

Reimagining Transitional Justice

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To recover from periods of mass atrocities, gross abuses of human rights and long-standing systems of oppression, individuals, communities and societies face complex challenges: to understand the meaning of what has transpired; to consider reparations for those who were injured; to hold those responsible to account; to transform the underlying systems of power and privilege that contributed to the violence; and to build or rebuild trust in both people and institutions. Sufficient trust allows for the collaborations necessary for solving problems and co-creating a better future. By focusing on the contributions of arts and culture to transitional justice, this Special Issue of the journal enters a debate about whether transitional justice processes should be assessed at least as much by consideration of the quality of lives of ordinary people, especially those who have borne the brunt of violence, as by the number of prosecutions or convictions of criminals.¹

Artistic and cultural initiatives engage individuals and communities in distinctive ways of apprehending and transforming the world. The arts invite experiences of ‘the aesthetic’: experiences that arise from the inter-animation of cognitive, sensory, emotional and spiritual faculties, and from the qualities of attention and presence invited by the bounded nature of the expressive form, whether marked off in space, or time, or both. Because of these qualities, engagement with the arts can be enlivening; they can be crafted to support people to stay present to that which is otherwise too painful to face. Creative and engaging forms and processes can assist in the memory of destruction; people can be supported by the composition of the artwork to mourn losses meaningfully, and to empathize with the suffering of others.² Many aesthetic experiences do not rely on verbal language and ‘conflict-habituated

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- 1 See, for instance Laura Arriaza and Naomi Roht-Arriaza, ‘Social Reconstruction as a Local Process,’ *International Journal of Transitional Justice* 2(2) (2008): 152–172; Paul Greedy and Simon Robins, ‘From Transitional to Transformative Justice: A New Agenda for Practice,’ *International Journal of Transitional Justice* 8(3) (2014): 339–361; Makau Mutua, ‘What Is the Future of Transitional Justice?’ *International Journal of Transitional Justice* 9(1) (2015): 1–9; Dustin N. Sharp, ‘Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition,’ *International Journal of Transitional Justice* 9(1) (2015): 150–169.
- 2 For a more detailed explanation of this framework, see, Cynthia Cohen, ‘Creative Approaches to Reconciliation,’ in *The Psychology of Resolving Global Conflicts: From War to Peace*, ed. Mari Fitzduff and Christopher E. Stout (Westport, CT: Greenwood Publishing Group, 2005). For a philosophical

discourse.³ Partly for this reason, they are especially well-suited to engendering creative thinking, opening people to new awareness of themselves and each other.

Of course not all artistic expressions contribute to greater justice and less violence. Whether intentionally or not, creative initiatives can and too often do reinforce power inequities, retraumatize communities, perpetuate harmful stereotypes, trivialize suffering, reactivate hostilities and demean sacred cultural forms.⁴ But when care is taken to minimize risks of harm,⁵ and when initiatives are animated by ‘the moral imagination,’⁶ artistic and cultural forms and processes can be crafted to ‘render the invisible visible,’⁷ that is, to facilitate the expression and participation of groups that have been marginalized. They can reach beneath people’s defences, open spaces for new perceptions and lift spirits. With skill, artistic and cultural processes can be crafted to engage individuals and communities in transforming consciousness, building relationships and reimagining the future. Even in contexts of ongoing violence and repression, the arts can suggest the possibility of accountability, offer glimpses of freedom, and even bring the idea of reconciliation into the communal imaginary.⁸ Artistic engagement can cultivate people’s capacities for imagination, so they are better prepared to take creative action if and when space becomes available.

The effectiveness of arts-based transitional justice initiatives depends in large part on the aesthetic and ethical sensibilities and commitments that artists, facilitators and commissioning agencies bring to their work, and how these resonate with the needs – for both support and challenge – of the communities where they work.⁹ Artistic processes can create opportunities for interaction among factions alienated from

exploration of aesthetics and transitional justice, with examples from South Africa, see, Carol Clarkson, *Drawing the Line: Toward an Aesthetics of Transitional Justice* (Oxford: Oxford University Press, 2012).

- 3 Louise Diamond, ‘Training in Conflict-Habituated Systems: Lessons from Cyprus,’ *International Negotiation* 2(3) (1997): 353–380.
- 4 For a gripping and courageous account of an applied theatre initiative contributing to harm, in spite of best intentions, see, James Thompson, ‘Incidents of Cutting and Chopping,’ in *Performance Affects: Applied Theatre and the End of Effect* (Basingstoke: Palgrave Macmillan, 2009).
- 5 Cynthia E. Cohen and Polly O. Walker, ‘Designing and Documenting Peacebuilding Performance Initiatives,’ in *Acting Together: Performance and the Creative Transformation of Conflict, Volume 2: Building Just and Inclusive Communities*, ed. Cynthia E. Cohen, Roberto Gutiérrez Varea and Polly O. Walker (New York: New Village Press, 2011).
- 6 John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (Oxford: Oxford University Press, 2005).
- 7 Pablo de Greiff, ‘On Making the Invisible Visible: The Role of Cultural Interventions in Transitional Justice Processes,’ in *Transitional Justice, Culture, and Society: Beyond Outreach*, ed. Clara Ramírez-Barat (New York: Social Science Research Council, 2014), 22–24.
- 8 See, for instance, the imagined future truth commission in Israel created by the Arab-Hebrew Theatre of Jaffa, in collaboration with the Public Committee Against Torture in Israel, in Aida Nasrallah and Lee Perlman, ‘Weaving Dialogues and Confronting Harsh Realities: Engendering Social Change in Israel through Performance,’ in *Acting Together: Performance and the Creative Transformation of Conflict, Volume 1: Resistance and Reconciliation in Regions of Violence*, ed. Cynthia E. Cohen, Roberto Gutiérrez Varea and Polly O. Walker (New York: New Village Press, 2011).
- 9 For elaboration on this framework, see, Cynthia E. Cohen, with Polly O. Walker and Roberto Gutiérrez Varea, ‘The Permeable Membrane and the Moral Imagination: A Framework for Conceptualizing Peacebuilding Performance,’ in *Acting Together: Performance and the Creative Transformation of Conflict, Volume 2: Building Just and Inclusive Communities*, ed. Cynthia E. Cohen, Roberto Gutiérrez Varea and Polly O. Walker (New York: New Village Press, 2011).

each other and facilitate opportunities for them to imagine together and co-create a better future.

Other cultural practices, in addition to the arts per se, also offer resources to the transitional justice field. Rituals and folkways resonate deeply with people.¹⁰ In some cases, they offer a sense of stability and meaning for those reeling from violence and longstanding oppression, especially for those who have been uprooted and displaced.¹¹ In many indigenous cultures, wisdom about how to restore harmony in the aftermath of violence is embedded in ritual practices.¹²

An important question is when and how artists' and cultural leaders' perspectives and expertise can be brought into conversations and debates that are framing and revising the transitional justice field. Writing in response to an earlier collection of essays (about performance and the transformation of conflict), the UN-based Sri Lankan peacebuilding specialist Devanand Ramiah argues that

the configuration of the interface of theatre and peacebuilding reveals a key weakness – the relationship is subcontractual in nature. . . In our typical practice, we design peacebuilding programs and strategies first and then decide whether or which components of these programs can be contracted out to theatre groups for implementation.¹³

Instead, he argues that what is needed is for artists and leaders of ritual to become central to the analysis, design and implementation of peacebuilding plans. For their part, artists, and those responsible for their education, need to develop their knowledge of transitional justice principles, potential pitfalls to avoid, and develop platforms for professional development, ethical reflection and accountability.¹⁴

In many cases, artists are similarly marginalized when it comes to conversations and venues where transitional justice schemes are planned and concepts are refined. In reality, however, the issue of inclusion goes far beyond just artists and transitional

10 Toni Shapiro-Phim, 'Mediating Cambodian History, the Sacred, and the Earth,' in *Dance, Human Rights, and Social Justice: Dignity in Motion*, ed. Naomi Jackson and Toni Shapiro-Phim (Lanham, MD: Scarecrow Press, 2008).

11 See, for example, the ritual and performance work of Kandasamy Sithamparanathan, described in Madhawa Palihapitiya, 'The Created Space: Peacebuilding and Performance in Sri Lanka,' in *Acting Together: Performance and the Creative Transformation of Conflict, Volume 1: Resistance and Reconciliation in Regions of Violence*, ed. Cynthia E. Cohen, Roberto Gutiérrez Varea and Polly O. Walker (New York: New Village Press, 2011).

12 Polly Walker 'Indigenous Ceremonial Peacemaking: The Restoration of Balance and Harmony,' in *Handbook of Research on Promoting Peace through Practice, Academia, and the Arts*, ed. Mohamed Walid Lufty and Cris Toffolo (Hershey, PA: IGI Global, 2019). For images and discussion of Australian reconciliation rituals, see, 'Australia – Rituals of Reconciliation,' YouTube video, 7:31, 22 February 2018, <https://www.youtube.com/watch?v=VR1fhkpOPh0> (accessed 26 December 2019); Gregory Bateson, *Steps to an Ecology of Mind* (New York: Ballantine Books, 1972).

13 Devanand Ramiah, 'Afterword,' in *Acting Together: Performance and the Creative Transformation of Conflict, Volume 1: Resistance and Reconciliation in Regions of Violence*, ed. Cynthia E. Cohen, Roberto Gutiérrez Varea and Polly O. Walker (New York: New Village Press, 2011), 254.

14 In this issue, contrast artists' attunement to the ethical demands of their contexts, in articles describing arts-based initiatives related to transitional justice in Nepal and Latin America.

justice experts. Effective, ethical and sustainable transitional justice plans require perspectives from many parties to be brought into generative relationship. The experiences and insights carried by victims, survivors, ex-combatants, community leaders and bystanders; professionals and administrators in national and international courts, tribunals, truth commissions and governments; artists, cultural workers, indigenous leaders and members of affected communities; scholars from many disciplines; people of different genders, sexual identities and orientations; younger and older people; insiders and outsiders: all can contribute to designing transitional justice schemes, to remembering past events and to generating life-sustaining possibilities for the future. Robust and nuanced understandings and policies are more possible when the perspectives of multiple inquirers are considered.¹⁵ The global field of arts, culture and conflict transformation is beginning to recognize itself as an ecosystem, in which the maximal effectiveness of each sector – artists, researchers, funders, policymakers, etc. – depends upon the effectiveness of, and collaboration with, all of the others.¹⁶ Envisioning transitional justice as an ecosystem of multiple interdependent parts – organizations, people, theories and practices – could establish a framework for many useful conversations and collaborations.

Commitment to robust inclusion is far easier to embrace in theory than to execute in practice. When working to strengthen understanding and relationships between those identified as victims and as perpetrators, people generally need to ‘unlearn’ parts of what they assume to be true about their own and each other’s communities. As new and more complex perspectives take hold, the victim/perpetrator duality sometimes softens.

Communicating across differences – and not only differences in opinions or values, but differences in defining narratives, worldviews and in modes of communication – requires patience, epistemic humility, time and the willingness to persist even in the face of errors. This is especially true when we unwittingly cause harm to those about whom we have come to care, and with whom we seek to collaborate. But the challenges confronting the human community in the 21st century – unresolved legacies of past violence for sure, and also inequalities, rising authoritarianism and dangerous nationalisms, polarization within societies, rising xenophobia, racism and sexism, and more – require creative collaboration. The climate crisis casts its shadow over all efforts to create a better world, adding an unprecedented sense of urgency. The knowledge that resides within the transitional justice field – as evidenced in part by the articles in this Special Issue – about how to address past and/or ongoing injuries in ways that contribute to their cessation, prevent their recurrence and generate the conditions for trust, increasingly will be useful to those addressing the whole gamut of 21st-century challenges.

Readers of this Special Issue will discover that some notes and articles depart from the conventions of the journal, not only in the content of the initiatives

15 Cheryl Misak, *Truth, Politics, Morality: Pragmatism and Deliberation* (Abingdon: Routledge, 2000).

16 See, Armine Avetisyan, Cynthia Cohen, Emily Forsyth Queen and Toni Shapiro-Phim, *Imagine IMPACT: An Emerging Strategy to Strengthen the Arts, Culture and Conflict Transformation Ecosystem*, https://www.brandeis.edu/ethics/peacebuildingarts/pdfs/impact/2019_04_imagine-impact-full-report.pdf.

described, but also in styles of presentation.¹⁷ I hope that this gesture towards inclusion leads to discussions among unlikely interlocutors: artists and judges, researchers and community leaders, court administrators and cultural workers. Perhaps such increasingly inclusive conversations will contribute to original insights and new questions.

The articles that comprise this issue could be organized meaningfully according to many different and overlapping thematic categorizations. I have sequenced the remainder of this editorial according to five themes: artists' perspectives; women's perspectives; community- and artist-based theatre as resources for transitional justice; principles and guidelines; and imagination as a creative force.

I am an artist.

My artwork is born from memory and loss.

It lives in the intersection of art and violence.

So begins 'The Disappeared Are Appearing: Murals that Recover Communal Memory' by Claudia Bernardi, a visual artist and muralist who has worked with communities in the aftermath of violence in many parts of the world. Her poetic reflection documents and reflects on her return to her native Argentina to facilitate the making of a collaborative mural by relatives of the disappeared whose remains had recently been recovered. Her reflection highlights the potential of professionally facilitated community art-making initiatives to support survivors not only to tell their stories, but to create community, transform space, build links between generations, and dignify the memories of those who were killed and the anguish of those who waited and waited for their remains to be returned.

The voices and perspectives of artists are lifted up in another article in this Special Issue, Catherine Renshaw's 'Poetry, Irrevocable Time and Myanmar's Political Transition.' This article highlights the role that artists – in this case, poets – have played in contexts where atrocities are still occurring, and where authorities repress open acknowledgement of crimes both past and present. Renshaw illustrates how poems of different eras reflect very different understandings of the nature of time, understandings that are linked to the political conditions in which they were created, and to the variable possibilities of transitional justice in different historical moments.

Poetry does its work in the world on many levels. Renshaw suggests, for instance, that a particular contemporary poem 'contains within it the silence needed to form a question which has not yet been asked in Myanmar: What form will justice take when the age of imperceptible time arrives? . . . Pyay Way's poetry reflects the pause; the punctuation that occurs before a society attempts to address atrocity with the imperfect tools of law.'

A third submission to this Special Issue foregrounds artists' perspectives in another way. Toni Shapiro-Phim's 'Embodying the Pain and Cruelty of Others' examines the impact of embodying survivor testimony on artists themselves, in this case

17 The inclusion of colour images in this Special Issue has been made possible through the Brandeis Program in Peacebuilding and the Arts and a generous gift from Elaine Reuben, Brandeis class of 1963. The editors of the journal gratefully acknowledge her support.

the choreographer of, and dancers who performed in, *Phka Sla*, a dance drama documenting the Khmer Rouge's widespread practice of forced marriage. This arts-centred reparations initiative arose from requests by survivors to the Extraordinary Chambers in the Courts of Cambodia. In her research, in addition to documenting moving testimonies of the effects of the performance on survivors and other audience members, Shapiro-Phim found that the artists 'carry a tenacious burden that each has found challenging to shake,' including bad dreams, feelings of anger and frequent sessions of pondering humanity's potential for cruelty. While appreciating the steps that were taken to minimize risks of retraumatization of survivors in the audience, Shapiro-Phim argues that similar care must be given to artists 'who take responsibility to tell and indeed embody other people's stories, especially of violations, loss and indignities.' She cautions that artistic productions – perhaps especially those affiliated with official transitional justice processes – should be conducted 'as constructively and ethically as possible for all involved.'

Artists and cultural workers are often among those sidelined in planning and implementing formal transitional justice processes. The articles of Shapiro-Phim, Renshaw and Bernardi highlight the voices of artists who work in performing, literary and visual arts media, before and during the era of transitional justice in the societies about which they wrote. They demonstrate a range of ways that artists engage both memory and imagination through their creativity, inviting presence to what has otherwise been too painful to bear. Their articles illustrate the potential, and also some of the risks and challenges, of bringing artists and their perspectives into conversations about the field's future directions and the design of initiatives – not just as 'subcontractors' to address needs and fulfil roles determined by others, but as Devanand Ramiah suggests, as active participants when questions are framed, methods are selected and priorities are established.

A distinctive feature of artistic expression is that the arts communicate via metaphors and other symbols that carry multiple meanings – meanings that are actually formulated in the space between the work and those who listen, watch or participate. In many regions of the world, poets and other artists make use of this aspect of artistic expression to find ways to circumvent censors and express what might otherwise be inexpressible. For this reason, poetry, and the arts more generally, can be especially important in contexts where violence continues, and talk of transitional justice is officially forbidden or curtailed by social norms.

'Images and Memory: Religiosity and Sacrifice – The Cases of Tierralta, Trujillo and Arenillo in Colombia' explores intriguing examples of communities reinterpreting works of art (in this case religious icons, or fragments of them) to aid in the preservation and reconstruction of memory in communities where discussion of past atrocities is forbidden. The meanings invested in the icons link public and private memory in a visual medium that resonates deeply for survivors in places that remain broken after decades of bloodshed and terror. In relation to three examples, each emerging from a particular sociopolitical context, Freddy A. Guerrero and Liza López Aristizabal suggest that 'through their silence, these images allow the beholder to discover the voices of denunciation, resistance and humanity that have sometimes remained silent.'

'Silence' is a cross-cutting theme that surfaces in many of the articles in this Special Issue. As the examples from Myanmar and Colombia illustrate, silencing is one of the conditions in society that gives rise to the need for creative approaches to elicit testimony and lift up unheard voices, and paradoxically also a condition engendered by artistic interventions to support deeper inquiry and the discovery of deeper truths. This theme surfaces again in articles addressing women's voices.

Critical reflections on the transitional justice field point out that the voices of women – as victims, agents of change, even as combatants – have been inadequately represented in testimony and inadequately addressed in reparations schemes and policy recommendations.¹⁸ Four articles in this Special Issue focus on artistic and cultural processes intended to create opportunities for women's voices to be heard: 'Cultivated Collaboration in Transitional Justice Practice and Research: Reflections on Tunisia's Voices of Memory Project,' by Virginie Ladisch and Christalla Yakinthou; 'Decolonial Sketches and Intercultural Approaches to Truth: Corporeal Experiences and Testimonies of Indigenous Women in Colombia,' by Angela Santamaría and colleagues; Robyn Gill-Leslie's 'The Body inside the Art and the Law of Marikana: A Case for Corporeality'; and Luis Carlos Sotelo Castro's 'Not Being Able to Speak Is Torture: Performing Listening to Painful Narratives.'

Taken together, these four articles illustrate how artistic forms and processes can be adapted to lift up women's voices in cultural and political contexts that pose different obstacles to the expression of particular subgroups of women. In Tunisia, the absence of narratives of women's experiences of repression was exacerbated by divisions between secular and religious women, older and younger women, and young activists and formal transitional justice processes, which offered official roles only for people over 30 years old. In this context, two researchers convened a group of younger and older, religious and secular women, who then formed themselves into a collective, operating with principles of collaboration, co-creation and participatory action research. By the conclusion of their project, they had worked with artists to produce a book of testimonies, a graphic novel, an interactive art exhibition and a podcast series,¹⁹ in order to fill the gap created by the lack of women's testimonies about their experiences during years of repression, and also to promote victim/survivor/activist engagement on women's own terms. This work was undertaken independently of official transitional justice bodies.

In Colombia, a diverse team including both indigenous and nonindigenous teachers, researchers, students and an illustrator used participatory action research methods to gather stories of indigenous women, including both victims and combatants, in response to the absence of their perspectives in official Colombian Truth Commission processes and reports. In a context where 'narratives of suffering and conflict [were] not allowed in public spaces,' a group of victims were invited to create body maps where they chose to highlight traditional cultural practices that had become a main form of local resistance against the Revolutionary Armed Forces of

18 See, e.g., Arnaud Kurze and Christopher K. Lamont, eds., *New Critical Spaces in Transitional Justice: Gender, Art and Memory* (Bloomington, IN: Indiana University Press, 2019). This book is considered in this Special Issue's review essay.

19 These are available at <https://voicesofmemory.tn>.

Colombia (FARC). The body maps of FARC ex-combatants, by contrast, featured symbols connected to the conflict, including military uniforms and rifles. Their stories elucidated some of the conflict's root causes, and shed light on how they experienced being part of the guerrilla formation: 'For us, guns were our protection and the uniform was a symbol of respect and identity. They allowed me to walk freely and discover many places.' The resumption of violence in the regions being studied forced an early end to this research. Nevertheless, the researchers offer their methodologies to the Colombian Truth Commission and others, and also recommend revitalizing indigenous justice practices as a way to address the conflict.

Although both articles focus on women's narrative and incorporating the arts, the examples differ in many ways, for instance in how the research teams internally addressed issues of power. However, I would like to highlight one similarity: both projects found power in the evocation of traditional cultural forms. In the case of Tunisia, the symbol of the *quffa*, a traditional Tunisian basket, resonates with all Tunisians, including in particularly painful ways with the wives of those imprisoned by the regime, who brought food to their husbands in these containers, often to have their lovingly prepared meals defiled by prison guards. The research with indigenous women in Colombia also made visible and dignified many traditional cultural processes and symbols.

The third article in this group, 'The Body inside the Art and the Law of Marikana: A Case for Corporeality,' documents the use of body maps as well, as a way to invite and share the perspectives of women. These works draw attention to the stories and the feelings of widows of miners who were killed during a strike in South Africa in 2012, and offer a stark contrast to the ways in which these same widows were silenced and disrespected by the rules of the official commission that was established to inquire into the circumstances of the deaths. During one session, some of the widows were forbidden entry into the hearing. In an act of embodied agency, the widows who had gained entry to the hearing walked out in protest, and in solidarity with the members of their group who had been denied access to the proceedings that day. Gill-Leslie argues that corporeality could form the basis for generative conversation about complex relationships between art and the law.

The theme of women's silence is also present in 'Not Being Able to Speak Is Torture: Performing Listening to Painful Narratives,' an article that emerges from an arts-based intervention in the Colombian diaspora community of Montreal, Canada. A human rights advocate and mother, a woman who was the victim of incest as a child, recounts the pain of not having been able to speak of her experience. Later, her family was attacked by armed groups. They remember remaining in silent hiding as armed groups occupied the first floor of their house – and then refraining from speaking about the experience for 10 years.

Years later, and thousands of miles away, witnesses to these stories are invited in small groups into a sound installation, and asked to remain silent as they hear oral history testimony mediated through recorded performance and composed soundscapes. Facilitated post-'performance' conversations become sites of engagement, sometimes contentious disagreement, sometimes empathic embrace. In contrast to the more usual emphasis on the importance of giving voice, of speaking, and telling stories, this art installation emphasizes the importance of listening.

As with the poetic encounters described in Renshaw's article on Myanmar, and Guerrero and Aristizabal's description of the silence of encounters with religious icons, Sotelo Castro's article references how engagement with the aesthetic evokes qualities of receptivity and presence that can be necessary for the telling of stories and for the transformations of consciousness required for transitional justice to do its work.

Building on a growing body of theory and practice,²⁰ these four articles illustrate how creative approaches to transitional justice can be crafted to honour and amplify women's voices, and to cultivate capacities to bring widely divergent worldviews and epistemologies into relationship, thereby generating original, culturally resonant solutions to vexing challenges surrounding inclusion.

Anne Dirnstorfer and Nar Bahadur Saud's 'A Stage for the Unknown? Reconciling Postwar Communities through Theatre-Facilitated Dialogue' reports on and assesses a large-scale Playback Theatre initiative that took place in Nepal over three years, 2015 through 2017.²¹ It included 292 performances, organized by 48 local facilitators, both ex-combatants and community members. Organizers of this initiative took to heart critical reflections on earlier Playback efforts in zones of violent conflict, and made it a priority to recruit, train and mentor diverse local facilitators so that their capacities matched the demands of listening to and embodying stories of suffering.

In a way rarely achieved in arts-based initiatives, the scale and duration of the project in Nepal allowed for both quantitative and qualitative assessment of its impact on communities, performers and even on politicians who witnessed poetic and musical 'reports' on the project.

In communities that participated in Playback performances over years, observers noted a change from stories of the painful past to stories that focus on challenges in the present and future, from atrocities of the war to the root causes of the violence.

Two of the three books featured in Clara Ramírez-Barat's review essay 'The Path to Social Reconstruction: Between Culture and Transitional Justice' also focus on impacts of theatre initiatives over time, one in Argentina and one in Serbia. In contrast to improvisatory performances led by citizen actors in Nepal, the works documented here are productions of professional theatre artists whose works also aim to contribute to transformations in public memory, social discourse and policy. In Argentina, analysis of the theatre landscape shows how cultural production has contributed to shaping and maintaining shared narratives of a difficult past, and to supporting civil society to position itself to pressure political leaders to implement transitional justice measures. In Serbia, Dah Teatar is especially noted for its courageous performances challenging citizens to acknowledge atrocities committed in their name, a kind of 'theatre of the oppressor' that afforded the group the ethical

20 For instance, see Eilish Rooney and Fionnuala Ní Aoláin, 'Transitional Justice from the Margins: Intersections of Identities, Power and Human Rights,' *International Journal of Transitional Justice* 12(1) (2018): 1–8; Rami Mani, 'Women, Art and Post-Conflict Justice,' *International Criminal Law Review* 11(3) (2011): 543–560.

21 Playback Theatre consists of improvisatory performances in which trained citizen-actors elicit stories from members of the community/audience, and then immediately enact the essence of what they heard.

credibility to be welcomed to participate in rituals and theatre festivals in Bosnia and Herzegovina and Kosovo.

As this Special Issue attests, every art form can make distinctive contributions to transitional justice.²² Theatre offers distinctive resources, because its primary symbols, embodied human beings in motion and in relationship, can engage extremely diverse audiences in individual and collective meaning-making and imagination. The oxygen that brings theatrical performances to life is conflict, and its practitioners are trained and disciplined to reach for truths that lie beneath official narratives.²³

How can those working at the nexus of arts, culture and transitional justice learn from the successes and weaknesses of others addressing parallel issues in communities around the world? Documentation and critical reflection on practice can advance the field considerably, especially when, as is the case with the articles in this issue, they are shared widely. Two articles take this impulse a step further, extrapolating from particular examples principles and guidelines for consideration and use by other entities, including courts and other transitional justice authorities, funders, scholars and practitioners.

In 'What Works? Creative Approaches to Transitional Justice in Bosnia and Herzegovina,' Tiffany Fairey and Rachel Kerr discuss two quite distinct arts-based initiatives, one in a national museum and the other in a peacebuilding organization. After analyzing what worked in each, the authors propose 'four common qualities and offer them as non-prescriptive "good practice principles": iterative work over time; carving space for plural, locally driven narratives; amplifying the capacities and networks of local actors; and context-driven project design.'

'Repairing Symbolic Reparations: Assessing the Effectiveness of Memorialization in the Inter-American System of Human Rights' was authored by a group of humanities and legal scholars specializing in human rights, art and culture, committed to strengthening the efficacy of symbolic reparations for victims of gross violations of human rights.²⁴ After developing a number of case studies, they created guidelines for 'unleashing the full potential of symbolic reparations,' consisting of four key criteria: promoting victim agency; framing memorialization as a process; engaging individual and collective reflection and the transformative potential of memorials through innovative aesthetics that express acknowledgement, responsibility and the intent to do justice; and conjoining measures of satisfaction (i.e. repair) with guarantees of nonrepetition (i.e. transformation). These guidelines were used to assess three examples of symbolic reparations mandated in Mexico and Peru by the Inter-American Court of Human Rights, and in Colombia by the Inter-American Commission on Human Rights.

22 See, e.g., Clara Ramírez-Barat, ed., *Transitional Justice, Culture, and Society: Beyond Outreach* (New York: Social Science Research Council, 2014), for chapters focusing on theatre, photography, film, memorials and literature. See also, Naomi Jackson and Toni Shapiro-Phim, eds., *Dance, Human Rights, and Social Justice: Dignity in Motion* (Lanham, MD: Scarecrow Press, 2008); Olivier Urbain, ed., *Music and Conflict Transformation: Harmonies and Dissonances in Geopolitics* (London: I.B. Tauris, 2007).

23 Theatre is also featured in the final article of this issue, discussed below.

24 See, Symbolic Reparations Research Project, <http://www.symbolicreparations.org> (accessed 26 December 2019).

The effort to offer theoretical and practical expertise from the humanities, cultural studies and legal studies to the deliberations of official human rights bodies is an example of the kind of interdisciplinary discourse needed by the larger transitional justice field, especially in relation to arts-based initiatives mandated by courts and commissions. The work of the Symbolic Reparations Research Group, which understandably centres on the needs and concerns of victims, is complemented by Shapiro-Phim's conclusion (referenced above) about the need, especially in court-mandated performance-based reparation schemes, to attend to the emotional needs of artists who have been asked to embody the pain and cruelty of others.

The sets of principles and guidelines, one based on work in Bosnia and Herzegovina and the other on works in three Latin American countries, emerge from research on arts-based or symbolic efforts at repair and transformation. The two research initiatives are different in scale and context, with reports aimed at different audiences. Nevertheless, it is useful to note that both call for attention to the value of processes taking place over time, and to enhancing the agency of those in less powerful positions – victims or local actors.

'Memory of Violence and Drama in Peru: The Experience of the Truth Commission and Grupo Cultural Yuyachkani – Violence and Dehumanization,' by Salomón Lerner Febres, the president of Peru's Truth and Reconciliation Commission, concludes this Special Issue. The journal invited this submission based on a speech Lerner Febres delivered at Brandeis University in 2011,²⁵ reflecting on the contributions of a theatre company, Grupo Cultural Yuyachkani,²⁶ to Peruvian society in the aftermath of its recent, brutal civil war. Until that time, no indigenous person's story had ever been portrayed on a Peruvian stage, a fact that both reflected and exacerbated the invisibility of indigenous communities in the social imaginary of the country's dominant communities. This disregard, Lerner Febres suggests, contributed to the aggressive expressions of violence at the hands of both the armed insurgents and state forces.

Theatre has to do with 'the revelation of the meaning of what happened and with atonement, through a ceremony involving the audience,' Lerner Febres writes. He argues that performances are indispensable complements to formal transitional justice processes because they engage audiences in constructing the meaning of events, opening 'our imaginations to the deep truths that have been lost among the facts.' In

25 In 2011, The International Center for Ethics, Justice and Public Life, where I work at Brandeis University, convened a symposium Just Performance: Enacting Justice in the Wake of Violence (<https://www.brandeis.edu/ethics/events/JustPerformance.html>), an exploration of rituals, theatrical works, truth commissions and trials, as forms of performance through which communities seek justice in the aftermath of wars and abuses of human rights. The event focused in particular on Peru, Cambodia and the US. The keynote address was delivered by Salomón Lerner Febres, the president of the Truth and Reconciliation Commission of Peru. While working in that capacity, he invited Grupo Cultural Yuyachkani, a leading theatre company in Peru, to accompany the commission into the indigenous communities that had suffered greatly during the civil war. The concluding article in this Special Issue is a revised version of the speech he delivered at the Brandeis symposium.

26 *Yuyachkani* is a Quechua word meaning 'I am thinking; I am remembering.' Visit the theatre company's website at <https://www.yuyachkani.org>. For clips of Yuyachkani actors Ana Correa and Augusto Casafra performing and discussing their work, see, <https://www.atwsresources.com/video-shorts.html>.

bringing us ‘face to face with undeniable facts and circumstances,’ the arts call on us to act. ‘This may be the key to the transformative power of art over a violent past that seems irredeemable, immutable, but which is always subject to the creative force of our imagination.’

The work of Grupo Cultural Yuyachkani, along with many other examples in this issue, illustrates how – if animated by appropriate ethical and aesthetic values – the arts and culture can contribute to the restoration of dignity, not only by providing venues where stories can be told and cultural practices can be reanimated, and certainly not primarily through the messages they deliver. Their transformative potential is in the invitations they extend to members of their audiences, to join them in spaces of reflection and in the construction of meaning.

Using the thoughtful and diverse collection of articles and reflections that comprise this Special Issue as resources, along with the previous works upon which they build,²⁷ what can be learned about how legacies of violence and abuses of human rights can be addressed creatively to restore (or create) relationships and institutions that are sufficiently trustworthy for communities to engage constructively both with legacies of violence and with the very urgent and complex challenges confronting humankind in the 21st century?²⁸

With that overarching question in mind, I propose the following starting points:

- What kinds of opportunities could be created to invite artists, cultural workers and culture bearers into conversation with judges, lawyers, staff members of courts, tribunals and truth commissions to better understand one another’s ways of working, of framing questions, constructing meaning and defining knowledge, in order to foster collaborations that advance the mission of transitional justice? How might it be possible to circumvent or overcome obstacles that likely will arise from differences in the cultures of courtrooms, truth commissions, and artist-based and community-based arts spaces?
- How best can the creativity of survivors, victims and community members be recognized and cultivated, in order to support agency, resilience, a sense of belonging, understanding across differences and other locally defined purposes? What care needs to be taken to minimize risks associated with the appropriation of cultural expression, and overinstrumentalization of the arts (thereby reducing their transformative potential?)
- Through what channels and in what spaces can the hard-won knowledge generated within the arts, culture and conflict transformation ecosystem about how to earn trust and collaborate across differences in language, culture and worldview be made more broadly available throughout and beyond the transitional justice field? How might personnel in criminal courts and tribunals be introduced to and make use of the distinctive capacities of the arts and culture to advance the aims of transitional justice?

27 See, for instance, Karima Bennoune, ‘Report of the Special Rapporteur in the Field of Cultural Rights,’ UN Doc. A/HRC/37/55 (March 2018).

28 For a related set of questions linking arts, transitional justice and 21st-century challenges, see, Sanja Bahun, ‘Transitional Justice and the Arts: Reflections on the Field,’ in *Theorizing Transitional Justice*, ed. Nir Eisikovits, Claudio Corradetti and Jack Volpe Rotondi (London: Routledge, 2014).

- In theoretical and practical terms, how can creative approaches to transitional justice inform current explorations of the nexus between transitional justice and 21st-century challenges such as climate change, the rise of authoritarianism, polarization within societies, and gross inequalities in access to resources?
- How could the ethical principles for engaging artists in court-mandated symbolic reparations schemes such as those proposed here by Shapiro-Phim and Robin Adèle Greeley et al. be advanced for consideration by judges and relevant court administrators?