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CHAPTER 12

Designing reparations

Creative process as reparative practice

Andrea Durbach, Jill Bennett and Pumla Gobodo-Madikizela

> *Reparation should start internally rather than . . . in monetary terms. This is because the brokenness and the destructiveness . . . happens at a deeply internal level and that's the work that needs to happen.*
>
> (SOLMS & GOBODO-MADIKIZELA 2016)

> *Actually what you see in a lot of us is the shell, and I believe as an Aboriginal person that everything is inside of me to heal me if I know how . . . to maintain it, if I know how to bring out and use it. But sometimes the past is just too hard to look at.*
>
> (HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION 1997, CONFIDENTIAL EVIDENCE 284, SOUTH AUSTRALIA)

In 2019, leading First Nations trauma expert, Judy Atkinson collaborated with artist r e a and colleagues on a project that activated the principles of

'deep listening' (*Dadirri*) – the ritual process that Atkinson (2002) describes as the 'Aboriginal gift to the nation'. The work, *Listen_Up*, created for the Empathy Clinic exhibition at The Big Anxiety, was fashioned as an 'aural campfire', a 'creative learning and teaching space where elders pass on 'their' knowledge and stories to listeners young and old; Judy is our story-teller'.[1] The audio-track builds on a poem written by Atkinson in 2003 about her own experience of sexual violence – and of the cultural inheritance of a nation where 'sexual violence [was] a tool of colonization':

> I am without hope . . . and without a future because there is located in the most private part of me a pain so deep that my soul vibrates in the agony of the shame of what I am . . . what you have made me. I am . . . hope . . . and the future is in my hands. (Atkinson et al. 2019)

The same exhibition featured Uti Kulintjaku, a group of artists and *ngangkari* (healers) from the Central Desert of Australia who use art to address the cycles of trauma. They collaborated on *Wau-mananyi*, an Anangu-led response to the experiences of constraint, entrapment and depression through the traditional story (or *tjukurpa*) of 'The Man in the Log' (see Chapter 15). The work is designed as a first-person visual reality experience of being trapped in the log, bereft and disconnected from the people searching, glimpsed through cracks in the bark. Eventually the wasted and dehydrated man is found and released from the tree, fed and tended by his community. He is weak but the agony of trapped trauma is somewhat relieved.

An expression of the existential emptiness of trauma as an individual experience, the two works are also cultural enactments designed to hold the experience, placing it in a context where it is not only shared but also envisaged as a complex inheritance: 'the collective emotional and psychological injury both over the life span and across generations' (Muid 2006: 36).

These are gallery works but not exclusively; the primary purpose of *Wau-mananyi* was for *ngangkari* to use the piece for mental health support work with younger *Anangu* in remote desert communities. They are not simply representations of trauma but an expression of a cultural process that does not abstract pain and mental ill health from its social and historical conditions. To borrow a line from Atkinson (2017) in the *We Al Li* trauma workbook, 'This isn't "art therapy". The art process is healing in itself.'

In the same year, we gathered in South Africa to develop *Designing Reparations* in collaboration with Studies in Historical Trauma and Transformation at Stellenbosch University led by historical trauma expert Pumla Gobodo-Madikizela. The project is designed to identify and test the value of art processes as reparative practice within the framework of transitional justice (TJ) strategies that seek to come to terms with violent histories and their traumatic repercussions. We shared the Australian First

Nations artworks by Atkinson/r e a and Uti Kulintjaku, along with the documentary *A Common Purpose*, made with political trial lawyer Andrea Durbach and the community at the centre of an infamous South African death penalty trial (1986–91) to examine the ways in which such creative works address and seek to mitigate historical trauma – that is, trauma which is not only event-based but compounded by long-term systemic violence and human rights abuses, and which may also be transmitted intergenerationally. Candice Mama and Siyah Mgoduka, whose fathers were murdered by the South African security police, also discussed their collaboration with artist Sue Williamson on the video installation, *It's a Pleasure to Meet You* (2016) – a work exploring the legacy of trauma experienced by the now-adult children of those killed during apartheid.

Drawing on the objectives of and responses to the South African Truth and Reconciliation Commission (TRC) and the Australian Bringing them Home (BTH) inquiry, our interest was to explore the therapeutic benefit – Atkinson's 'art process is healing in itself' – of integrating the use of art practice within national processes directed at redressing historical harm and rebuilding post-conflict societies.

Specifically, we are concerned with the potential for building an enduring creative agency through art processes, which may in the first instance support the articulation of trauma at the point of its manifestation within a formal framework, such as a truth commission or national inquiry. In psychosocial terms, reparative work may be understood as a longer-term 'therapeutic' endeavour, addressing the internalized effects of both particular harms and of power relations that compromise agency. As such, we consider the artistic process not only as an expressive, communicative practice but as a means to re-establish the creative capacities and agency to move beyond the debilitating dynamic of 'doer and done to' (Benjamin 2004).

Truth-telling

Central to commissions and inquiries that have examined historical political violence in pursuit of TJ is the invitation to victims of state harm to bear witness. The design of these fora was predicated upon the aspiration that those who bore witness would be heard or listened to by those in attendance at public hearings and by perpetrators and executioners of harm, potentially enabling the victim 'to reassert the veracity of the past and to build anew its linkage to, and assimilation into present-day life' (Laub in Felman & Laub 1992: 76). In return, it was anticipated that perpetrators, or agents of the state, might verify or validate the victim's subjective experience, potentially offering remorse, a confession or apology. Underlying the rationale 'to reveal, to unveil, and to make known the true horrors of a conflict or an injustice' (James-Lomax 2005: 1) is the objective of preventing the future recurrence

of violence expressed in the '"never again" mantra of many Latin American truth commissions and other official investigations' (Ross 2003: 327).

At the core of this envisaged reciprocal exchange were two objectives: first, that truth-telling would aid the healing or repair of individual victims; second, that a negotiated forfeiture of the model of retributive justice would encourage a peaceful settlement and reconciliation, potentially avoiding 'a return to violence' (Moon 2009: 72) for the re-modelled nation or post-conflict state. In the South African example, the dialogue of truth (South Africa 1999: 115) envisioned between individual victim and perpetrator offered a context in which victims 'break their silence in front of a national audience' and perpetrators give full public disclosure and confess politically motivated criminal conduct, often in exchange for amnesty (Gobodo-Madikizela 2016a). The affirmation of victims' experiences by a sympathetic audience – what Hartman (2002: 136) refers to as an 'affective community' – and the validation of these experiences for the historical record was fundamental to the objectives of the TRC. The TRC Final Report refers to the outcome of this interactive dialogue as 'social truth' (South Africa 1999: 113–14). Although the TRC had the power to grant amnesty to perpetrators in exchange for their truth-telling, their allegiance to the requirement of full disclosure of the circumstances surrounding their crimes often gave way to a desire that listeners simply serve as bystanders to their crimes (Herman 2015: 7).

While there are, as Cole (2010: 659) argues, 'good reasons to be cautiously optimistic about the therapeutic possibilities of narrative in many cases', these may have been 'idealized' (Young 2004: 151) and overstated, particularly where the consequences of historic injustice 'are still actively *evolving*' in contemporary social, political and cultural settings (Felman & Laub 1992: xiv).

The 'multiple and profoundly disabling' (Human Rights and Equal Opportunity Commission 1997: 199) consequences suffered by Aboriginal and Torres Strait Islander children forcibly removed from their families by the Australian state (1910–70) was the subject of the BTH inquiry (Human Rights and Equal Opportunity Commission 1997: 199). The majority of witnesses who testified before the inquiry spoke of the 'compounding effects' of the government's assimilationist policies and the long-term impact of the forced removal of children from families, many of whom were placed in institutions, on church missions or in foster homes and subjected to physical, psychological and sexual abuse, and loss of identity and culture. The resultant cycles of psychological and emotional damage – from which it was 'difficult to escape unaided' – 'render(ed) many people less able to learn social . . . and survival skills', impairing their 'ability to operate successfully in the world' (Human Rights and Equal Opportunity Commission 1997: 11). Consequent unemployment and poverty would in turn cause emotional distress 'leading some to perpetrate violence, self-harm, substance abuse or

anti-social behaviour' (Human Rights and Equal Opportunity Commission 1997: 12).

The impact of forced removal policies extended beyond the children removed, 'leaving a powerful residue of unrecognised and unresolved grief that [has] pathological effects on Indigenous communities' (Koolmatrie & Williams 2000: 163). Similarly in South Africa, the systematic implementation of apartheid spawned 'the deepest social crisis' (Machel 2012). Despite the aspirations of the TRC, the 'psychological and emotional damage inflicted on men and women' (Machel 2012) by decades of racial injustice endures. Almost two decades after the end of apartheid rule, Graca Machel, wife of President Nelson Mandela, declared in response to post-apartheid violence that '(w)e are harming one another because we cannot control our pain' (Machel 2012).

Notwithstanding their therapeutic ambitions for individual and national healing, the design of TJ institutions, in particular their mandate and term, may limit opportunities and resources for 'deep listening' (Atkinson 2002) and sustained engagement central to the dialogic model of truth-telling. Indeed, Karstedt (2015: 53) maintains that the 'emotional reactivation of harm and trauma' in TJ contexts 'may elicit negative emotions in participants' which require alternative or transformative modes of reciprocal recognition, acknowledgement and redress. Cole reinforces this view in her case study of Yazir Henry's public testimony before the TRC, urging a 'more circumspect accounting of the power of narrative – [and] its power to heal and to harm' (Cole 2010: 659). In Henry's case, the subsequent mis- or re-representation of the testimony to the political and psychological detriment of the testifier signalled that 'participation in such proceedings may be less therapeutic than commonly assumed' (Kagee 2006: 20).

Reparations

While public testimony can render constructive psychosocial effect (Young 2004: 152), it is not 'sufficient simply to open old wounds and then sit back and wait for the light of exposure to do the cleansing' (South Africa 1999: 115). Critical to the long-term accomplishments of TJ is the extent to which the objectives of truth-telling and transformation are reinforced by the provision of parallel reparative measures.

Reparations made available to victims following their testimony may serve to enhance the therapeutic value of that experience and can be decisive for emotional healing; conversely, the lack of appropriate reparations following the truth-telling process may significantly undermine or suspend its therapeutic value, especially where the testimony of victims fails to elicit individual validation by perpetrators or the requisite structural

transformation of the state (Martin-Beristain et al. 2010). As Moffett argues, '[w]e need a more articulated and complex vision of how reparations for conflict-related . . . violence can be delivered' (Moffett 2019).

Reparations provided within the TJ framework have customarily taken the form of acknowledgement (apology), monetary compensation, restitution (e.g. of land, language), rehabilitation (medical and psychological) and guarantees against repetition of human rights violations. Symbolic reparations, which often signal a plea against repetition of harm, may assume a public or collective form (e.g. memorials or museums) and include 'more performative or ephemeral gestures of recognition (of harm) and atonement, such as public apologies, annual ceremonies and rituals or performances' (Greeley et al. 2020: 166). Within our framework, artistic process is not confined to the symbolic but may also enact a process of rehabilitation; thus, rehabilitation as reparation is understood as a cultural and psychosocial process.

In the twenty years since the release of the BTH Report and the Final Report of the TRC, the Australian and South African government responses to calls for reparations have been erratic and piecemeal. In both countries, measures of reparation have failed to address the long-term impact of historical harm and the extent to which past practices permeate post-conflict societies and perpetuate systemic harm (Durbach 2019). Yael Danieli (2014: 18-19) observes that 'the complex nature of trauma requires an equally complex understanding of justice', highlighting that the process undertaken by victims (truth-telling) and the outcome (reparations) are both crucial elements to ensuring that 'their total experience of justice is healing'. Minimal or insufficient measures of reparation coupled with an absence of justice in the form of the prosecution of perpetrators and state accountability, risk generating cycles of expectation and disappointment which may act as barriers to emotional recovery (Martin-Beristain et al. 2010), reinforcing a collective disillusion with TJ processes and possibilities.

Feelings of justice

Giving 'value and meaning to the enterprise of transitional justice' (Rush and Simić, 2013: vii) necessarily entails attending to felt experience:

> [T]ransitional justice, precisely in acknowledging itself as a process inseparable from feelings of justice, is literally unthinkable without the lessons of literature and art. (McNamee 2013: 22)

In 2007, Nomarussia Bonase – National Coordinator of the Khulumani Support Group established to address the 'unfinished business' of transformational justice after the closure of the South African TRC (Seidman

& Bonase 2015) – and artist Judy Seidman held a series of 'Art and Memory Workshops' for group members. The workshops sought to employ art-making as an alternative means of collating unrecorded accounts of the systematic use of sexual and gender-based violence (Seidman & Bonase 2016) perpetrated primarily against Black women by the agents of apartheid. Their rationale was to 'access memory through drawn images' and enable victims of apartheid who had not participated in the TRC hearings to share individual and collective 'recollections and ideas outside of the preconceptions and limitations' (Seidman & Bonase 2016) imposed by a TRC framework – in many cases, an expression of harm where 'experiences [were] so searing that they [could] not be reduced to words' (Le Barron & Sarra 2018: 22). For Seidman and Bonase, art-making was an 'activist approach' which encouraged participants to tell their stories and find solutions with 'each [woman] sa[ying] they felt stronger, affirmed, by the telling' (Seidman & Bonase 2016).

The Khulumani workshops created a safe space for women to speak about political violence unencumbered by form-filling and schedules or the formal requirements for the presentation of testimony before the TRC. Rather than focusing on a representational outcome (the narration of trauma and harm), the creative process functioned primarily to register and hold the emotion of participants in a supportive environment that envisaged, and often accomplished, a therapeutic and reparative outcome that the TRC had 'effectively failed' to secure for women (Seidman & Bonase 2016). As a consequence of these workshops, Khulumani negotiated with the South African Department of Justice to provide survivors with financial compensation to address medical, psychological and accommodation needs and develop commemoration initiatives (Khulumani Support Group 2010). Their negotiations for reparations included a request to incorporate psychosocial healing processes, such as the art-making process, *Art and Memory*.

Despite its therapeutic benefits, art practice is rarely conceptualized as material to the reparations process. In 2018, however, the Extraordinary Chambers in the Courts of Cambodia (ECCC), established in 2001 to try serious crimes committed by the Khmer Rouge (1975–9), determined that a dance production, *Phka Sla Krom Angkar* (*Phka Sla*), be recognized as a reparations project following the conviction of former Khmer Rouge officials. The ECCC mandate stipulated that reparations were limited to collective and moral measures directed at redressing emotional or social harms as distinct from material reparations (e.g. monetary compensation) devised to address physical damage to persons or property.

In Case 002/02, the ECCC found that the forced marriage of Cambodian men and women and the rape of women within such marriages constituted a crime against humanity which had led to the 'erosion of . . . psycho-emotional, familial, cultural . . . infrastructures', social exclusion and intergenerational stigma and discrimination (Balta 2018). Proposed as a form of redress by

the lawyers for the civil parties (who gave evidence on the impact of forced marriage) and with funding from UN Women Cambodia and support from the ECCC Victims Support Section, the *Phka Sla* project had been developed a few years earlier in consultation with 150 civil parties through workshops led by the Transcultural Psychosocial Organization with other civil society organizations.

Based on the testimonies of women and men who had experienced forced marriage and who agreed to their accounts being 'performed as a dance' that might 'invite dialogue and healing', *Phka Sla* invoked a classical Cambodian dance style, an artform suppressed under the reign of the Khmer Rouge (Grey, Sotheary & Somaly 2019: 3). The collaboration of victims and survivors in the creation of *Phka Sla* saw their experiences reflected and validated by the dance, allowing them agency in the execution of the process. Primarily intended as a form of 'psychological compensation' for survivors of forced marriage (Sonyka 2017), the dance was performed by an all-female cast and designed to 'transform the understanding of gender-based violence and gender equality through the artistic memorialization of shared experience' (Heinrich-Boll Stiftung 2017) and to educate future generations about forced marriage. To this end, it was accompanied by a mobile exhibition on forced marriage, 'on-stage panel discussion between the now-elderly civil parties and the young dancers . . . and a documentary about the dance and its creative process' (Grey, Sotheary & Somaly 2019: 4). Yim Sotheary, a psychotherapist involved in *Phka Sla* project, reports the response of a survivor: the 'beautiful mix of movement, expression of emotions, narration, and echoing live music invited my tears [and] made me feel very connected to . . . all of the suffering I experienced under the Khmer Rouge'. Re-engaging with trauma through dance left her feeling 'much better now, because I was not alone. . . . I also feel special that our stories are being told to the students, with whom I had thought I could never share those stories' (Grey, Sotheary & Somaly 2019: 9).

The practice of art as repair and reparation

Justice is more readily experienced (as Laura Zlotowski observes in relation to the Rwandan genocide) 'where dialogue, forgiveness, and honest recitations of the harmful events occur on the survivor's own terms – rather than emanating from a formal national process where a third party is . . . the final arbiter of another person's truth' (Zlotowski 2014).

It is against the backdrop of increasing scepticism about the therapeutic assumptions associated with the TJ model (Mendoloff 2009; Doak 2011; Karstedt 2015; Niezen 2020) that this chapter seeks to explore how the 'salient features' of truth-telling and reparation (Karstedt 2015: 50) – agency,

participation, transparency, reciprocity – may be preserved or extended through creative processes.

As Chapter 8 notes, recounting trauma risks reinscribing rather than moving beyond the dynamics of 'doer and done to' unless it can establish conditions under which a 'third' position can be instantiated (Benjamin 2004). Hence, it may be important for therapeutic work to focus not on the task of uncovering and 'symbolizing what is re-lived' but on 'creating the conditions for having a new experience' (Reis 2020: 105). Following Bollas, we suggest that this distinction illuminates the (therapeutic) register of art, which, rather than simply revealing or representing trauma, allows for its transformation through a reconfiguration of experience ('the play work of genera' is 'to collect units of received experience that interanimate towards a new way of perceiving things' (Bollas 1993: 78)). Within trauma-informed arts practice, this generative process is enabled through the affordances of a facilitating environment in which power relations or the assignations of 'doer and done to' are themselves reconfigured, and also by the cultivation of agency and control – not only in the generation of imagery, symbolism and narrative but in the sharing and dissemination of the work (Chapter 8 discusses the example of the Parragirls who sought to keep control of their trauma narrative in order to guard against the re-traumatization reported in the case of Yazir Henry).

At the core of our proposition is that *artistic processes* – as opposed to the employment of *art as representation* of harm (the dominant conception of art as symbolic reparation within existing TJ literature) – can both serve to enable truth-telling and inform or constitute reparative outcomes. Typically, the role of art in supporting the reparative objectives of TJ has been invoked primarily in the context of symbolic reparations as a representation of 'public acknowledgement and recognition that crimes have happened' (Simić 2014: 55). In developing guidelines for the creation of symbolic reparations that speak both to the repair of victims and 'aspirations toward a more moral and just society', Greeley et al. (2020: 191, 189) observed that symbolic reparations such as memorials, monuments and commemorative practices are often perceived as 'top-down affairs', positioning 'audiences – including victims – as passive recipients of a preconstructed meaning, rather than as active participants in creating meaning'. Artworks of memorialization have also been utilized to provide a '"creative pathway" to reconciliation' (Kerr 2017: 3; Garnsey 2016; Shefik 2018), opening up possibilities to foster communication across often antagonistic groups or factions in a political conflict. If created in a genuine, conscious collaboration with victims, symbolic reparations can also serve to articulate an experience-led connection between victims, the state and civil society, potentially generating steps towards post-conflict transformation (Greeley et al. 2020: 192).

Common to both the symbolic representation of historical injustice and the 'dialogic potential' of art to create channels for reconciliation is the

capacity of art to convey the 'extent of trauma and the depth of emotions that [victims] and survivors experience' (Kerr 2017: 3). From the victim's perspective, the therapeutic rationale underlying the form of dialogic or relational encounter espoused by the TJ model has parallels with the ideas underlying 'transformative art practices' (LeBarron & Sarra 2018) applied in post-conflict environments. As with the promise of truth-telling, the development of certain transformative art practices has been promoted as enabling the participation of individuals in their own recovery and healing by 'catalyz(ing) shifts in previously frozen or violent relations and creat(ing) openings for new relational geographies' (LeBarron & Sarra 2018: 35).

Moving beyond conventional understandings of art as a mode of representation, the integration of an artistic practice within a TJ framework builds on contemporary research in participatory arts that emphasizes the relational and psychosocial dimensions of creative process (see Chapter 8). Within such a framework, art is not only a means of expressing or making known the lived experience of trauma. Conceived and facilitated as reparation and reparative process, it directly and continuously supports internal and interpersonal processing of trauma within a framework that builds creative capacity, bolstering the agency of survivors and attending to the ongoing dynamics of public engagement. Thus, the focus is not only on self-expression and representation but on co-designing and brokering engagements that promote the desired effects of such representation, such as public acknowledgement and 'being believed'. As such, art practice and associated public representation is not simply instrumental or directed towards some external material goal or outcome. Rather, the practice is in itself reparative, supporting a broader, ongoing, psychosocial process of repair, which anticipates the despair, re-traumatization and the seepage of trauma into the lives of subsequent generations (Gobodo-Madikizela 2016b: 3) that the TJ process alone is ill-equipped to remedy.

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Note

1 See The Big Anxiety festival website: https://www.thebiganxiety.org/events/r-e-a-and-judy-atkinson/ (accessed 11 September 2021).

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