

## The ‘Art’ of Reconciliation

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FICHL Policy Brief Series No. 78 (2017)

### 1. More ‘Art’ Than Science

Reconciliation in the aftermath of violent conflict – especially where it has involved mass atrocity, divided communities and destroyed lives – is an immensely difficult challenge. The extent to which different types of transitional justice mechanisms may or may not lead to reconciliation remains murky, with little empirical evidence to support claims either way. Asking what the ‘impact’ of such mechanisms is on reconciliation, in terms of the extent to which transitional justice processes have ‘reached out’ and exported their findings, would be asking the wrong question. Instead, a more fruitful way of thinking about how they might foster reconciliation is to reconceptualize ‘impact’ as ‘engagement’. Incidentally, doing so will also open a new and potentially very powerful role for art and artistic practices: not only can they *foster* engagement by reaching the parts that other forms of media cannot, but, by *leaving open the outcome* of the engagement through allowing people to interact with and interpret artworks in their own multiple, and sometimes paradoxical ways, they also prompt us to think more creatively and openly about reconciliation as a concept and a practice. In this sense, reconciliation is indeed more of an ‘art’ than a ‘science’.

### 2. What is Reconciliation?

Reconciliation is frequently cited as a key goal of transitional justice and peace-building. Indeed, it is seen by some as an “absolute necessity”.<sup>1</sup> Justice, peace and reconciliation in this sense are viewed as mutually reinforcing objectives. Just as often, however, its meaning and relevance are contested. It encompasses concepts that are not amenable to uncontested definition: truth, mercy, peace and justice.<sup>2</sup>

Reconciliation is an ‘essentially contested’ concept *par excellence*, with multiple meanings attached to it.<sup>3</sup> In the

context of religion, it means one thing. In politics, another. From a Christian perspective, reconciliation is between an individual and God, handed down following a series of steps of confession, repentance, restitution and forgiveness. But, as Nicholas Frayling makes clear, this is not, as is often understood, simply a call to ‘forgive and forget’. Rather, the process begins with ‘costly repentance’ in order to obtain God’s mercy.<sup>4</sup> In the political arena, and the secular domain, reconciliation suggests compromise and a setting aside of past animosities, and for some it is a by-word for impunity.

Reconciliation has been characterized in many different ways: ‘thick’ conceptions of reconciliation emphasize acknowledgement, repentance, forgiveness and mercy, whereas ‘thin’ conceptions adopt a more minimal, and potentially more easily measurable, conception of reconciliation as simply the absence of violence in the management of disputes.<sup>5</sup> Brandon Hamber and Grainne Kelly conceive of a ‘thick’ and ambitious definition of reconciliation ‘beyond coexistence’ as involving a number of elements: a shared vision, the building of relationships and social, cultural, political and economic transformation.<sup>6</sup>

Reconciliation might be *backwards*-looking, focused on finding ways of understanding and healing a traumatic past and ensuring forgiveness, or *forward*-looking, focused on creating the basis for social repair or reconstruction. For example, Priscilla Hayner conceive of reconciliation as involving “building or rebuilding relationships today that are

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Brief Series No. 73 (2016).

<sup>4</sup> Nicholas Frayling, “Toward the Healing of History: An Explanation of the Relationship Between Pardon and Peace”, in Joanna R. Quinn (ed.), *Reconciliation(s): Transitional Justice in Postconflict Societies*, McGill-Queen’s University Press, Montreal, 2009.

<sup>5</sup> Erin Skaar, “Reconciliation in a Transitional Justice Perspective”, in *Transitional Justice Review*, 2013, vol. 1, no. 1. See also Rachel Kerr and Eirin Mobekk, *Peace and Justice: Seeking Accountability After War*, Polity, Cambridge, 2007; and Joanna Quinn, “Introduction”, in Quinn (ed.), 2009, see *ibid*.

<sup>6</sup> Brandon Hamber and Grainne Kelly, “Beyond Coexistence: Towards a Working Definition of Reconciliation”, in Quinn (ed.), 2009, see *ibid*.

<sup>1</sup> David Bloomfield, Teresa Barnes and Luc Huyse, *Reconciliation After Violent Conflict: A Handbook*, International Institute for Democracy and Electoral Assistance, 2003, p. 12.

<sup>2</sup> John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace, Washington, DC, 1997.

<sup>3</sup> For discussion, see Melody Mirzaagha, *Striving Towards a Just and Sustainable Peace: The Role of Reconciliation*, FICHL Policy

not haunted by the conflicts and hatreds of yesterday”.<sup>7</sup> It is also variously conceptualized as both a goal and a process. If reconciliation is the goal, the end-point is the point at which relationships have been ‘repaired’ or transformed, but that point is hard to identify and even harder to measure. As a process, it might be more susceptible to evaluation as a series of steps involving different methods, with the outcomes of specific methods observed, rather than seeking to identify an ‘end-point’ of reconciliation.

We should also distinguish between national and individual reconciliation, and not assume that the two go hand-in-hand. National reconciliation can be said to have been achieved when there are functioning social and political processes for managing conflict – that is, democratic structures. Individual reconciliation might be construed as the ability of people to resume their lives in a similar manner to before – that is, without fear or hate. Individual reconciliation is also closely linked to concepts of healing, or a process of coming to terms, not only with former enemies, but also with one’s own experience. As psychologists William Longe and Peter Brecke have shown, this is not a rational, linear process, but rather an evolutionary one driven by emotions.<sup>8</sup>

We also know that there is no single path to reconciliation, nor can it be imposed from outside or from above. It is a long-term and open-ended process in which competing and contested narratives and sometimes-paradoxical imperatives are negotiated. The point of reconciliation is that this happens in the context of rebuilding (or building) relationships founded on mutual respect. Moreover, reconciliation is not about achieving a shared narrative or single truth but is fostered through tolerance of difference. The Canadian Truth and Reconciliation Commission (‘TRC’) defines reconciliation as an “ongoing process of establishing and maintaining respectful relationships”.<sup>9</sup> This conceptualization of reconciliation as a *process* rather than an *outcome*, and the focus on building relationships of mutual respect, chime with approaches in transitional justice and conflict resolution scholarship that emphasize reconciliation as *dialogue*, anchored in John Paul Lederach’s conception of reconciliation as discursive space in which paradoxical and competing tensions can be mediated, of truth versus forgiveness (mercy), and peace versus justice.<sup>10</sup> It is this conceptualization of reconciliation that suggests a potential for alternative approaches to creating such discursive space, including the arts, discussed below.

### 3. Pathways to Reconciliation

Reconciliation, as discussed, is often cited as a primary aim of transitional justice, but it is unclear precisely how the mechanisms and methods associated with transitional justice actually contribute to reconciliation. A number of intermedi-

ate objectives are supposed to move a society or an individual closer to reconciliation, objectives which are associated with conceptualizations of reconciliation outlined above, and which might involve, variously, acknowledgement, truth-telling, remembrance, repentance, punishment, forgiveness, healing, memorialization, and reparation.

There are various instruments that have been employed as transitional justice mechanisms, including criminal trials, TRCs, commissions of inquiry, reparations programmes and different ‘local’ or traditional/community justice rituals and practices. Claims have been made in respect of all of these about the extent to which they promote reconciliation, but as yet no systematic study has been conducted that would allow for general conclusions to be drawn about the extent to which they facilitate (or constrain) reconciliation. As Erin Skaar notes, “evidence is unevenly spread across cases, sparse, frequently conflicting and at times highly contested”.<sup>11</sup>

For example, in relation to trials, whilst some have argued that the apparatuses of accountability and retribution associated with criminal trials can help foster reconciliation by eliminating the need for individuals and communities to carry out revenge on their own terms, and by establishing individual (not group) responsibility. Others are more sceptical about the potential for trials to foster reconciliation.<sup>12</sup> Recent research on the ICTY has shown that, whilst successful in other respects, this type of judicial approach has had little impact on reconciliation in the Western Balkans region, and in Bosnia and Herzegovina in particular.<sup>13</sup> As Carsten Stahn makes clear, “a court can judge, but only people can build or repair social relations”.<sup>14</sup> Reconciliation is rooted in community-based approaches, so while a criminal trial can mark a break with the past and provide fodder for dialogue – especially where contested narratives are represented in testimonies and even within and between different cases, it is perhaps overly optimistic to think that in itself it can promote reconciliation.

Conversely, whilst often seen as more conducive to promoting reconciliation, restorative justice approaches have their own shortcomings. Indeed, David Mendeloff suggests that claims about the power of truth telling by advocates of truth commissions are overstated, and that too much truth telling might actually be counter-productive.<sup>15</sup> A similar criticism is made of memorialization activities, where “[t]oo

<sup>11</sup> Skaar, 2013, see *supra* note 5.

<sup>12</sup> See, for example, Laurel E. Fletcher and Harvey M. Weinstein, “Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation”, in *Human Rights Quarterly*, 2002, vol. 24, no. 3, pp. 573–639.

<sup>13</sup> Mirko Klarin, “The Elusive Reconciliation in the Former Yugoslavia: Role of the ICTY”, FICHL Policy Brief Series No. 31 (2015). See also, Marko Milanovic, “The Impact of the ICTY on the Former Yugoslavia: An Anticipatory Post-Mortem”, 28 March 2016, in *American Journal of International Law* (forthcoming).

<sup>14</sup> Carsten Stahn, *International Criminal Justice and Reconciliation: Beyond the Retributive v. Restorative Divide*, FICHL Policy Brief Series No. 36 (2015).

<sup>15</sup> David Mendeloff, “Truth-Seeking, Truth-Telling and Post-Conflict Peacebuilding: Curb the Enthusiasm?”, in *International Studies Review*, 2004, vol. 6, no. 3, pp. 355–80.

<sup>7</sup> Priscilla Hayner, *Unspeakable Truths*, Routledge, New York, 2003, p. 161.

<sup>8</sup> William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution*, MIT Press, Cambridge, Massachusetts, 2003.

<sup>9</sup> Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada”, 2015, p. 16

<sup>10</sup> Lederach, 1997, see *supra* note 2.

great a concern with remembering the past can mean that the divisions and conflict of old never die".<sup>16</sup>

Some attention has recently been paid to the role of education and cultural activities associated with transitional justice, but distanced from the mechanisms set up to instrumentalize it. This is a welcome move from top-down and one-way outreach programmes toward a two-way process of engagement and dialogue.<sup>17</sup> In this context, interventions within the formal education system have been made, as well as work with youth groups in more informal settings. One aspect that is particularly important seems to be the potential for cultural interventions, especially those drawing on visual material and visualization, to foster dialogue and social engagement. In this context, the potential role of the arts is realized.

#### 4. Art(s) and Reconciliation

On the one hand, the arts can provide a 'creative pathway' to reconciliation, breaking silences, transforming relationships, communicating across cultural divides and providing a means of dealing with trauma and restoring human dignity.<sup>18</sup> For instance, the visual aspect of the arts — or simply 'art' — has the potential to reach the parts that other forms of media cannot. Raw numbers can be represented in more meaningful ways through, for example, photomontages, rendering visible the suffering. In this way, artistic interventions have potential to fill a gap in which everyday language is inadequate to relay the extent of trauma and the depth of emotions that survivors experience.<sup>19</sup> The use of metaphor and of visual material enables engagement while creating enough distance to prevent re-traumatization.<sup>20</sup> According to Lederach, "[a]rt and finding our way back to humanity are connected".<sup>21</sup>

On the other hand, if we do not assume that reconciliation is predicated on acceptance of a single didactic 'truth' or narrative, but grounded, as Stahn notes, in toleration of difference, we can see the potential for the arts and cultural engagement to open space for dialogue grounded in mutual respect. Perhaps more so than in a criminal trial, paradoxes are not only tolerated but encouraged, especially where the 'outcome' of engagement is left open, leading to resistance and subversion, also — potentially — part of a process of reconciliation if cast as something with dialogic potential. Creative processes and participatory practices, it is argued, offer

unthreatening spaces for dialogue to occur.<sup>22</sup> Such practices can reveal and explore complexity and paradox in a way that more linear processes associated with either criminal justice or TRCs cannot. They can experiment and play with temporality and geography, as well as mediate tensions between and within cultures.<sup>23</sup> Finally, arts and culture can be empowering, demonstrate resilience, demand respect, and celebrate diversity, intercultural exchange and understanding.<sup>24</sup>

Whilst there are many artistic interventions in what might be characterized as reconciliation activities, there are very few systematic studies of them. That said, what we do have is encouraging. One such study focused on the role of arts and cultural activities in Asia, with interventions ranging from participatory theatre, music-making, video, storytelling and festivals, and their use in promoting dialogue, facilitating trust building, raising awareness and inspiring hope — goals contributing the most to reconciliation.<sup>25</sup> In Indonesia and Myanmar, festivals provided opportunities for intercultural dialogue and exchange, whereas in Nepal and Afghanistan, participatory theatre opened up unthreatening spaces for victims to give testimony and to begin the healing process. Moreover, some of these interventions, such as story-telling, video and music, are open to replication, meaning they reach a wider audience.

Meanwhile, in a different context, creative expression through the arts played, and continues to play, a vital role in the process of reconciliation at the Canadian TRC. A significant number of the statements gathered by the TRC were in artistic formats, such as poems, songs, books, video or audio recordings, photographs, performances, blankets, quilts, carvings and paintings. The arts "opened up new and critical spaces for Survivors, artists, curators and public audiences to explore the complexities of truth, healing, and reconciliation".<sup>26</sup> But as the TRC's report acknowledges, these works did not only have a pedagogic function; there was also an important role for "acts of resistance" in "irreconcilable places" where artists chose to keep their work private or share only with other survivors.<sup>27</sup> Such acts were essential to both individual and collective healing, through the reclamation of identity and culture.<sup>28</sup>

<sup>16</sup> Andrew Rigby, *Justice and Reconciliation after the Violence*, Lynne Rienner, London, 2001, cited in Bloomfield *et al.*, 2003, p. 30, see *supra* note 1.

<sup>17</sup> Clara Ramirez-Barat (ed.), *Transitional Justice, Culture and Society*, Social Science Research Council, New York, 2014.

<sup>18</sup> See Peter D. Rush and Olivera Simic (eds.), *The Arts of Transitional Justice: Culture, Activism, and Memory after Atrocity*, Springer, New York, 2014.

<sup>19</sup> Jenny Edkins, *Trauma and the Memory of Politics*, Cambridge University Press, Cambridge, 2003.

<sup>20</sup> Stephanie Wise and Emily Nash, "Metaphor as Heroic Mediator: Imagination, Creative Art Therapy and Group Process as Agents of Healing with Veterans", in Raymond Scurfield and Katherine Theresa Platoni (eds.), *Healing War Trauma: A Handbook of Creative Approaches*, Routledge, New York, 2012.

<sup>21</sup> John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace*, Oxford University Press, Oxford, 2005, p. 162.

<sup>22</sup> Cynthia Cohen, "Creative Approaches to Reconciliation", Brandeis University Peacebuilding and the Arts Programme (on file with the author).

<sup>23</sup> *Ibid.*, p. 6.

<sup>24</sup> Ereshnee Naidu-Silverman, *The Contribution of Art and Culture in Peace and Reconciliation Processes in Asia – A literature review and case studies from Pakistan, Nepal, Myanmar, Indonesia, Afghanistan, Sri Lanka and Bangladesh*, Centre for Conflict and Development Occasional Paper Series, September 2015.

<sup>25</sup> *Ibid.*

<sup>26</sup> Truth and Reconciliation Commission of Canada, 2015, p. 282, see *supra* note 9.

<sup>27</sup> *Ibid.*, p. 281.

<sup>28</sup> In a survey of 103 community-based healing projects, the Aboriginal Healing Foundation found that as many as 80% involved cultural activities and traditional healing interventions, and that creative arts practices were "highly effective in reconnecting survivors and their families to their cultures, languages and communities": Linda Archibald *et al.*, *Dancing, Singing, Painting, and Speaking the*

But it also raises some important challenges and ethical concerns. There is the question of who has the right to reproduce testimony for artistic purposes? And, rather than create sufficient distance to avoid re-traumatization, does reliving experiences create secondary trauma, or worse, encourage voyeurism? Does art have the capacity to deal with such loss? Or is it, as Adorno suggested, ‘barbaric’ in the same way as writing poetry after Auschwitz?<sup>29</sup>

By focusing on arts and culture, we also risk a ‘politics of distraction’, whereby the experiences of the victims are emphasized over the deeds of perpetrators. In his critique of the ‘carnavalesque’ nature of the Canadian TRC, Matt James laments the absence of a more forensic and wide-ranging investigation to highlight individual and institutional acts of commission.<sup>30</sup> And yet, as James recognizes, the TRC was not imposed from above, but rather reflects the expressed needs and aspirations of indigenous people, for whom healing was a major priority and truth is associated not with official records and legal proceedings but with the voices and personal stories of survivors. Rather than change the TRC from an indigenously led process to one that better fits dominant (settler) methodologies of inquiry, is it not part of its promise to promote engagement in a spirit of mutual respect and to ‘unsettle’ the settler?<sup>31</sup> In so doing, what Lederach calls the “critical yeast”<sup>32</sup> in the transformation of social relationships required for reconciliation could be generated, with dialogue being an important site of contestation.

However, as the Canadian experience shows, it can be hard to reconcile the strongly non-instrumental bias of the arts with institutional and normative bias of transitional justice, which values evidence, accountability and transparency. As Catherine Cole observes, these may be fundamentally at odds, with artists valuing opacity, ambiguity, irony, indirectness, instability, indeterminacy and disruption of linear nar-

atives.<sup>33</sup> But herein lies the strength and, I would argue, potentially the greatest contribution: as playwright Erik Ehn says, “[s]ometimes it takes a broken shoe to fit a broken foot. Theater’s loose ends and available center are well matched to a subject that will not be fully located, or known, in a satisfying way, as content”.<sup>34</sup> But as Cole also notes, artists may wish to keep the normative practices of transitional justice at bay, a key element of which would be to resist evaluation of their interventions.

## 5. Conclusion

There is, as discussed, enormous dialogic potential in the arts as a practice of reconciliation. As a ‘critical intervention’ it provides a means of dealing with trauma, or being affective,<sup>35</sup> and it also has the potential for engagement on many different levels. How might this be made most productive? The answer lies not in trying to measure success in terms of outcomes, but in terms of ongoing processes of building relationships and mutual respect that are crucial to social repair. The contribution of arts and culture is to encourage us to recast reconciliation from a goal to be evaluated to the space in which dialogue occurs. The arts can be a powerful means of communication, as an alternative to more formal policy or academic discourses. But it should not replace them, nor should it be appropriated. There is therefore a delicate balance to be struck and challenges on both sides to be overcome.

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**ISBN:** 978-82-8348-110-5.

**TOAEP-PURL:** <http://www.toaep.org/pbs-pdf/78-kerr/>.

**LTD-PURL:** <http://www.legal-tools.org/doc/596a44/>.

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*Healing Story: Healing through Creative Arts*, Aboriginal Healing Foundation, Ottawa, 2012, cited in Truth and Reconciliation Commission of Canada, 2015, p. 281, see *supra* note 9 (quote in the latter).

<sup>29</sup> T.W. Adorno, “Kulturkritik und Gesellschaft”, in Karl-Gustav Specht (ed.), *Soziologische Forschung in unserer Zeit*, Westdeutscher Verlag, Cologne, 1951, p. 240 (“nach Auschwitz ein Gedicht zu schreiben, ist barbarisch”).

<sup>30</sup> Matt James, “A Carnival of Truth? Knowledge, Ignorance and the Canadian Truth and Reconciliation Commission”, in *International Journal of Transitional Justice*, 2012, vol. 6, no. 2, pp. 182–204.

<sup>31</sup> Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling and Reconciliation*, University of British Columbia Press, Vancouver, 2010.

<sup>32</sup> Lederach, 2005, pp. 87–100, see *supra* note 21.

<sup>33</sup> Catherine Cole, “At the Convergence of Transitional Justice and Art”, in *International Journal of Transitional Justice*, 2014, vol. 8, no. 2, pp. 314–22.

<sup>34</sup> Erik Ehn, *Soulographie: Our Genocides*, 53rd State Press, Chicago, 2012, p. 5, cited in *ibid.*, p. 315.

<sup>35</sup> Rush and Simic, 2014, p. 26, see *supra* note 18.



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