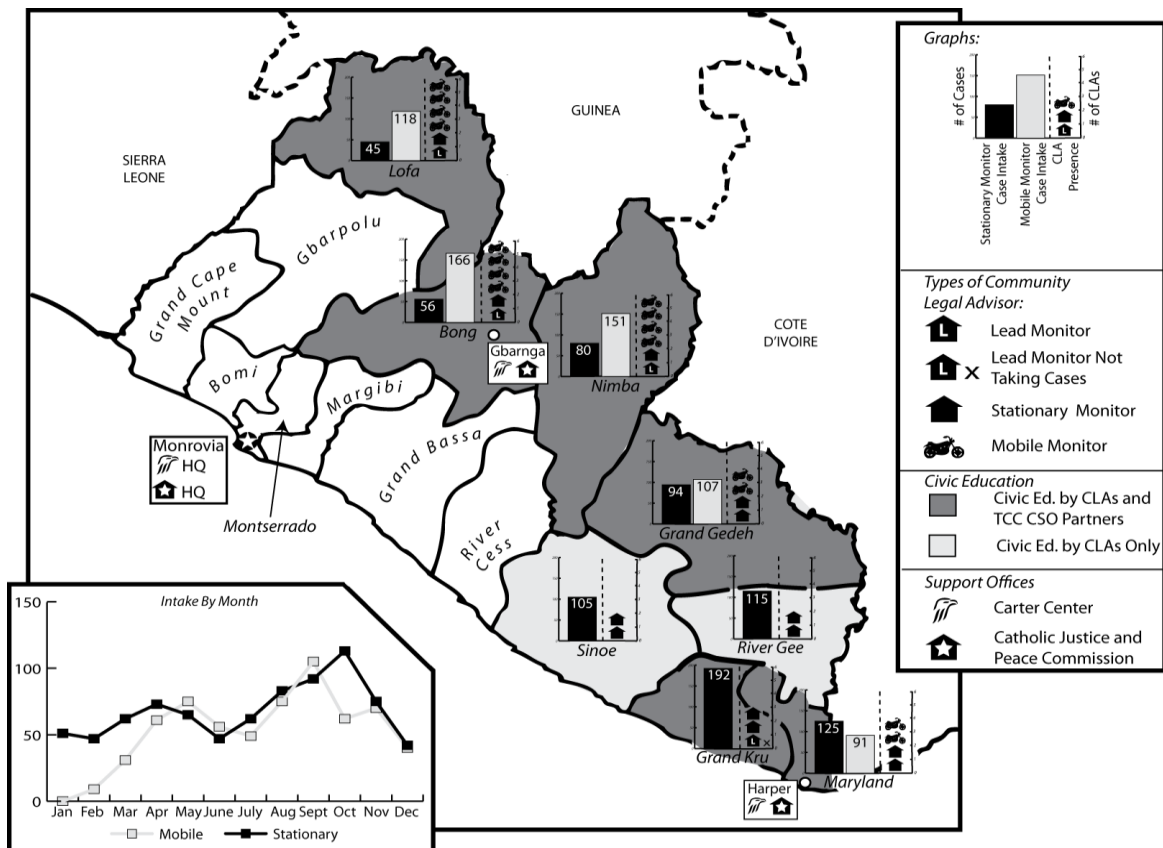
Appendix C:

Lightning Round Proposal

Lightning round proposal

CSAE evaluation team, June 2011

Why do we feel the Lightning Round is necessary?

From May 25-27th we conducted a "pre-test" of the survey questionnaire and logistics in three treatment communities in Bong County – Tarseah, Gayanteay and Baila -- all of which were originally served by George XXXXX.   The goal was to finalize the survey instrument in advance of enumerator training and a full survey launch in mid-June. However, our experience in Bong raised doubts about whether investing $65k or more on a survey at this point would yield interesting results, from either a research or program perspective.   The basic concerns are as follows:

1. **Low awareness and take-up of CLA services by the community**

The pie charts below depict the responses we got from interviews with 232 men and women in the three communities we visited. The questions asked were: (a) Have you ever heard of the JPC?; (b) Have

Awareness of JPC in 3 Treatment Communities

Ever heard of the JPC?

3%
30%
67%

Don't know   No
Yes

Asked JPC for advice?

7%%
92%

Don't know   No
Yes

Attended info session?

11%4%
85%

Don't know   No
Yes

Heard about info session?

6%14%
80%

Don't know   No
Yes

Based on sample of 232 interviews in Bong County
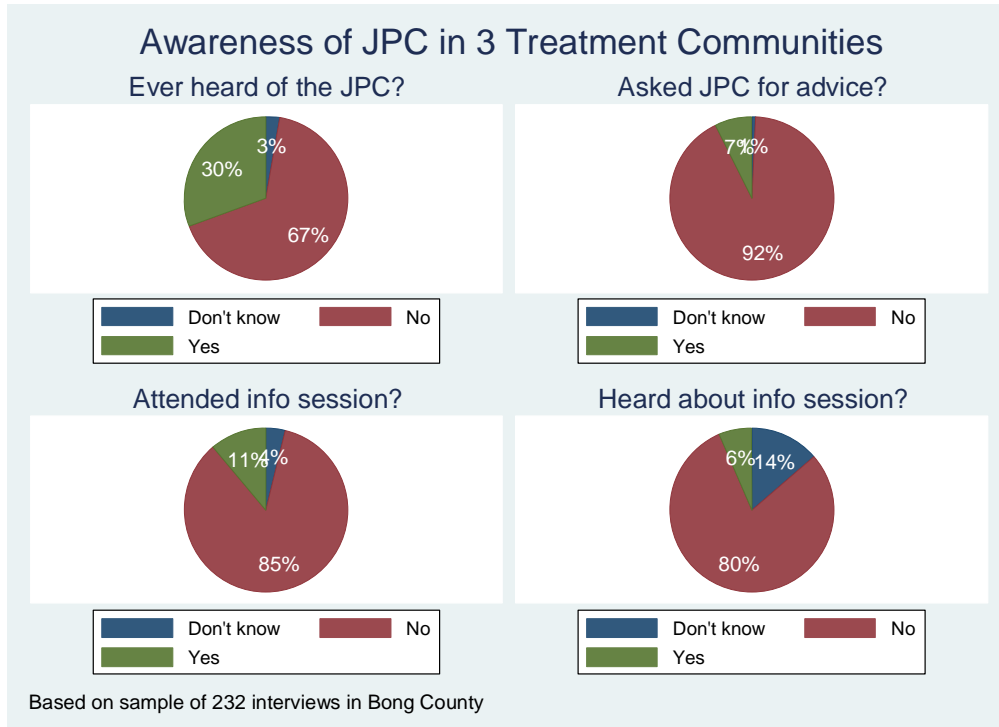
you ever spoken to the JPC person or asked them for advice?; (c) Did you attend any of the community meetings or information sessions with the JPC person?; and (d) Has anyone ever told you about the work that the JPC person does, or what he/she said in the meetings?

Awareness of and contact with the JPC were quite low. Two-thirds of respondents had not heard of the JPC. Only 11% had attended an information session with the JPC and only 6% had heard about these sessions after the fact. 7% of respondents reported ever speaking one-on-one with a JPC monitor.

The issue of low take-up is not new; it's been on the table at least since the mid-term survey. The moderately large number of cases in the CLA database (equivalent to approximately 4 cases per paralegal per month) is somewhat reassuring. Point #2 below undercuts that reassurance a bit though.

2. **Poor follow-through by CLAs**
In the largest community we visited for the pre-test, Baila, the research team tracked down the eight individuals (nine cases) in the CLA database who had given consent to monitoring visits.

Two of these nine cases in the CLA database were brought by the general town chief. The chief reported that the CLAs had visited regularly and that he lodged them in his own home. He described their successful intervention in a personal land dispute of his (referred to NRC and resolved in the chief's favor) and a case in which the chief had been assaulted and taken the accused to magistrate's court (JPC intervened and mediated the case).

However, conversations with the other clients in the CLA database produced very different answers. The pattern was similar during each interview: the client had attended a single information session in the community. At the end of the meeting they had had a brief conversation with George about their case. After that initial contact, no one besides the chief reported any further follow-up on their cases, or even seeing George in the community again.

3. **Impact evaluation without the lightning round is likely to find no impact, and for the 'wrong' reasons**
As we all know at this point, the basic methodology being used for the CLA evaluation will compare outcomes – and their improvement over time – between treatment and control communities. These outcomes range from subjective perceptions of justice ("How satisfied were you with the resolution…?") to objective welfare indicators that successful dispute resolution might affect, such as child support payments by absentee fathers and, in turn, child nutrition and school enrolment.

If, as we currently fear, the end-line survey detects no significant different in these outcome indicators between treatment and control communities, two obvious categories of explanation would emerge: (a) legal aid in this context simply doesn't work; there is a flaw in the project design; or (b) the project design was never really tested because it was not adequately implemented.

Our basic concern is that launching an end-line survey now will find no affect from two years of CLA work, and that the explanation for this is likely in category (b). As such, $65k in additional survey

research will teach us very little about what *might* work in the area of dispute resolution, or how future programs should be designed.

To do:

So far our visits to monitor case take-up and follow-through have only reached three communities covered by a single CLA. Before investing significant resources in a lightning round, we need to get a broader picture of the reality in treatment communities. To do so we propose the following very short-term activities:

- Review case notes at JPC office in Gbarnga, comparing George XXXX with other CLAs.
- Conduct un-announced visits to treatment communities covered by a wider range of CLAs, spanning Bong, Lofa and Nimba.
- Collect data on both awareness of JPC and, perhaps more importantly, clients' own reports of what the CLA did to help them and the outcome of their case.

Fingers crossed, George may be an outlier, and we may be positively surprised by what we find in other treatment areas. If so we're still fully prepared to proceed with the original end-line survey timeline (skipping the lightning round).

What would we learn from the Lightning Round?

The goal of the lightning round is to learn two or three additional pieces of information over and above the current evaluation design:

(i) What is the potential impact of the CLA program, under ideal conditions? The idea here is to overwhelm the project with M&E attention for a short period to allow us to abstract from the myriad implementation challenges that may prevent the program from realizing these impacts under 'normal' conditions (i.e., JPC implementation up to June 2011).

(ii) The lightning round would also attempt to disentangle two types of program impacts that will otherwise be impossible to distinguish: (a) direct effects from intervention in a given case, and (b) indirect effects on other disputes or other people in the community. Channel (b) is particularly interesting if the JPC is indirectly affecting the way local authorities mediate cases in their absence, or the norms about GBV or persistent non-support in the community – effects that would not be restrict to a specific case.

(iii) If we collectively decide to experiment with various modalities or messages for the JPC information sessions, the lightning round would also provide an opportunity to learn exactly which approaches work best at generating actionable cases.

The key to both (i) and (ii) is some degree of individual randomization in the lightning round – i.e., randomly selecting certain individual cases brought to the JPC during the lightning round for "expedited" treatment.   If you'd like to take our word on this, feel free to skim/skip down to the timeline and logistics. To get an intuitive feel for how the lightning round enables us to answer more questions, read on…

The Venn diagram below provides a simple summary of the evaluation design and how the lightning
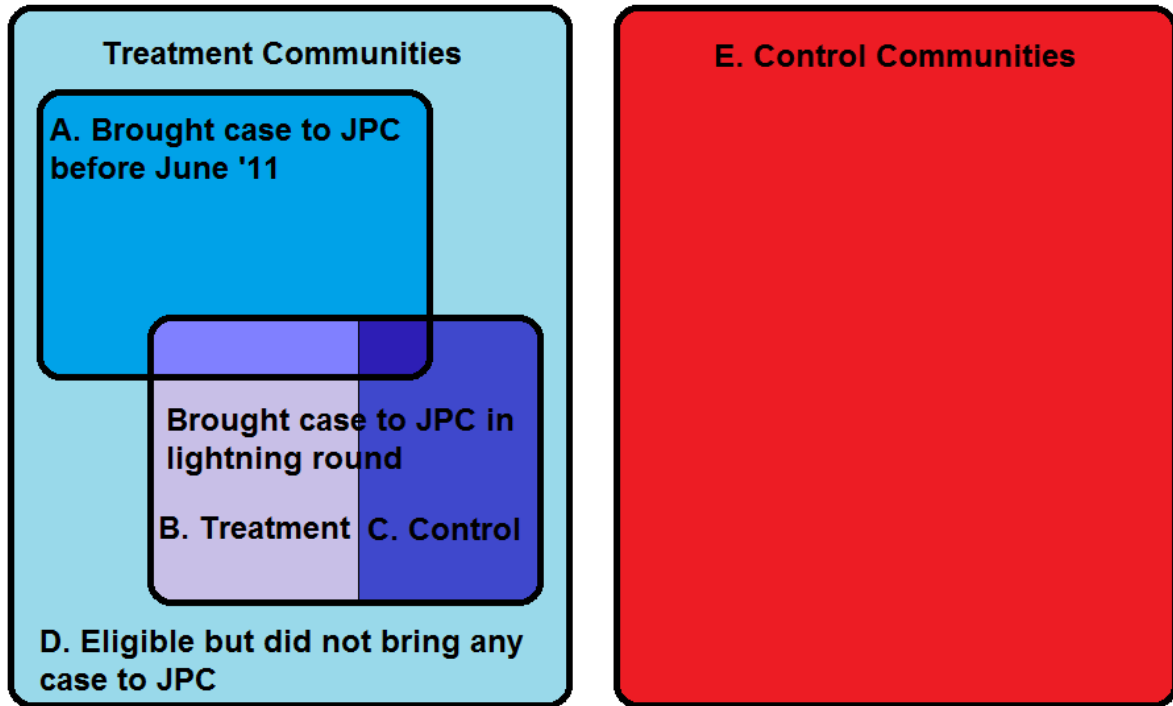
round would fit into it. The diagram divides all individuals in the 176 surveyed communities into five groups. Groups A through D reside in treatment communities, while group E comprises everyone in the control communities.   Within treatment communities only some fraction of individuals took a case to the JPC (group A), while others might do so during a lightning round (groups B and C), while yet others will simply opt not to do so (group D).

The key to a randomized impact evaluation is that differences in outcomes between groups are only used as evidence of causal effects of the project if the researchers assigned individuals to the groups in question, but *not* if individuals self-selected into the groups.

Apply this principle to the existing evaluation structure, sans lightning round. Since we assigned treatment and control communities randomly, we can measure the overall effect of the program by comparing the outcomes of *everyone* in groups A through D (the treatment communities) to everyone in group E (the control communities), despite the fact that group D received no direct treatment. In contrast, finding that individuals who took a case to the JPC (group A) had better outcomes than those who chose not to (group D), would not provide credible evidence of the program's effect. People who self-selected into group A were probably very different from those who did not.

There are two problems, or at least limitations, to this setup. The first limitation we knew about well in advance. The overall effect measured through village-level randomization is a exactly that – the total, combined effect of everything the JPC did in the village. Because A vs D comparisons are not valid, all you can say is that somehow the treatment villages ended up better off (hopefully) than the control

villages. You cannot ascribe this effect to direct mediation as opposed to the indirect effects of information provision, etc.

The second problem with village-level randomization has arisen because of the relatively low take-up rate. Suppose for a moment that the primary impact of the JPC comes through direct case intervention. Since we will be comparing everyone in the treatment villages to everyone in the control communities, we are relying on the small set of people in group A to pull up the average outcome in their entire village.

Now consider introduction of the lightning round. Additional information session would be conducted, in which new cases would emerge (group B and C). Among these cases, a randomly selected sub-set would be chosen for expedited treatment (group B).

This individual randomization allows us to overcome the problem of low take-up by restricting our attention to the set of people who have brought forward a case. 50% would be treated before the end-line survey, ensuring an ideal proportion of treated individuals for the statistical analysis.

Individual randomization also allows us to separately identify the direct versus indirect effects of the CLAs. Direct effects would be computed by comparing groups B and C. Both groups will have experienced all the indirect benefits of the program. They will only differ in whether they have benefited from direct case intervention before the end-line survey.

Indirect effects would be measured by use the original evaluation design: if there is no indirect effect of the CLAs on non-clients, then the entire difference between treatment and control communities should be explained by the effects we measure with individual randomization. However, if the differences between treatment and control villages are larger than can be explained by differences between treatment and control individuals (from the lightning round), this provides evidence of alternative channels of impact.

How would it work and what would it cost?

In brief, the concept of the lightning round is that enumerators accompany CLAs to their treatment villages over the course of the next several weeks. They jointly conduct a final round of information sessions, and select a limited number of cases for rapid follow-up before the end-line survey.

Timeline:

June 6 – June 10 or 11:

- Pilot lightning round
- Case tracking (3 counties, 2 CLAs per county, 2 villages per CLA)
- Pilot survey instrument (?)

June 14:   Day-long session with Carter program staff

June 15-18:   Train CLAs and enumerators (3-day training)

June 20-July 15:   First sweep of all information/takeup session

July 16-Sep 16:   Case follow-ups

Budget

These activities will, of course, imply some additional cost. The spreadsheet attached summarizes the overall cost of the remaining steps in the evaluation, including the lightning round. At this point, program and implementation M&E activities would become more intertwined with research activities. Acknowledging this, we have nevertheless tried to separate out (a) the extra cost of the lightning round in terms of M&E, from (b) the research costs associated with the end-line survey.

The total cost for research is just over $82,000, while the total cost for M&E in the lightning round is approximately $28,500.

Appendix D: Lightning Round Presentation

LIGHTNING ROUND: MOTIVATION AND PRELIMINARY CONSIDERATIONS

14 JUNE 2011

MOTIVATION

Impact evaluation of mobile CLA program
- Communities surveyed in five counties (Bong, Lofa, Nimba, Grand Gedeh and Maryland)
- Allocated to "treatment" and "control"
- Mobile program operational in control communities only

Endline survey will revisit all surveyed communities
- Difference between treatment and control, before and after the CLA program, will tell us impacts on **communities**
- Might find community-wide impacts on, e.g., awareness of the law, attitudes, etc.

MOTIVATION

Impact is likely to be greatest on **"treated" individuals**
- In big communities, only small prop. of population are "clients"
- Impact on clients might not lead to impacts on whole community
- So need to compare "treated" **individuals** (i.e. clients) to "control" **individuals**

But who are the "control" individuals?
- In treatment communities, people who bring a case to the CLA are different from those who don't
- In control communities, don't know who 'would have' brought a case to the CLA, since there are no CLAs there

MOTIVATION

Individual randomization

- Assign individuals to "treatment" and "control" as part of regular case intake

- Help "treatment" individuals first, then "control"

- Key: make sure there are enough cases coming in, so that CLAs are kept busy!

  - Note – CLAs will only 'treat' half the cases that come in

  - Implies increasing the number of cases that are brought to the CLA

OBJECTIVES

For a temporary period (approx. 3 months) conduct individual randomization of

- Increase awareness of JPC monitor
- Increase participation in awareness session
- Increase the number of cases brought to CLA
- Randomly select half the cases brought in
- Streamline case follow-up and closure

QUICK ASSESSMENT SURVEY

County	Town	Assigned CLA	Interviews
Bong	Foloblai		49
Bong	Gbenequelle		66
Lofa	Salayea		44
Lofa	Sucroma		46
Nimba	Flumpa		41
Nimba	Zuluyee		23
Nimba	Gbedin		48
Nimba	Kitoma		45

Total respondents: 363   **Women: 200**
Total clients found: 44   **Men: 163**

COMMUNITY AWARENESS

21 percent of respondents could not recall the JPC monitor after several prompts

Awareness of JPC monitor
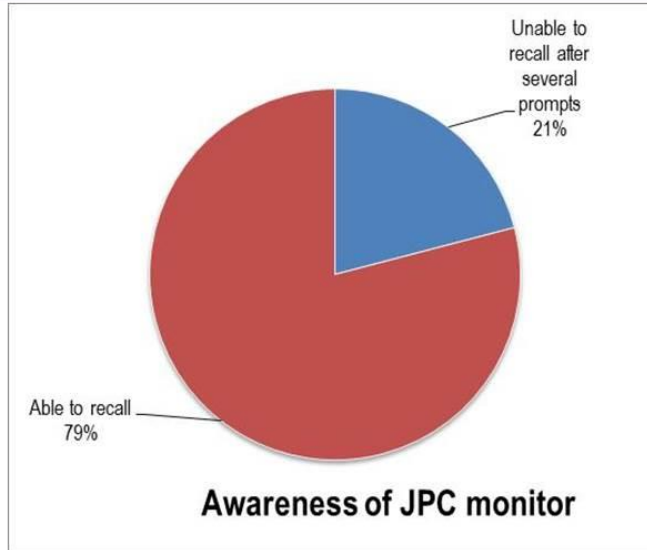
COMMUNITY AWARENESS

Nearly 50 percent of those who could recall the JPC monitor had not attended an awareness session in the last two years

Have you attended an awareness session with the JPC monitor?
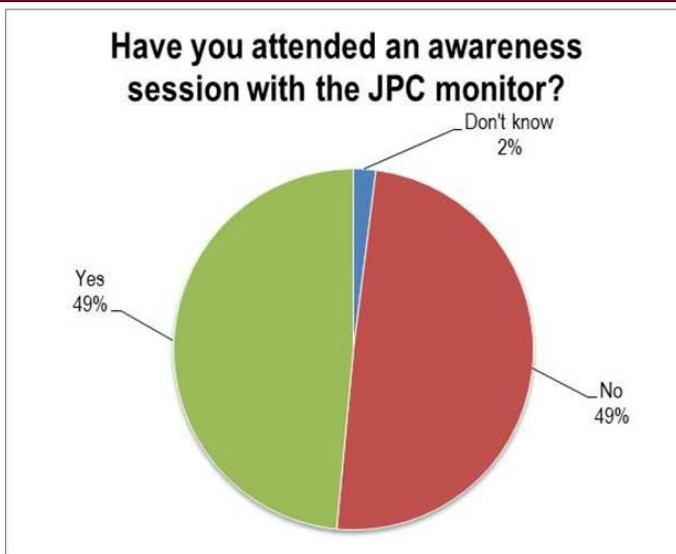
COMMUNITY AWARENESS

Participation in awareness raising session sensitive to the techniques used in community mobilization:

- Mobilization in *both* the evening before and the morning of the session seemed to work best.
- Use of megaphone generates more interest
- Outdoor venues make walk-ins more likely, but also seem to contribute to participant attrition.
- Other potential techniques: music, banner, etc...

CASE INTAKE

Few questions raised in awareness session translated into cases.

Reasons for this:

- Participants may not know how to approach CLAs.
- Participants may not know how the CLA can help with problems.
- Participants did not seem to realize that they needed to take action.

Yes 17%

No 83%

Approached JPC monitor for advice
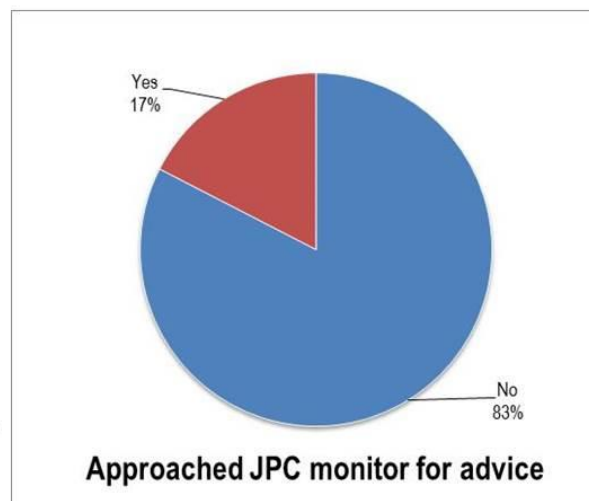
CASE INTAKE

Reasons offered:

- Don't know how to approach them (17%)
- Don't know what they can do for me (8%)

Turning questions into cases:

- More active encouragement to bring cases forward
  - e.g. Flehlah case of domestic violence.
- CLAs should remind/clarify: services offered, confidentiality, contact details, etc...

CASE FOLLOW-UP AND CLOSURE

Obstacles identified:

- Case and village workload seems to detract from a more rigorous follow-up.
- Long distances traveled.
- Time and energy required for awareness raising cuts into case in-take and follow-up.

Point for discussion: other obstacles.

Reached agreement, yet to be implemented 10%

Unable to reach agreement or resolution 1%

Case pending, no agreement reached yet 34%

Reached agreement, successfully implemented 55%

What is the status of your case?
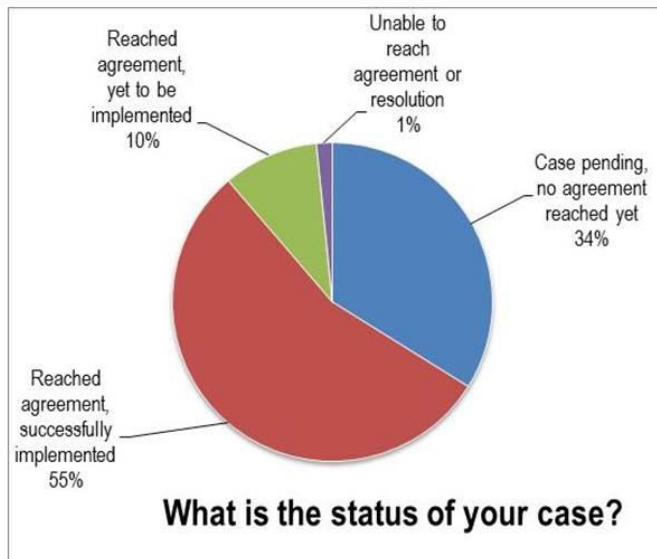
LIGHTNING ROUND: A PRELIMINARY MODEL

A joint effort between CLAs, CSOs, and enumerators to focus on a few communities to pilot improvements to programme to overcome obstacles, including:

- Increased focus on mobilization, using necessary tools
- Reducing barriers to case in-take through best practices and proactively encouraging cases
- Focused effort by CLAs on case follow-up and resolution

ROLE OF CLA

To ensure potential clients are allocated successfully to treatment and control and follow up with treatment clients only (until instructed otherwise)

To focus more time on case follow-up and resolution:
- Working fewer communities, more often
  - Communities will cover smaller geographical area
- Spending more time with clients
- Encouraging individuals to come with their cases / translating questions raised into cases

ROLE OF ENUMERATOR

To support CLAs by:

- Assisting CLA in mobilization

- Screening potential cases during Q&A for CLA follow-up

- Assisting in randomization

- Collecting baseline survey data at case intake

- Chalking houses for endline

- Collaborating with CLA on implementation

POSSIBLE ROLE OF CSO?

To support CLAs by:

- Assisting in community mobilization

- Promoting programme and legal services offered

- Leading awareness raising sessions

PROPOSED WORKPLAN

- Min. goal of 300 treatment cases and 300 control cases
  - With 14 CLAs in Bong, Lofa, Nimba and Grand Gedeh, this amounts to 22 new cases per CLA
- Assign CLAs to 4 or 5 of their 10 communities during this period
- Develop new workplans for CLAs, setting a clearly defined schedule
- Develop best practices for undertaking mobilization, awareness raising, in-take, follow-up, and management
- 2-3 communities visited per work week, so all communities visited in a two week period
- 2-3 awareness raising sessions per community, with a goal of 4 new cases per session per CLA

PROPOSED WORKPLAN

Each community will be served in two-day or three-day increments, e.g.

Day 1: community entry, follow up on existing cases, first mobilization session, door to door…?

Day 2: second mobilization session, awareness session, case intake/follow up throughout day

Day 3: additional case intake and follow up, community exit

POINTS FOR DISCUSSION

- Identify additional obstacles to mobilization, awareness, in-take, and case management
- Identify best practices for each activity area
- Define roles of each: CLA, enumerator, and CSO
- Refine workplan and targets, in context of existing workload/cases:
  - Are targets reasonable?
  - What resources should be made available to complete workplan?
  - How to manage existing cases before/during lightning round?

Appendix E: CSAE Field Observations

FIELD OBSERVATIONS FROM WITNESSION CLA AWARENESS SESSIONS

SUMMARY

- Pilot study (observation, surveys, and key informant interviews) was conducted on four phases of CLA's chain of activity:
    1. Community mobilization
    2. Awareness raising
    3. Case intake
    4. Case resolution
- Study consisted of two awareness raising sessions in Flelah, Bong (conducted by Larry Tokpah) and Socopa, Nimba (conducted by Eleane Keaumu). The topic of the former was 'domestic violence', and the topic for the latter was 'the criminal justice system'.
    1. CLA /community breakdown
    2. Gender breakdown
    3. Types of cases
    4. Who's not doing follow up – is it one CLA or more
    5. Aggregate open-ended responses
    6. Convert to pie charts
- The purpose of the pilot was to try to understand the weaknesses/obstacles in moving from phase 1 to 2, phase 2 to 3, and 3 to 4.
- The pilot suggested the presence of a number of weaknesses/obstacles, the removal of which could improve CLA activities, and thus, increase the number of cases taken in from each community and, in turn, the number of cases moved through to resolution per CLA.
- The purpose of this document is to help identify a strategy for converting the findings of the pilot study into programmatic improvements so as to increase case intake and resolution for each CLA.

PILOT STUDY FINDINGS

Community Mobilization -> Awareness Raising

- The number of participants at awareness raising sessions seems sensitive to the techniques used in community mobilization. In our (admittedly small) sample, a more extensive mobilization exercise in Flelah generated greater participation than the one-off mobilization exercise in Socopa.
- Frequency and timing of mobilization seemed to play a role.
    - In Flelah, Larry mobilized the community twice before the session: the previous evening, as well as the morning of the session. This broke from usual practice of conducting only one mobilization. Around 40 persons participated in Flelah, which was higher than usual according to Larry (e.g. 25-30 people attended the previous awareness raising session in Flelah).
    - Mobilization in Socopa was undertaken only the morning of the session. Only around 25 people were at the Socopa session, more than half of whom joined in after it began (also see below).
- Mobilization effectiveness is also influenced by the use, or lack thereof, of a megaphone.

- o The CLA in Socopa noted that when a megaphone is used, attendance of sessions is generally better. No megaphone was used on the day we were there, and the CLA noted that attendance was lower than normal.
- o By comparison, megaphone was used in mobilization in Flelah, which may have helped in higher turnout there.
- Venue selection may also influence participation levels.
  - o Awareness raising in Socopa was conducted in an open-air forum, which was more visible and attracted passersby. 14 additional people joined the session. However, an open-air venue may also encourage existing participants to leave. 14 participants (not necessarily the same ones joined midway through) left the session early.
  - o The Flelah session was in a closed venue, and saw far less turnover. Two or three people left, and an additional five or six came after the program had commenced.

Awareness Raising -> Case Intake
- While Q&A sessions were engaging and motivated people to bring forward specific problems, the vast majority of which seemed to be derived from personal experiences, few of these 'problems' were translated into 'cases'. In other words, people seemed to have problems that they did not bring forward to the CLA. Reasons for this could be manifold.
  - o First, as indicated by data, participants do not know how to approach CLAs. 18 percent of respondents surveyed claimed they did not know how to approach the CLAs.
  - o Second, there may be a lack of knowledge as to how the CLA can help with problems, something also suggested by data. A further 13 percent said that they did not understand what the CLAs do or know the services they provide.
  - o Finally, some of those who asked questions seemed satisfied simply by the fact that a CLA had answered their question, but did not seem inclined to take follow-up action. In one instance, a question was raised about inheritance, to which the CLA responded that the participant was entitled to recourse. The participant did not, however, follow up this case with the CLA.
- CLAs seem to be under the impression that they should neither actively encourage participants in awareness raising sessions to come to them with cases, nor follow up on disputes raised by participants during the awareness session. While registering a case with the CLA should be the client's prerogative, a more active encouragement or follow-up of cases raised could greatly raise impact and catch the relatively large number of cases that fall through the cracks due to lack of understanding or communication between participants and the CLA.
- In reducing the obstacles between awareness and case uptake, it could be useful add to the CLA's script a reminder/review of what services the CLAs offer. Although this did not generate new cases, Eleane incorporated a concluding review of JPC services, recapping it as a free service aimed at solving problems in the community. Additionally, her contact details were clearly displayed on a plaque which she referenced in her session.
- The session in Flelah presented an interesting, if unfortunate example, of a woman that had been beaten on the morning of the session. She presented her situation during the Q&A period, but left before the session ended without expressing a desire for the CLA to follow-up. Though perhaps an extreme case, it indicates that greater freedom could be given to CLAs to proactively pursue problems that they perceive could be translated into cases – if only to provide the person advice regarding his or her options.
- The Q&A segments of both sessions showed a significant drift away from the scheduled topics. Generally, in both cases inheritance and land/property issues dominated. Thus, the

scheduled topic of the awareness session is not necessarily a prompt to bring forward related problems, though it may still have an important impact in terms of educating participants.

Case Intake -> Case Resolution
- Poor follow-up seems, unfortunately, to be fairly common. 11 of the 37 clients followed up claimed that the CLA made no contact with them after the initial case intake.
- Case and village workload seems to detract from a more rigorous follow-up. In Flelah, the four new cases that were generated cut into the ability of the CLA to conduct scheduled follow-up. Four cases were the most that Larry had taken in after any one session. Most of these were fairly serious cases. As a consequence, Larry was unable to carry out follow-up on existing cases as per his workplan.

LIGHTNING ROUND MODEL

Preparation

- Consult with key stakeholders on proposed activities and main lightning round issues
- Draft best practices for CLA activities in consultation with key stakeholders (TCC, JPC)
- Training for enumerators and CLAs
- Purchase of new equipment as per the findings/recommendations of the pilot survey.

Role of enumerators
- Hire 14 enumerators, initially (one per CLA), eventually reduce to one per county after initial awareness sessions.
- Enumerators will primarily play a data collection role, though they could assist with some labor intensive activities e.g. mobilization
- Pros/cons of making enumerators independently mobile? Can CLAs put them on the backs of their bikes? If so we reduce costs of hiring/purchasing bikes, fuel, etc.
- Ultimately, one supervisor-level enumerator retained per county to do spot checks on CLA activity and follow-up with clients.
- Enumerators and CLAs monitored by Dariusz, Gray, TCC regular M&E.

Role of CSOs

- Provide support to CLAs in mobilization activities.
- Lead awareness raising sessions.

Community assignment

Anticipated workload and strategy for dealing with it

- Following up on currently open cases
  - Divert to leads or stationary
- Saving time through less travel
- Assistance by CSOs
- Much more frequent visits --> follow up
-

Proposed Schedule for CLAs
- Day 1: community entry, follow up on existing cases, first mobilization session, door to door…?
- Day 2: second mobilization session, awareness session, case intake/follow up throughout day
- Day 3: additional case intake and follow up, community exit

…and so on. Implies two communities per week.

Community Mobilization -> Awareness Session
- CLA
  - Mobilization on the evening before and the morning of the awareness session. Might involve staying the night in the community; otherwise, we could pick communities that are relatively close to the CLA's post.
  - Budget for tips for town crier, chief, youth leader etc. to mobilize
  - Could involve CSOs to assist with both mobilization and the awareness raising session itself – at least for the first session. This would help as a one-off advertisement. It would also split the load with the CLA.
  - Purchase a megaphone for everyone. Borrow Pewee's music and play it at the beginning of the session to generate interest.
  - Possibly arrange for tarpaulins to cover an open-air venue – allows for rain shelter and raises interest.
  - Arrange for banners.
- Add CSO activities
  - Mobilization on morning before awareness raising session should be supported by the CSOs.
- Enumerator
  - Provides assistance in mobilization
  - Administers the awareness raising instrument that keeps track of CLA activity, number of participants, etc.
  - During the awareness session, takes names of people who raise disputes / questions, covering (a) issue raised (b) case potential. Could ask about follow up potential. CLA can then follow up on these cases as needed.

Awareness Session -> Case Intake
- CLA
  - Messaging: need a script that re-emphasizes (a) Who the CLA is, what their role is, not here to create problems (b) Services they provide ("I can help you resolve your problems, come to me afterwards") (c) Emphasize confidentiality (d) Provide clear instructions on how to find CLA, where, when.
  - Provide a strong invitation for those with cases to utilize CLA services after the awareness session
  - Place greater focus on specific procedures rather than broad issues. For instance, instead of focusing very generally on large issues such as the criminal justice system or inheritance law, focus on specific issues and paths to resolution ("if you have X problem, you should do A or B… come to me for further information/advice…")
  - CLAs should also be able to follow up on cases that are brought up during session.
  - Identify appropriate venue for session(s) through consultation with town chiefs and/or community members

- o   Potential for separate focus group discussions in separate venues for men and women
- o   Make it easy for people to find CLA by pre-establishing case intake venue and announcing during awareness session
- o   Case intake instrument: simple in-field randomization (Odd numbers treated, even numbers control)
- o   Case types – do we restrict to PNS & debt disputes, etc.
- o   Treatment intensity – worth varying?
- Enumerator
  - o   Also need a case intake list instrument, will enter same cases to ensure CLA doesn't cherry-pick easier cases into treatment.
  - o   Baseline data collection
  - o

Case Intake

- Reduce obstacles between awareness and intake to increase case intake
  - o   Allow / encourage CLAs to follow up on cases raised during awareness session
  - o   Clearly identify a space in which community members can meet CLAs to discuss cases following plenary session
  - o   Consider intake cases and whether we are limiting ourselves to a particular case type

Case Resolution

- Minimum intake goal of 300 treatment cases and 300 control cases -> 21 or 22 cases needed
  - o   With 14 CLAs in Bong, Lofa, Nimba and Grand Gedeh, this amounts to 22 resolved cases per CLA
  - o   Possibility of 'borrowing' other CLAs to assist?
- Assign CLAs exclusively to (say) 5 of their 10 communities during this period
  - o   Develop new work plans for all CLAs, setting a clearly defined work schedule
  - o   2 – 3 communities visited per work week, so all communities visited in a two week period
  - o   Two awareness raising sessions per community, with a goal of 4 new cases per session per CLA
- Enumerators / CLAs monitor when 'treatment' group is successfully followed up, and alert research team to begin endline for community in question.
- Issues around case randomization
  - o   Dealing with serious / urgent cases, but attempting to capture impact.
- Get more info about problems in case resolution
- Break down 10 CLA workplans by activity, suggest we support that via CSOs

Appendix F:
Lightning Round Best Practice Guide

INTRODUCTION
This document outlines best practices associated with the activities of the Mobile Paralegals Project. These best practices have been determined from interviews and observations conducted through May and June 2011 and are related to the following activity areas:
- Community mobilization
- Awareness raising and case in-take
- Case management and resolution

Best practices should be incorporated into all activities of CLAs, CSOs, and enumerators, who will work together to carry out a 3-month 'lightning round' of intensive efforts to increase case in-take and resolution so that the impact of the Mobile Paralegals Project can be measured. In other words, generating and resolving as many cases as possible will generate a larger impact in communities, providing an opportunity to measure this impact and better determine how the project can chance the lives of individuals and communities. See the following text box for the lightning round schedule.

Text Box A: The Lighting Round Schedule

The lightning round will consist of 14 teams of CLAs, CSOs, and enumerators who will each focus on 6 communities. Communities will be chosen in a way so to minimize travel time and maximize time spent with clients. CLAs, supported by CSOs and enumerators, will visit these communities in 3-day increments (staying in each community for approximately 48 hours) according to the following schedule

- Day 1: enter the community in the evening to conduct mobilization and follow-up existing cases.
- Day 2: conduct morning mobilization, carry out awareness raising session, take in new cases and take steps to resolve these, and follow-up existing cases.
- Day 3: work on existing cases, including those taken in the previous day, exit the community in the afternoon.

After the first week of activity, awareness raising may be eliminated from the schedule so that CLAs can focus only on case follow-up and resolution. During this time, CLAs can still take on new cases should they be approached by people with problems.

This schedule is a guideline that should be generally adhered to in order to maximize activities of the lightning round. However, it can be altered in those instances where it is necessary to do so for the purposes of case in-take, follow-up, resolution.

During the lightning round, 14 teams of CLAs, CSOs, and enumerators will work in Bong, Lofa, Nimba and Grand Gedeh to take in a total of 600 new cases. Only half, or 300, of these cases will be taken on as clients (or 'treated') immediately, and the other half, or 300, will be treated after the first half of cases are completed. Persons will be assigned randomly to one group or the other using a public and transparent 'lucky draw' lottery. The lottery is explained in greater detail below in Text Box B. Those that are not chosen for immediate treatment will be reassured that their cases will be handled in due time when the CLA has time to do so, no later than the end of September 2011. Further, those that are no treated immediately are free to pursue resolution of their cases in any other way they see fit.

Understanding the reasons why, firstly, 600 persons are needed and, secondly, why only half can be treated is very important. Firstly, in order accurately measure impacts to the project there must be a sufficiently large number of observations to avoid the bias that can be associated with measuring only a few cases. For example, looking at only a few cases may mean that only cases with certain characteristics are considered – be it only certain types of cases, or cases from certain villages or counties, or whatever. Whereas looking at more cases, gives researchers an increased opportunity to look different types of cases. Secondly, only 300 clients can be considered at one time so that the clients from those cases that were taken on (or 'treated') will then be compared to those that were not, in order to determine what impact the mobile paralegal project has in the lives of its beneficiaries. It is not enough to compare a group of people that bring problems forward to CLAs those that do not, because it is likely that those that do not bring problems forward are better off to begin with – exactly because they have not problems to resolve. Comparing these two groups may give people the (false) impression that the project is actually having a negative impact; and that's not right!

While 600 new cases seems like a large number, it is important to remember that only 300 of these will be treated as clients initially, and that this is the number required for all 14 teams of CLAs, CSOs, and enumerators together. Broken down per team, each needs to generate at least 44 new cases, and treat 22 of these. That is only between 7-8 new total cases per community, and only between 3-4 treated cases per community. That's not too many after all. The figure below provides an overview of the lightning round.

Figure 1: Lightning Round Overview
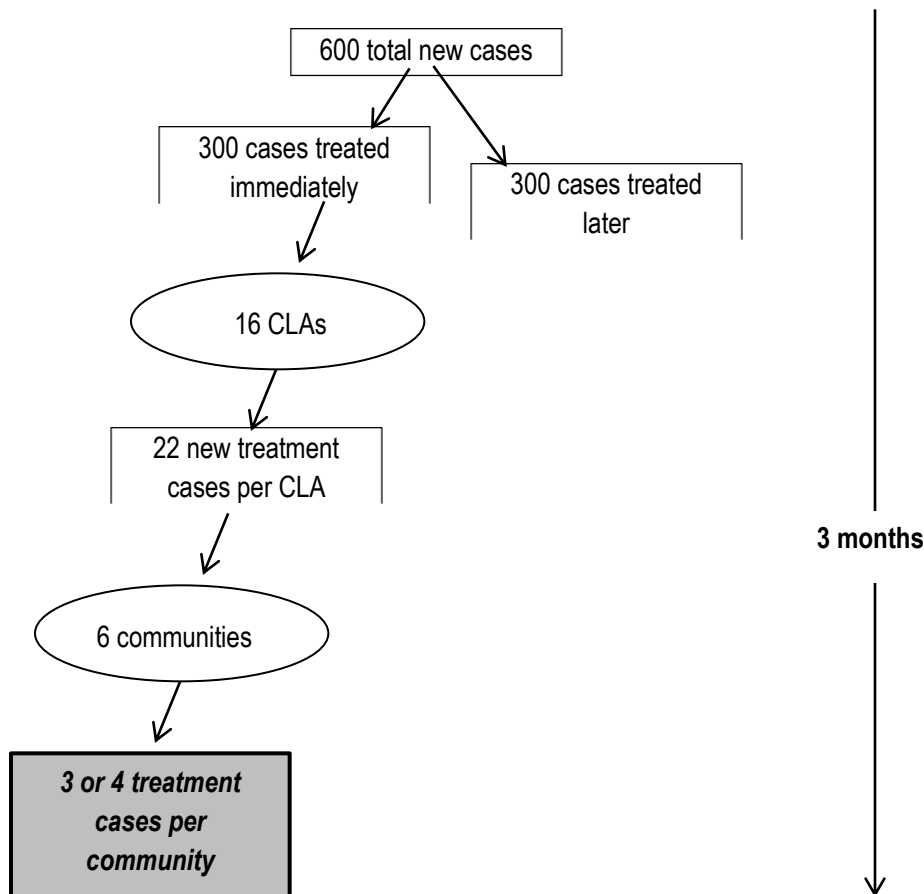
While each CLA should have an average 3-4 new treatment cases per community, the main goal for each CLA is to resolve 22 cases across all 6 of his or her communities. If this means that there are 7 cases in one community, only 1 in the next, and 3-4 in all of the others, that is fine so long as the final total number of new treatment cases is equal to, or greater than, 22. As mentioned, the CLA will have approximately 3 months to resolve these new treatment cases.

Best Practices

The goal of the lightning round is to: *'translate unresolved problems into resolved cases.'* To do this, CLAs, CSOs, and enumerators must follow the suggestions outlined below to move towards this goal along a chain of activities that starts with mobilization and ends with case resolution:

Mobilization → Awareness Raising → Case In-take → Case Management → Case Resolution

If each CLA follows this chain forward 22 times, together we will reach our goal of 300 new resolved treatment cases.

Community Mobilization

*** Community mobilization should be led by CLAs and supported by CSOs (and enumerators, where required). ***

Goal: to generate interest and participation in awareness raisings sessions.

Activities:

- *CLA:* inform community leaders about CLA presence, conduct mobilization throughout community
- *CSO:* assist in mobilization of community and support other CLA activities.
- *Enumerators:* provide support where required.

Community mobilization is generates interest in the project activities and drives people to attend awareness raising sessions. It is the first point along a chain of activities that eventually leads to case resolution. If mobilization is not done properly, awareness raising sessions will not be attended, and of course people will not have the opportunity to bring their problems forward as cases. While each CLA and CSO are encouraged to carry out those mobilization activities that work best in their communities, at the very least, effective community mobilization should include the following:

- Entry into the community the evening before the awareness raising session is scheduled.
- Informing community leadership about the program and requesting their assistance in mobilizing community members.
- The evening before the session, mobilizing the community about the next day's program using a megaphone. This phase of mobilization should be done throughout the whole community at a time when people have returned from their days work.
- The morning of the session, mobilizing the community about the awareness raising program. This phase of mobilization should be carried out using a megaphone and should be conducted approximately one hour to thirty minutes before the session is set to begin.
- Use any other techniques or tools that may increase participation – for example: banners, music, appropriate venues, etc.

Awareness Raising and Case In-take

** Awareness raising sessions will be conducted in the first week by CSOs. Additional awareness raising may be conducted in subsequent weeks by CLAs if they have not met their required quota of 22 new treatment cases. Other activities associated with awareness raising include: case identification and intake; these will be conducted by CLAs and CSOs and supported by enumerators where necessary. **

Goal: to use education about the justice system as a way to encourage people to bring their problems forward into cases.

Activities:

- *CLA:* identify and follow-up with potential cases from question and answer session, assist with awareness raising where required in the first week, and conduct awareness raising sessions in subsequent weeks (if necessary).
- *CSO:* conduct awareness raising and identify and screen potential cases for the CLA using the case in-take tool.
- *Enumerators:* help screen potential cases using the case in-take tool, randomize cases using the randomization process you have been trained on, and note treatment and control cases on the *Case Randomization Tool*. For more information on randomization, see the text box below.

Text Box B: Lucky Draw Randomization

In order to have accurate comparison of treated and untreated cases, these must be randomly assigned *before* any case management is conducted. This means that we cannot choose which cases we treat depending on the case type, or the person bringing the case forward, or any other factor. Treatment and control cases must be chosen using a lottery. Once a person agrees to bring a case forward, they will be informed that they will participate in a lucky lottery to determine when their case will be treated. Most likely this will involve a person drawing from a container that contains objects of two colors. Drawing one color will mean that a person joins the control group and drawing another means that the person joins the treatment group. Exactly how this happens, will be explained further in training, but the most important points to remember are:

- Randomly assign cases using a lottery before giving any case advice.
- Note information of treatment and control groups on the *Case Randomization Tool*.
- Inform those in control group when they can expect help and make it clear that they are free to try to resolve their problems using other means in the meantime.
- Inform those in the treatment group about the next steps associated with managing their case.

Awareness raising sessions are an opportunity to engage with the community and identify potential cases. During the session participants will bring forward specific problems, the vast majority of which will to be derived from personal experiences. These questions are an opportunity to translate 'problems' into 'cases'. While it may be obvious that people would bring their cases forward by themselves, there are many reasons way this may not occur – for example: they may not know how to approach CLAs, they may lack knowledge as to how the CLA can help with problems, or some may be simply satisfied that a CLA has addressed their questions in the session and may not take further action even if it is required. The following practices can help ensure that awareness raising generates as many cases as possible:

- During each session, review the services provided by the CLA, stressing that they are free and confidential and aimed at solving problems of individuals and groups in the community.
- During each session, review how verbally participants can contact the CLA and display contact details clearly for all to see and note.
- If a question/problem is presented by a participant during the session, ask them if they would like to have their case followed up by the CLA.

- Using the *Intake Form*, note the names and the location of houses of those bringing problems forward during the session. If it is not possible to note the person's name, note their description and the problem that they raised. Follow up with each person listed on the day of the awareness raising session, if possible.

Case Management

** Case management is the role of the CLA, but can be supported by enumerators where needed – for example: to help locate clients. **

Goal: to generate interest and participation in awareness raisings sessions.

Activities:

- *CLA:* inform community leaders about CLA presence, conduct mobilization throughout community
- *CSO:* assist in mobilization of community and support other CLA activities.
- *Enumerators:* provide support where required

Once a problem becomes a case it is the role of the CLA to resolve that case. Case resolution is what generates impact for individuals and communities. Community mobilization, awareness raising, in-take, and even follow-up, are all steps towards resolution and impact. Best practices associated with case management include:

- Inform the client of the services the CLA can offer
- Educate the client about what is required of him or her in order to resolve a case properly
- Get the client's contact information and give the client the CLA's contact information
- Maintain constant contact with the client and remain proactive to the needs of his or her case.

Conclusion

The lightning round will provide important information for understanding the impacts of the Mobile Paralegal Project. The participation of CLAs, CSOs, and enumerators is greatly appreciated in this process. Please keep this document as a reference tool for how the different activities involved in the lightning round can be best conducted. It will help you remember your training when in the field. Good luck!

** Please use the following tick list for quick reference to best practices associate with the lightning round. **

LIGHTNING ROUND BEST PRACTICES TICK LIST

General Information
- ✓ The lightning round consists of: community mobilization, awareness raising and case in-take, and case follow-up and resolution
- ✓ Length of lightning round: 3 months
- ✓ 14 teams of CLAs, CSOs, and enumerators will work 6 communities each in Bong, Lofa, Nimba and Grand Gedeh
- ✓ Teams visit these communities repeatedly for 48 hours at time, multiple times
- ✓ 600 total cases required: 300 treatment and 300 control
- ✓ 22 new treatment cases to resolve per CLA, which means 3-4 new treatment cases per community

The goal of the lightning round is to: *'translate unresolved problems into resolved cases.'*

> Mobilization → Awareness Raising → Case In-take → Case Management → Case Resolution
>
> If each CLA follows this chain forward 22 times, we will reach our goal of 300 new resolved treatment cases.

Community Mobilization
- ✓ Community mobilization is generates interest in the project activities and drives people to attend awareness raising sessions
- ✓ Enter into the community the evening before the awareness raising session is scheduled
- ✓ Inform community leadership about the program and requesting their assistance in mobilizing community members
- ✓ The evening before the session, mobilize the community about the next day's program using a megaphone
- ✓ The morning of the session, mobilize the community about the awareness raising program
- ✓ Use any other techniques or tools that may increase participation – for example: banners, music, appropriate venues, etc

Awareness Raising and Case In-take
- ✓ Awareness raising sessions are an opportunity to engage with the community and identify potential cases
- ✓ During each session, review the services provided by the CLA, stressing that they are free and confidential and aimed at solving problems of individuals and groups in the community
- ✓ During each session, review verbally how participants can contact the CLA and display contact details clearly for all to see and note
- ✓ If a question/problem is presented by a participant during the session, ask them if they would like to have their case followed up by the CLA
- ✓ Using the *Intake Form*, note the names and the location of houses of those bringing problems forward during the session
- ✓ Once a problem becomes a case, but before providing advice, conduct lucky draw to assign people into either the treatment or control group
- ✓ Note information of treatment and control groups on the *Case Randomization Tool*
- ✓ Inform those in control group when they can expect help and make it clear that they are free to try to resolve their problems using other means in the meantime
- ✓ Inform those in the treatment group about the next steps associated with managing their case

Case Management
- ✓ Once a problem becomes a case it is the role of the CLA to resolve that case.
- ✓ Case resolution is what generates impact for individuals and communities.
- ✓ Inform the client of the services the CLA can offer
- ✓ Educate the client about what is required of him or her in order to resolve a case properly
- ✓ Get the client's contact information and give the client the CLA's contact information
- ✓ Maintain constant contact with the client and remain proactive to the needs of his or her case

Appendix G: Post Lightning Round Analysis

FINAL STATISTICS

FINAL FIGURES		
TREATMENT	CONTROL	TOTAL
249	194	443

TARGET FIGURES		
TREATMENT	CONTROL	TOTAL
336	336	672

TEAM STATISTICS

- Teams generated 66% of their target cases
- Teams averaged 5.3 cases per community
- On average, 30-35 community members attended each awareness raising session

TOP 5 CASE TYPES

Persistent non-support (69 of 443)
Property (52 of 443)
Loving (49 of 443)
Neglect (45 of 443)
Marital (36 of 443)

WORK PLANS

- CLAs should work on **TREATMENT CASES ONLY** until **NOVEMBER 1**
- **AFTER** November 1, CLA's can begin work on **CONTROL CASES**
- If CLAs accept new cases, they should work on them **AFTER** November 1.

Appendix H: Ethical Approval and Agreement

University of St Andrews

International Relations School Ethics Committee

14 January 2011

John Julian Graef
School of International Relations

Ethics Reference No: *Please quote this ref on all correspondence*	**IR7116**
Project Title:	Peacebuilding as Capacity Building in Rural Liberia
Researchers Name(s):	**John Julian Graef**
Supervisor(s):	Professor Oliver Richmond

Thank you for submitting your application which was considered at the IR School Ethics Committee meeting on 15 December 2010. The following documents were reviewed:

1. Ethical Application Form   15.12.10
2. Participant Information Sheet   n/a
3. Consent Form   n/a
4. Debriefing Form   n/a
5. External Permissions   n/a
6. Letters to Parents/Children/Headteacher etc…   n/a
7. Questionnaires   n/a
8. Enhanced Disclosure Scotland and Equivalent   n/a
   (*as necessary*)

The University Teaching and Research Ethics Committee (UTREC) approves this study from an ethical point of view.   Please note that where approval is given by a School Ethics Committee that committee is part of UTREC and is delegated to act for UTREC.

Approval is given for three years. Projects, which have not commenced within two years of original approval, must be re-submitted to your School Ethics Committee.

You must inform your School Ethics Committee when the research has been completed. If you are unable to complete your research within the 3 three year validation period, you will be required to write to

your School Ethics Committee and to UTREC (where approval was given by UTREC) to request an extension or you will need to re-apply.

Any serious adverse events or significant change which occurs in connection with this study and/or which may alter its ethical consideration, must be reported immediately to the School Ethics Committee, and an Ethical Amendment Form submitted where appropriate.

Approval is given on the understanding that the 'Guidelines for Ethical Research Practice' (http://www.st-andrews.ac.uk/media/UTRECguidelines%20Feb%2008.pdf) are adhered to.

Yours sincerely

Dr. J.S. Murer
Convenor of the School Ethics Committee

<div style="border: 2px solid red;">

Approval Code:

</div>

University of St Andrews

Teaching and Research ethics committee (utrec)

Please Tick: (*click on the box then click 'Checked' for a cross to appear in the box*)

Undergraduate ☐   Postgraduate Research ☒   Postgraduate Taught ☐   Staff ☐

Lecturer/Course Controller on behalf of Taught module ☐   Module Code: [   ]

Researchers Name(s):	John Julian Graef	
Project Title:	Tentative Title: "Peacebuilding as Capacity building in Rural Liberia"	
School/Unit: (Please indicate)	International Relations	Supervisor: Prof. Oliver Richmond
Emails	jjg28@st-andrews.ac.uk	Date Submitted

APPLICATIONS MUST BE SUBMITTED ELECTRONICALLY TO THE SCHOOL ETHICS COMMITTEE SECRETARY/CONVENOR.

PLEASE SUBMIT DIRECTLY TO THE S.E.C CONVENOR ONLY IF THE S.E.C HAS NO APPOINTED SECRETARY.

Rationale: Please detail the project in 'lay language'. *This summary will be reviewed by UTREC and may be published as part of the reporting procedures. DO NOT exceed 75 Words (for database reasons).* Elucidation, if required can be given in Q.29

This project seeks to investigate various capacity building projects as they are carried out by various actors in rural Liberia. Capacity building forms the bed rock of the liberal peace building project; it is essential to the main objectives of the peacebuilding: economic, political, legal, administrative, bureaucratic and normative development. Through a critical lens I hope to engage with this practice and identify sites of local resistance to it.

Ethical Considerations: Please detail the main ethical considerations raised by the project, concentrating on any issues raised specifically in the red sections, and addressing, where appropriate, the issue of whether basic ethical criteria has been met in all supporting documentation and if not why not.   *This summary will be reviewed by UTREC and may be published as part of its reporting procedures. DO NOT exceed 75 words (for database reasons).*   Elucidation, if required can be given in Q.29

As the post-conflict environment in Liberia is uneasy, the main ethical considerations in this project are the mitigation of risk for my human participants. While operating in rural Liberia, it is especially important to maintain a careful do-no-harm principle as protection for human participants who run afoul of local authorities is minimal. Additionally, written consent, written summaries of my project etc. will not be used in rural settings as much of the country side is illiterate (cont. Q29)

If ethical approval has been obtained from the University of St Andrews for research so similar to this project that a new review process may not be required, please give details of the application and the date of its approval.
Approval Code:
Date Approved:
Project Title:
Researchers Name(s):

RESEARCH INFORMATION

1. Estimated Start Date: 17/1/11

2. Estimated Duration of Project: Roughly 2 months

3. Is this research funded by any external sponsor or agency?   **YES** ☒   **NO** ☐

If YES please give details: I have two funding sources (Russell Trust and CPCS) with a potential third funding source – not confirmed – interning for Oxford's CSAE (Centre for the Study of African Economies) to cover any balance in expenses.

For projects funded by ESRC please be aware of the Ethical and Legal Considerations found at http://www.esds.ac.uk/aandp/create/ethical.asp

4. Does this research entail collaboration with other researchers?   **YES** ☒   **NO** ☐

If YES state names and institutions of collaborators: As mentioned, if I am confirmed with the internship mentioned above, then I will be potentially using the opportunity to conduct my own research however, the research I publish will be my own

RESEARCH INFORMATION

5. If the research is collaborative has a framework been devised to ensure that all collaborators are given appropriate recognition in any outputs?   **N/A** ☐   **YES** ☒   **NO** ☐

6. Where projects raise ethical considerations to do with roles in research, intellectual property, publication strategies/authorship, responsibilities to funders, research with policy or other implications etc., have you taken appropriate steps to address these issues?   **N/A** ☐   **YES** ☒   **NO** ☐

7. Location of Research
   Fieldwork to be conducted:

Liberia, urban and rural

8. Are you using only library, internet sources or unpublished data *(with appropriate licenses and permissions)* and so have no human involvement such as interviewing of people?   **YES** ☐   **NO** ☒

9. a. Who are the intended Participants
       (e.g. students aged 18-21) and how
       will your recruit them (e.g. advertisement)

Government officials, various NGO and IO representatives, rural residents, civil society organizations, media, recruited by phone call, email, face to face encounters and personal requests

   b. Estimated duration of Participant
       Involvement.

1-2 hours

> If you have answered YES to Q8 but the project has other Ethical Considerations please go to Q.29. If there are no other Ethical Considerations please sign and submit.

ETHICAL CHECKLIST

10. Have you obtained permission to access the site of research?   **N/A** ☒   **YES** ☐   **NO** ☐

   If YES please state agency/authority etc. & provide documentation.
   If NO please indicate why in Q.29

11. Will inducement i.e. other than expenses, be offered to participants?   **YES** ☐   **NO** ☒
   If YES, please give details of the inducement being offered and justify

12. Has ethical approval been sought and obtained from any external body
     e.g. REC(NHS)/LEA and or including other UK Universities? If YES,
     please attach a copy of the external application and approval.   **N/A** ☒   **YES** ☐   **NO** ☐

13. Will you tell participants that their participation is voluntary? **YES** ☒ **NO** ☐

14. Will you describe the main project/experimental procedures to participants in advance so that they can make an informed decision about whether or not to participate? **YES** ☒ **NO** ☐

15. Will you tell participants that they may withdraw from the research at any time and for any reason, without having to give an explanation? **YES** ☒ **NO** ☐

16. Please answer either a. or b.
    a. Will you obtain written consent from participants? **YES** ☐ **NO** ☐

    b. *(ONLY: Social Anthropology, Geography/Geoscience, International Relations & Biology)*

    Will you obtain written consent from participants, in those cases where it is appropriate? **YES** ☒ **NO** ☐

17. Please answer either a. or b.
    a. If the research is photographed or videoed or taped or observational, will you ask participants for their consent to being Photographed, videoed, taped or observed? **N/A** ☒ **YES** ☐ **NO** ☐
    b. *(Social Anthropology & Biology ONLY)*
    Will participants be free to reject the use of intrusive research Methods such as audio-visual recorders and photography? **N/A** ☐ **YES** ☐ **NO** ☐

18. Please answer either a. or b.
    a. Will you tell participants that their data will be treated with full confidentiality and that if published, it will not be identifiable as theirs? **YES** ☐ **NO** ☐
    b. Will you tell participants their work /contribution will be credited unless they specifically request anonymity? **YES** ☒ **NO** ☐

19. Will participants be clearly informed of how the data will be stored, who will have access to it, and when the data will be destroyed? **YES** ☒ **NO** ☐

20. Will you give participants a brief explanation in writing of the study? i.e. a debrief **YES** ☐ **NO** ☒

21. With questionnaires and/or interviews, will you give participants the option of omitting questions they do not want to answer? **N/A** ☒ **YES** ☐ **NO** ☐

If you have answered NO to any question 12- 21, please give a brief explanation in the statement of Ethical Considerations on Page 1 and expand in Q29 if necessary.
If you have answered YES, it must be clearly illustrated in the relevant paperwork which must be attached i.e. Participants Information Sheet, Consent Form, Debriefing Form, Questionnaire, Letters etc.

WORKING WITH CHILDREN AND OR VULNERABLE PEOPLE

Do participants fall into any of the following special groups? If they do, please tick the appropriate answer, refer to and follow the guidelines details at www.st-andrews.ac.uk/utrec/EthicalApplication/children/ and complete Q.29.

22. a. Children (under 18 years of age)   YES ☐ NO ☒

     b. People with learning or communication difficulties   YES ☐ NO ☒

     c. Patients (including carers of NHS patients)   YES ☐ NO ☒

     d. People in custody   YES ☐ NO ☒

     e. Institutionalised persons   YES ☐ NO ☒

     f. People engaged in illegal activities e.g. drug-taking   YES ☐ NO ☒

     g. Other vulnerable groups   YES ☐ NO ☒

> If you have answered YES to Q.22 you must obtain Enhanced Disclosure Scotland Approval.
> Furthermore, you may need to obtain permission from the Local Education Authority, Police, REC (NHS)

23. If working with children, institutionalised person(s) or vulnerable
     people, do you have:

     1. Enhanced Disclosure Scotland Certificate?   YES ☐ NO ☐

     2. If you have been in the UK for less than a year, equivalent
         Documentation from the countries you have resided in?
         Information on what is required can be obtained from UTREC   N/A ☐ YES ☐ NO ☐

     *If YES a copy (or copies) must be submitted with this application to be
     retained by the School.   If NO please explain in Q.29.*

24. If working with children or vulnerable people, have you constructed
     appropriate letters to i.e. parents, children, head teachers, carers,   YES ☐ NO ☐
     institutions, police etc.

ETHICAL RISK

This section is for ethical use only and does not replace the University official procedures on Risk and Safety measures.   In addition to completing this section you must review the following https://www.st-andrews.ac.uk/utrec/EthicalApplication/riskassessment/ and http://www.st-andrews.ac.uk/staff/policy/Healthandsafety/Publications/Fieldwork/ and follow the relevant procedures.

25. Are any of the participants in a dependant relationship with the
     investigator e.g. lecturer/student? If YES, give explanation in Q.29.   YES ☐ NO ☒

26. Will your project involve deliberately misleading participants in any way?
     If YES, give details in Q.29 and state why it is necessary and explain how   YES ☐ NO ☒
     debriefing will occur

27. Is there any significant risk to any paid or unpaid participant(s), field assistant(s), helper(s) or student(s), involved in the project, experiencing either physical or psychological distress or discomfort? If Yes, give details in Q.29 and state what you will do if they should experience any problems e.g. who to contact for help.

YES ☐   **NO** ☒

28. Do you think the processes, including any results, of your research have the potential to cause any damage, harm or other problems for people in your study area?   If YES, please explain in Q.29 and indicate how you will seek to obviate the effects.

YES ☐   **NO** ☒

> There is an obligation on the Lead Researcher & Supervisor to bring to the attention of the School Ethics Committee (SEC) any issues with ethical implications not clearly covered by the above

ETHICAL STATEMENT

29. Write a clear but concise statement of the ethical considerations raised by the project and how you intend to deal with them.   It may be that in order to do this you need to expand on the Ethical Considerations section on page 1. (continue on additional pages if necessary)

See Attached

DOCUMENTATION CHECKLIST

	YES	NO
Ethical Application Form	☒	☐
Participant Information Sheet	☐	☐
Consent Form	☐	☐
Debriefing Form	☐	☐
External Permissions	☐	☐
Letters to Parents / Children / Head Teachers etc…..	☐	☐
Enhanced Disclosure Scotland and or Equivalent (as necessary)	☐	☐
Advertisement	☐	☐

Other (please list):   Document: Q29

DECLARATION

I am familiar with the UTREC Guidelines for Ethical Research http://www.st-andrews.ac.uk/utrec/guidelines/ and *BPS, *ESRC, *MRC and *ASA (*please delete the guidelines not appropriate to your discipline) Guidelines for Research practices, and have discussed them with other researchers involved in the project.

STUDENTS ONLY
My Supervisor has seen and agreed all relevant paperwork linked to this project   **YES** ☐   **NO** ☐

Print Name:	
Signature	
Date:	

SUPERVISOR(S)
The Supervisor must ensure they have read both the application and the guidelines, and also has approved the project and application, before signing below, with clear regard for the balance between risk and the value of the research to the School/Student. (Supervisors should provide this on a separate sheet or supply to the student to insert below) Please, if you wish, add comments in no more than 200 words:

Print Name:	
Signature	
Date:	

STAFF RESEARCHER ONLY
                                                                                      YES ☐   **NO** ☐

Print Name:	
Signature	
Date:	

SCHOOL ETHICS COMMITTEE OFFICIAL USE ONLY

STATEMENT OF ETHICAL APPROVAL

This project has been considered using agreed University Procedures and has been:

☐ Approved   ☐ Not Approved pending:

☐ More Clarification Required

☐ New Submission Recommended

☐ Discussed with Supervisor

☐ Referred to UTREC

☐ Referred to Fieldwork Subcommittee

Convenor's Name	
Signature	
Date:	

Please use the space below and additional pages to attach any supporting documents i.e. Participant Information Sheets, Consent Forms, Debriefing Forms, Questionnaires, Letter to Parents etc.
We recommend you refer to the sample documents provided at
https://www.st-andrews.ac.uk/utrec/EthicalApplication/SampleDocuments/

Ethics Question 29

This is my second field trip to Liberia. I went last year (November 9th- 25th 2009) as part of a CPCS research team in order to make contacts, learn the lay of the land, lay the ground work for this trip and to familiarize myself with the "feel" of Monrovia. It was a successful trip on all counts. In terms of ethics, learning "the feel" was very important as it will serve as a base line for intuition, sensitivity and risk mitigation.

During my upcoming trip, in addition to re-interviewing various officials and employees including representatives of the Liberian Government, International Organizations (UNDP, USAID, the World Bank etc.), International NGOs, Local NGOs, civil society organizations, journalists and academics. As they are functioning in their official capacity, it is unlikely that I would know more about the risks posed to them than they do; although I must not become ethically complacent. Furthermore, the ethical implications in this "official" area of my research, while they must be considered, they are not substantial. However, once outside the "official" space of this phase, the rural section of my research will require a much sharper ethical actor.

In the rural phase my methodological approach will vary. As my research centers specifically on normative "capacity building" (the *practice* of how liberal norms are inculcated by various NGOs in rural setting) much of my field research will be observatory with follow up unstructured interviews. I am not conducting structured interviews or surveys in the rural villages. To be clear, the subject of my research is the *practice of building normative capacity* in rural Liberia; villagers are not the central subject. Therefore, my interaction with villagers, while of course having an impact, it is my intension to stay one degree removed initially. Upon observing *how* such interventions are conducted, if/when I see something relevant to my research I will ask to follow up with a question directed toward the village subject – in accordance with protocol.

As it pertains to the relationship between rural an urban phases of my research, the official phase was policy focused, the rural phase is focused on implementing these policies – the practice. As mentioned, I was in Monrovia, Liberia last year for three weeks during which time I conducted a number of interviews with officials working in the peacebuilding sectors. It is from these interviews that I was able to expand my list of NGOs working in rural capacity building with whom I have been in contact. However, I am still in the process of finalizing the specific NGOs whose projects I will be observing; the nature of business in Liberia is mostly done by phone and by impromptu invitations as email is limited. Upon returning I plan to re-interview my official participants from last year and to request to accompany them into the field – a request which many expressed and interested in granting.

Consequently, my pool of participants will be very random and vary greatly. I would most likely be speaking with the village chief. The chief will either grant me of deny permission to speak with anyone; He will set the parameters of my research beyond flomokus. This said, I would not conduct any interview if there was any degree of risk for my participants. For example: If I were on accompanying a mission of women's right's advocated working with female victims of violent crime, I would abstain from any direct contact with her. My reasoning: once I leave her husband will still be there. Information could be gathered more safely by my host combined with my simple observations and a debriefing later. Of course, work in the field is dynamic. After conducting thorough interviews and research with my host organization regarding village etiquette, protocol and formality, I must rely on the relative expertise of my host who in all likelihood would already have established relationships and projects in the village. Consequently, the selection of the village will depend on my host NGO.I expect full ethical and risk briefings from my host

In any case, while in a given village. I must remain aware of my impact on casual everyday situations and conversations as my ethical obligations demand that I cause no harm (physical, emotional, social humiliation and exclusion). This will include a keen sensitivity to the social/cultural implications of signing a consent form – as much of the rural population is illiterate, written consent and briefing forms would be useless and may serve as an impediment to my ability to communicate effectively in the constrained time available and to earn the small degree of trust required for effective communication. Beyond illiteracy, consent forms may pose as risk to participants in certain situations in which it may signal to potential

observers a betrayal in such a secretive culture. In Liberia I will only use written forms when I am speaking with participants in their official capacity.

Additionally, special consideration must be given to confidentiality, (to include securing any digital information and coding participant notations), and careful consideration of the location of our interview/meeting. In such situations, beyond my intuition, instinct, and common sense, my participant would have a much keener sense of the risks, potential harm of a given context. In this situation, the burden of ethics must be share by me (common sense, intuition and sensitivity) and by my participant's knowledge of local taboos. My participant will know the risks much more that I will.

As I mentioned above, the nature of rural Liberia is such that there is little protection offered to those who run afoul of local authority. As such, I need to tread lightly and trust my instincts, step back and do no harm.

In rural environments, I will not be alone. I will ensure that I am with a RA or colleague who is an experienced field operator, familiar with local customs and taboos and someone with whom I will have a long conversation about etiquette.

In terms children or other at risk groups, while I may interact with them in village encounters, They are not the focus of my research and will not be my participants.

In case of emergency, as I said, I will never be alone. If either myself or my colleague gets ill or injured I will contact the following:

US Embassy: (22)77 054 826

Liberian National Police 911

I WILL ALSO GET MORE CONTACT INFORMATION WHILE I AM THERE. AS I SAID, I WILL NEVER BE ALONE AND WILL ALWAYS HAVE SUPPORT.

Appendix I: Memorandum of Understanding (MOU)

Julian Graef <jjgraef@gmail.com>

MOU

6 messages

Bilal Siddiqi <​ ​ ​ ​ ​ ​ ​ >   Wed, Feb 16, 2011 at 7:41 AM
Reply-To:
To: Tom Crick < ​ ​ ​ >, Chelsea Payne < ​ ​ ​ ​ ​ >, Justin Sandefur
< ​ ​ ​ >, John Graef <jjg28@st-andrews.ac.uk>,

Hi all,

As agreed on the last call, I'm attaching a draft MOU put together by Justin, Julian and myself. We'd be grateful for any comments/amendments from your end.

Bilal

--
Bilal Siddiqi
Centre for the Study of African Economies
University of Oxford, Oxford OX1 3UQ

> **MOU, Julian's edit.odt**
> 20K

John Graef <jjg28@st-andrews.ac.uk>   Wed, Feb 16, 2011 at 7:59 AM
To: bilal.siddiqi , Justin Sandefur < ​ ​ ​ ​ ​ >

Hey guys, just read through the MOU. did you have any time to consider some of the questions I raised in the in-text comments? I was hoping to have these concerned considered and clarified before the final MOU was circulated to the TCC.

Julian
[Quoted text hidden]
--
J. Julian Graef
PhD. Student
University of St. Andrews

School of International Relations
email: jjg28@st-andrews.ac.uk

Bilal Siddiqi <█████████████████████>   Wed, Feb 16, 2011 at 8:11 AM
Reply-To: ██████████████████
To: John Graef <jjg28@st-andrews.ac.uk>
Cc: Justin Sandefur <███████████████████>

Hey, I skimmed through your suggested changes, they seemed generally fine -- and yeah, very legalistic, nice
work :) -- so I just incorporated them.

Bilal
[Quoted text hidden]

John Graef <jjg28@st-andrews.ac.uk>   Thu, Feb 17, 2011 at 6:38 AM
To: bilal.siddiqi█████████████
Cc: Justin Sandefur <████████████████████>

Hey guys, I have pasted the section of the MOU in-text question/concern that I have regarding CSAE and the
MOU which was not included in the copy that was circulated. I should clarify that Justin conveyed my
understanding of this relationship perfectly -- I hope to complement my qualitative research with some CSAEs
quantitative data. From my point of view, this means that I'm not looking for opportunities to critique the survey
itself. I am hoping to talk with you both about the process but beyond that Justin's summary was perfect. Have a
look and please clarify this issue for me so we can get this out of the way up front:

I think we're still fully committed to what we discussed on the phone before you departed for
Monrovia: if you're helping to run the survey you'd be free to use any and all of the survey
data collected as part of the CSAE evaluation. I suppose we'd want some prior consultation
before you published anything (Of course! My "rigorous" ethical training wouldn't allow it to
happen any other way. My only concern here is that I wouldn't want to hand over rights to
final edit of *my analysis* provided that there are not technical violations of the MOU. Have a
look at my edit and add what you think will be appropriate in this regard. I would even like to
interview you guys – provided that you would consent to it. This was also covered in the Jan
16 email – I'll resend it) particularly in areas that would heavily overlap with our research
plans (do you have an idea of what these overlaps might be? I think that at some general
level there will be some overlap. Are we comfortable with this on a general, non-specific
level? Where I would maybe see a problem is in the qualitative data that CSAE will be
collecting. I'm thinking here of the USIP report which contains some supportive anecdotes
from the participants which really add to the texture of the CLA program and formal justice
from the perspective of those affected -- this would be relevant to the type of research that
I'm doing. I'm not sure where you guys stand on if/how/when I would be able to access this
type of data, or if I can follow up with my own? I didn't include this in the MOU... I thought I
would get your opinion first since this detail has not yet been discussed by the three of us.
Just let me know what you're thinking here. It may help that your stuff will, no doubt, be
published long before mine, then it will be pubic and citable.) -- but our disciplinary
backgrounds are sufficiently different that I don't see a real problem here at all.

Cheers,

Julian

[Quoted text hidden]

Tom Crick <▬▬▬▬▬▬▬>   Sun, Mar 6, 2011 at 6:40 AM
Reply-To: ▬▬▬▬
To: bilal.siddiqi@▬
Cc: Tom Crick <▬▬▬▬>, Chelsea Payne <▬▬▬▬▬▬▬>, Justin Sandefur
<▬▬▬▬▬>, John Graef <jjg28@st-andrews.ac.uk>,
▬▬▬▬▬▬▬

Hi Bilal, Justin,
Many thanks for this. Attached are a couple of questions for clarification mainly about how the final
data/results will be managed. Please let us know.
Is there a way of attaching timelines to some of these things, at least anticipated ones?
Also, what is the latest on your timing?
All the best,
Tom

_____
Thomas K. Crick
Associate Director
Conflict Resolution Program
The Carter Center
453 Freedom Parkway
Atlanta, GA 30307
▬▬▬▬▬▬

www.cartercenter.org
[Quoted text hidden]

📄 **MOU Julian's edit + tc.docx**
28K

Chelsea Payne <▬▬▬▬▬▬▬>   Wed, Mar 16, 2011 at 1:50 PM
To: thomas.crick▬▬▬▬
Cc: bilal.siddiqi▬▬▬▬▬, Tom Crick <▬▬▬▬>, Justin Sandefur <▬▬▬▬▬▬>,
John Graef <jjg28@st-andrews.ac.uk>, ▬▬▬▬▬▬▬
▬▬▬▬▬▬

Hi Bilal and Justin

I just wanted to follow up on Tom's email. Is there any news on renewed dates? It would be great to know for
our timing here.

Many thanks

Chelsea
[Quoted text hidden]
--
Chelsea Payne, Atty.

Country Representative and Access to Justice Project Lead
The Carter Center
Monrovia, Liberia

██████████████

Memorandum of Understanding

1. **Parties**

i.	The Centre for the Study of African Economies ("CSAE")
i.	The Carter Center ("TCC") Liberia
ii.	Julian Graef, PhD candidate at the Centre for Peace and Conflict Studies at the University of St Andrews and interning as a "survey manager" for the CSAE ("Mr. Graef")

1. **Purpose**

The purpose of this MOU is to clarify issues related to data access, cost coverage, and confidentiality arising during the randomized impact evaluation (RIE) of TCC's mobile paralegal program by the CSAE. The MOU also seeks to clarify the involvement of Mr. Graef, who is working with the CSAE on the evaluation while also conducting, in parallel, qualitative research on TCC's programs for his Ph.d. dissertation.

2. **Cost coverage**

CSAE shall cover all costs incurred by CSAE staff for the research and evaluation components of this RE, including data collection and analysis.

TCC will cover all costs associated with the implementation of the mobile paralegal program.

Mr. Graef will cover all personal and research costs not associated with the RE.

No money will change hands as a result of this MOU.

3. **Responsibilities of CSAE**

i.	Conduct an endline survey on all previously identified treatment villages, or any part thereof, depending on methodological and cost concerns.
ii.	Code, clean and analyze the data.
iii.	Maintain strict confidentiality of any and all TCC documents provided during or as part of the research study.

4. Responsibilities of TCC

i.   Refrain from implementing the program in any previously identified control villages until CSAE has completed its endline survey.
ii. Provide CSAE with any reasonable requests for information on the roll-out of the treatment; access to the aggregated database and the individual case files kept by the CLAs; access to all monitoring data collected during the implementation; and any other program-specific information deemed important for the evaluation.
iii. Where appropriate, assist CSAE in the location of and introduction to targeted communities and stakeholders.

5. Responsibilities of Julian Graef

i.   Assist with setup and oversight of the CSAE endline survey.
ii. Maintain strict confidentiality of any and all TCC documents or CSAE/TCC data provided or collected during or as part of the research study with the exception of the agreement herein established between CSAE and TCC and Mr. Graef regarding his parallel, independent dissertation (see section 8) and subject to renegotiation only with the consent of the three parties subject to the terms of this MOU.

6. Timeline

The MOU covers the remaining expected period of evaluation, from February 14, 2011 through December 31, 2011. Mr. Graef will be present in Monrovia till mid-March assisting with endline setup. A scoping visit by CSAE researchers will be made in the first half of March 2011. The endline survey will be launched at some point after this visit, and will be concluded before June 30, 2011. CSAE will generate an evaluation report by the end of the period of this MOU.

7. Data access and ownership

TCC's client database is the sole property of TCC. The CSAE team, including Mr. Graef, commit to maintaining the strict confidentiality of the CLA-client relationship. TCC will share personal details of clients with the research team only with the client's prior permission, and those details will not be revealed in any evaluation or research report.

The survey data collected for the RIE will belong to CSAE. CSAE has a right to publish all material that it creates that makes use of the data while ensuring the confidentiality of participants. All the information will be shared with TCC before it is published, with an opportunity for TCC to provide feedback before it is released. TCC will have the right to make use of the findings in its own publications, once CSAE researchers clear the findings for dissemination.

Mr. Graef will also have access to the anonymized survey data to use as part of his dissertation, with the agreement that any publication based on the data would require prior approval from the CSAE.   The assumption here is that the survey data will provide a complementary quantitative addition to Mr. Graef's primarily qualitative research with the understanding that some very general analytical overlap may occur.

Regarding TCC, Mr. Graef has submitted a brief research proposal to both TCC and CSAE in which the nature of his research has been outlined (see appendix 1). Mr. Graef has reached the following agreement with TCC concerning his access to information for his own, independent research:

i.   Access to TCC documents pertinent to the RIE and requested by CSAE.
ii.   Access to other CLA relevant documents with the approval of TCC.
iii. Access to CLA related documents which are deemed to be in the public domain.
iv.   Access to personnel for interviews – before conducting any interview which will be used for his own research, Mr. Graef will inform the interviewee of the nature of his project, he will gain either verbal or written consent (depending on the appropriateness of either) and the interviewee will be notified that they will be on the record. Additionally, all personnel will be free to go off the record if they wish, or to terminate the formal interview at any time they wish. Mr. Graef will clearly convey these options to all interviewees prior to any interview.
v.   Following from this, Mr. Graef will not use any direct quotes, or information relayed outside the formal interview process outlined above. Conversations which are not explicitly requested to be on the record in advance will be treated with the strictest confidence. However, participant observation does imply a general and ongoing recording of day-to-day activity as it relates to the CLA program in practice. For the purposes of the MOU "general recoding" is meant to stand in opposition to the use of direct quotes in an office environment or informal or personal conversations which have not been prefaced by the formal interview protocol outlined above. (Note: Mr. Graef is maintaining a research journal which engages in very general terms with his experiences day-to-day and the research related process as it unfolds. This research journal will be submitted with my dissertation as an appendix but it will not be submitted for any formal publication of his research without prior consent from any affected party in this MOU).
vi.   Following from his principle methodology – participant observation – Mr. Graef can use notes, data, information conveyed verbally in official settings, by TCC personnel acting in their professional, offical capacity e.g. the CLA training in Gbarnga (16 February -27 February 2011).
vii. Mr. Graef will not have access to original project proposal documentation or official documents directly related to donor funding. Mr. Graef will obtain such background information in the formal interview process subject to the discretion of TCC personnel.
viii. After the conclusion of the MOU, Mr. Graef will submit any document which may be published to TCC and CSAE for comment. If, at that time, any information is found to be in violation of the terms herein established, Mr. Graef is obliged to remove it. However, the analytical content will be the property of Mr. Graef provided that it is not in violation of this MOU.

8. Confidentiality

i.   Both parties shall respect the confidentiality of information expressly provided by each of them as "confidential", "restricted", or "in confidence" and identified as such in writing. The parties shall not disclose such information to any third party without first obtaining the written consent of the other

party.

ii. Any identifying information on individual clients will be maintained with the strictest of confidence and security, and will be deleted from datasets except as necessary for matching of clients across datasets.

_____   _____

Julian Graef, University of St. Andrews   Date

_____   _____

Tom Crick, The Carter Center, Atlanta   Date

_____   _____

Chelsea Payne, The Carter Center, Monrovia   Date

_____   _____

Justin Sandefur, Center for Global Development   Date

_____   _____

Bilal Siddiqi, Centre for the Study of African Economies   Date

Draft Research Proposal (Appendix for MOU)
Julian Graef

Abstract:

In the discipline of International Relations (IR) the broader liberal peace(building) debate has mostly engaged with international institutions, marco policy, and the broader arc of theory which informs them. This debate engages with the ethical polemics involved in building a specifically liberal peace in post-colonial societies: is liberal peacebuilding a neo-colonial enterprise, should such a project be undertaken at all, and if so, how can the normative imperative of 'peace' be salvaged and directed toward an ever more emancipatory form of peace? Rather than engaging in this macro-debate, I want to introduce a more nuanced frame for engaging with issues of peace and peacebuilding by moving away from the macro-historical, normative and theoretical argument toward a research agenda based on practice – how is peace actually built? By making practice the object of my research I aim to approach the peacebuilding debate on a micro-empirical level. I aim to contribute empirical research to this debate as opposed to attempting to begin with theory and then testing this against reality. From here there are obvious implications for the broader debate of peacebuilding within IR. I seek to recast the debate in terms of how peacebuilding is actually undertaken in reality which will then inform both the development of some new conceptual tools as well as my conclusions. It is my aim to provide a more nuanced picture of peacebuilding – in practice – rather than ascribing a theoretical frame at the outset.

During previous field research in Monrovia, Liberia, it became apparent that the over-arching theme from various institutions and agencies involved in implementing peacebuilding projects was a "lack of capacity." It is argued that this lack of capacity precludes the requisite development of the economic, bureaucratic, legal, political and social norms, as well as the institutions and best practice necessary for the proper cohesion of a liberal state. My specific interests lie in the deployment of techniques, strategies and targeted interventions designed to overcome this lack of capacity problem – i.e. capacity building. In terms of practice, I am interested in how capacity building interventions are conceived, funded, implemented, assessed, and managed as lessons learned are incorporated into an ever adapting practice. In IR, the relationship of peacebuilding to capacity building remains largely unexplored yet capacity building underpins the broader peacebuilding project and its embedded objectives. It is my aim to contribute a more nuanced, micro-empirical insight into how peacebuilding is actually undertaken.

Research Question:

How is peace *actually* built in a rural context: How are the objectives of liberal peacebuilding pursued in post-conflict rural constituencies in which the practices of modern governance have not supplanted traditional modes of political subjectivity and governance? What are the implications of these practices on the broader understanding of concepts of power, agency and hybridity in the field of International Relations?

Methodology:

Embedded within my research question is a critical ethic. As this relates to a critical ethnography it is imbued with a political agenda – which entails de-subjugation in its various forms and manifestations – be they local or global. In this regard, critical ethnography, derived from Foucault, is an anthropology of the contemporary as practised now which is anchored to an ethic of critique understood as "the art of voluntary insubordination, that of reflected intractability [in which] critique would essentially insure the desubjugation of the subject in the context of what we could call, in a word, the politics of truth."[19] However, I aim to re-frame the rather negative notion of 'de-subjugation'; I am interested in the possibility of a more affirmative ethic of critique. In other words, I am interested in a) the political space that *may* be created by these interventions for a discussion of the various truths guiding the liberal peace project; b) the opening of a discourse on issues of human rights, democracy, tradition, culture, modernity and welfare are debated; c) how the discursive practices deployed through the liberal peacebuilding project are affected by the opening of this political space which may not be explicitly liberal but is nevertheless actively politically engaged with the shaping of their respective realities in an open ended political process. In short, the issue is whether the implementers, collaborators, and funders are willing to accept a hybridized outcome which may not necessarily be liberal. In this sense, "critique" is not a political agenda seeking to reifying a romanticized notion of "the indigenous" which must be protected against the instrumental rationality of the "global." Rather it is about the possibility of political discourse. I am interested in the potential for political space for 'an-other' possibility which may be generated by these interventions and the acceptability of 'an-other' possibility by the actors involved in the intervention which was originally designed with specific prescriptive problem-solving techniques oriented toward a desired outcome which must necessarily reconcile what should be with what is. What is at stake is self-determination.

My research question, its related emphasis on practice, the physical location of the interventions, and my wish to avoid the problematic effects of 'theory' led me toward an anthropologically grounded ethnographic methodology, specifically a loosely structured institutional ethnography, which is adapted to the study of the contemporary in terms of what happens 'in reality'. This methodological approach involves some basic anthropological techniques including participant observation, structured and unstructured interviews, and textual analysis on the one hand and interpretation and reflexivity on the other.

The detailed nature of the question requires access. To this end my own research will be conducted alongside an internship I have been offered by Bilal Siddiqi of the Centre for the Study of African Economies (CSAE). I will be interning as a survey manager; my tasks will include all the necessary logistical, training, and data collection for the follow-up survey for the Community Legal Advisers (CLA) program. Additionally, I will need to familiarize myself with quantitative methodologies and its associate language and process. This survey should feed the final assessment of the projects impact and inform any lessons learned which will be

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[19] Michel Foucault What is Critique in Michel Foucault edited by Sylvère Lotringer ; introduction by John Rajchman ; translated by Lysa Hochroth & Catherine Porter. Los Angeles, Calif. : Semiotext(e) 2007 p 47. I take my ethnographic methodological point of departure from Paul Rabinow and James Foubion adapted to the open and flexible institutional ethnography of Dorothy Smith who places its emphasis on how things work in reality.

incorporated into future policy and CLA interventions.

The relationship between my internship and my own research is very simple – my research will be my internship. I will be intimately involved with the process rolling out of the follow up survey. However, my research interests extend beyond the survey itself. In order to conduct my internship I will need to have a thorough understanding of the broader arc of the CLA project from its conceptual development. This will include The Carter Center (TCC) who developed the CLA program, the Justice and Peace Commission (JPC) who trained and staffed the CLAs and of course, the CSAE who is managing the surveys. Because my internship requires that I familiarize myself with the project and place myself at the nexus of the project design, the actual interventions and the final survey, I hope to be able to gain access to information that will also be highly relevant to my research.

This ethic of critique is not limited to the object of study; it must also reflexively engage with the researcher and the research process itself. As this relates to my intership I will carry out my duties reflexively. A central component of my research is a journal in which I will catalogue my own process as an intern. This journal will be valuable in illustrating my own practice, my own proximity to the CLA project,and my own ethical and methodological reflections throughout the course of the internship as I learn the language of peacebuilding in practice and encounter issues which will need to be overcome. My aim in keeping this journal is to provide a reflexive window into 'our' mode of thought as well as how it is mediated through practice within a post-conflict environment and within an institutional setting.

Given the sensitive nature of the CLA program and the understandable need for TCC to protect its CLA clients and to protect its donors, I hope I have been able to allay any concerns TCC has regarding my participation. To reiterate, I am interested in peace as practice. From here it follows that the ethic of critique that underpins my research is one of reflexivity in addition to the way in which hybridized outcomes and local agency is understood by the various actors involved.

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