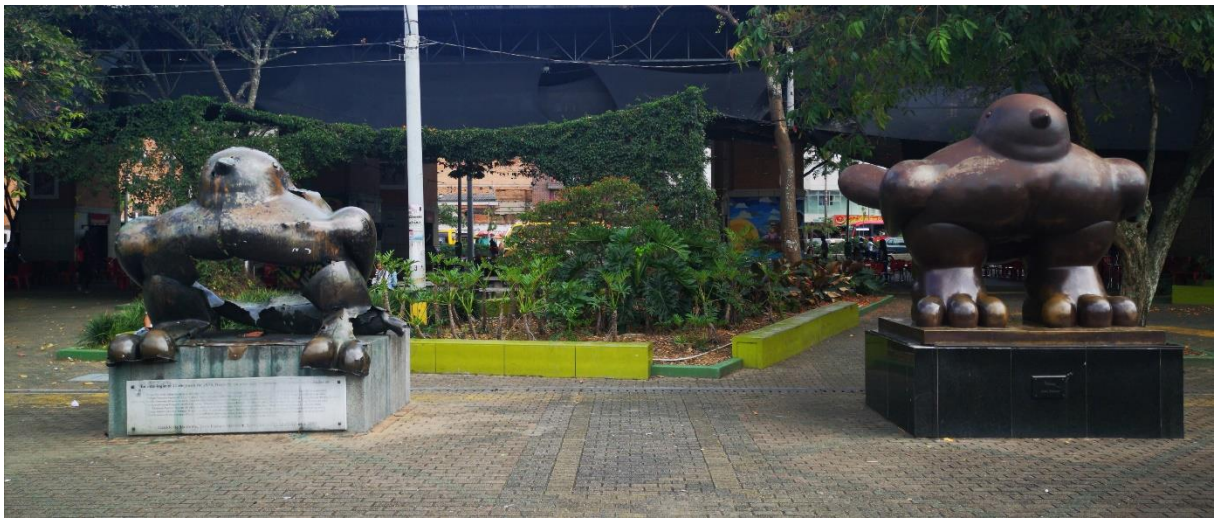# Taking the Next Step Toward an Aesthetics of Transformative Transitional Justice

## Analyzing the Aesthetics of Transition in South Africa and Colombia



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*Student: Piet Wiersma*
*Student number: s4162293*
*Supervisor: Dr. François Lenfant*
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# Abstract

The field of transitional justice has made a turn towards transformation over the past years, focusing on social and economic rights (violations) in addition to legal and political rights. It purports to analyze the social realm on a deeper level than transitional justice could, foregrounding bottom-up and grassroots processes and open-ended practices that serve to unleash transformative dynamics on the local level. Despite the fact that its expanded scope places significant demands on both researchers and policymakers, the ways in which its transformative tools operate, and the way its goals are to be achieved, remain severely under-analyzed. The discipline of political aesthetics can help to remedy these shortcomings. Its analytical capacities and practical strategies with regard to the (re)constitution of social meanings and values are precisely what transformative justice lacks. Despite this, the only scholar to systematically attempt to bring the two fields together is Carrol Clarkson. Whereas she does not explicitly situate her work in the theoretical framework of transitional justice, let alone that of transformative justice, Clarkson takes a solid first step towards an 'aesthetics of transitional justice'. This thesis aims to take the next step. It constructs a theoretical framework that explicitly incorporates political aesthetic theory in transformative transitional justice, and uses said framework to analyze the merits and shortcomings of Clarkson's work. It then employs these findings in its selection and analysis of several Colombian transitional aesthetic phenomena, testing the reproducibility of the South African dynamics Clarkson discovered, and applying the parts of the theoretical framework she leaves unaddressed. The thesis will conclude with a (re)formulation of the analytical and practical use of political aesthetics for transformative transitional justice.

# Contents

# 1. Introduction

Transitional justice has become the dominant theoretical framework through which both scholars and policy makers approach states that have to address a legacy of violence. Despite this prominent status, it is a heavily contested field. Its practices, aims, as well as its scope are subjects on which scholarly opinion shows profound discord. Especially with regard to the latter, its scope, 'traditional' transitional justice has been subjected to criticism. Its narrow focus on civil and political rights has been held responsible for only treating the *symptoms* instead of the *causes* of conflict (Gready and Robins, 2014a). By way of remedy, scholars have championed broadening its scope. They argue that transitional justice ought to expand its mandate beyond formal mechanisms of civil and political rights (violations), and include a focus on social and economic rights (Pasipanodya, 2008; Cahill-Ripley, 2014; Szablewska and Bradley, 2014). Over the past years, a lot of work has been done to define these additional dimensions of transitional justice, increasingly leading to a more holistic conception of the field. These demands for holism have effectuated a *transformative turn* in transitional justice. 'Transformative transitional justice' does not aspire to replace transitional justice. It does, however, aim to "reform its politics, locus and priorities [and] entails a shift in focus from the legal to the social and political, and from the state and institutions to communities and everyday concerns" (Gready and Robins, 2014a: 355). It allows researchers and policy-makers to articulate more rigorous demands for redistribution, socio-economic rights, welfare, or even radical structural change (McAuliffe, 2017).

In addition to demands for holism, transformative justice conceptualizes and interprets the quest for justice as a fundamentally open-ended process (Gready and Robins, 2014a). It underscores the need to ease any hard requirements regarding not only the often lamented (neo)liberal peacebuilding and development ideology, but any peacebuilding ideology with fixed end-goals. Transformative justice holds that transitional justice is not necessarily about creating transformation itself, but rather about unleashing and safeguarding transformative dynamics (Servaes and Zupan, 2009). Accommodating a transformative justice that is both holistic and open-ended is no simple feat. At first impression, these two requirements seem mutually exclusive – a holism that serves as an overarching connection between the different spheres of justice seems to presuppose some kind of teleological end-state. Upon closer inspection, however, holism and open-endedness do not prove mutually exclusive.

Considering its dual emphasis on holism and open-ended processes, it is surprising that little to no literature on transformative justice mentions the potential of political aesthetics. One of the pre-eminent authors writing on political aesthetics is Jacques Rancière. Aesthetics, in his words, can be understood

in a Kantian sense—re-examined perhaps by Foucault—as the system of a priori forms determining what presents itself to sense experience. It is a delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and the stakes of politics as a form of experience. (Rancière, 2013: 8)

These delimitations, or 'distributions of the sensible', as Rancière calls them, are not rigid and unchanging: they can be disrupted, altered, or even transformed, by 'aesthetic acts'. These acts function as "[re]configurations of experience that create new modes of sense perception and induce novel forms of political subjectivity" (Rancière, 2013: 3). As such, aesthetic acts can not only bring about different perceptions of social relations, but can also change the way we view the relationship between the actual and the possible. They possess the potential to reappraise what counts as perceptible, legitimate, 'readable' or intelligible within a specific social order.

These distributions of the sensible – or fields of sense experience – can serve to entrench the marginalization and oppression of particular groups or ideas existing in transitioning societies, or they can serve to bring them to the fore. Despite this, these distributions, as well as the aesthetic acts that can alter them, remain largely unrecognized by current theories of transformative and transitional justice. As such, a great deal of local and everyday dynamics are currently (dis)missed as sources of transformative justice and peace(building), or as possible avenues for addressing violent pasts. Political aesthetic theory seems to offer redress in this light. Even at first sight, one can glimpse its potential for influencing the perceptions of conflict-affected communities and their options for action in the non-ideal realities they face. Political aesthetics offers – especially in its treatment of aesthetic acts – a *theory of change* for the kind of transformation that transformative justice seeks to bring about. The locus of transformation should not only be thought as residing in institutions and policies, but also – and more importantly in light of transitional justice's emphasis on democratization – in the hearts and minds of the people that interact with them and uphold them.

One of the few authors working on transitional justice who acknowledges the value of aesthetics is Carroll Clarkson. The subtitle of her pioneering work *Drawing the Line: Toward an Aesthetics of Transitional Justice* (2014) betrays her ambitious aim. Whereas the role and usefulness of political aesthetics in theories of justice in post-conflict situations is severely under-explored, this work provides a starting point, a backdrop against which an inquiry into the workings of political aesthetics in post-conflict situations can be launched. However, whereas it offers a more than useful glimpse into the workings and modalities of political aesthetics, Clarkson's work also seems to have its limitations.

As is the case with any backdrop, this one is not neutral. The book is about South Africa, and Clarkson exclusively treats South African phenomena. Several of the practices and theoretical insights

she highlights could be specifically South African, or perhaps – in a broader frame of reference – post-colonial. In addition, Clarkson does not explicitly discuss which place aesthetics can or should take up within the theoretical framework of transitional justice, let alone transformative justice. The most important limitation, however, is a disproportionate focus on two things. The first concerns the fact that she uses aesthetic acts as the starting point of analysis, and not the given distributions of the sensible that might be antithetical to transformation. The second concerns her treatment of the aesthetic acts of *elite* actors in the art world and politics at the expense of the 'aesthetics of the everyday' – the analysis of quotidian and popular cultural artefacts.

In light of the demands of holism and open-endedness in contemporary transformative justice scholarship, and following the work of Carrol Clarkson and its apparent deficiencies, the goal of this thesis is to take the *next* step toward an aesthetics of transitional justice: a step toward an aesthetics of *transformative* transitional justice. I will start by mapping the theoretical compatibility of political aesthetics and transformative justice and bringing them together in one theoretical framework. Following this, I will discuss Clarkson's analysis of South African transitional aesthetics, before using said theoretical framework to critically assess her work. By way of juxtaposition and comparison, the merits, applicability, and limits of Clarkson's transitional aesthetics can be tested. This is where Colombia comes in. Comparing Clarkson's aesthetic analysis to several transitional aesthetic acts and phenomena in Colombia will allow me to incorporate political aesthetics in transformative transitional justice in a way that takes the full extent of its capacities into account. With this in mind, the primary research question of this project can be stated as follows:

> *What is the use of political aesthetics for transformative transitional justice in terms of analytical capacity and practical strategy, and what can we learn from South African and Colombian transitional aesthetics in this regard?*

In light of the above, the research project will be structured and partitioned as follows: I will start the next chapter – chapter two – by bringing political aesthetics and transformative justice together in a theoretical framework. The foundation of the framework will consist of a critique of transitional justice that uses insights from the transformative turn. Once the need for a transformative holism has been fleshed out, and the strengths and shortcomings of contemporary theories of transformative transitional justice are outlined, it is time to turn to the place political aesthetics might take up within such a holistic theory. The second part of the theory chapter, then, will start with a discussion of political aesthetics and its potential as a supplement for transformative transitional justice. It seeks to understand how political aesthetics should be thought in, and in interaction with, transformative transitional justice. As far as methodology is concerned, chapter two will rely heavily

on in-depth literature study. Once the theoretical framework has materialized, chapter three will chart the methodological approach of the case study segment that will ensue in the chapters that follow it. I will start chapter three with a meta-methodological account of the ontological status of both cases, before discussing the case study design, its advantages, and its disadvantages. At the end of the chapter, several sub-questions and hypotheses related to the main research question will be formulated based on the insights of the theory and methodology sections.

Chapter four initiates the case study component of the thesis. In this chapter, I will discuss Clarkson's analysis of South African transitional aesthetics before scrutinizing her findings in light of the theoretical framework provided in chapter two. As a central concern, I will test whether her analysis makes use of the full spectrum of possibilities that political aesthetics brings to transformative transitional justice *in theory*. A comparison enables me to test whether any possibilities left unaddressed by Clarkson – in light of the theoretical framework outlined in chapter two – can in fact play a role in transitioning societies. This is where Colombia comes in. In chapter five, then, I will focus on the political aesthetic dimensions of transition and transformation in Colombia. Special attention will go out to the (narco-)aesthetics of violence and illegality, and to the aesthetics of the everyday. In general, the chapter will try to shed light on distributions of the sensible that conflict with the goals of transformative justice. Just as in the analysis of the previous case, the focus will be on distributions of the sensible as well as on the aesthetic acts that intersect and interact with these structures. Comparing the information that the aesthetics of transition of South Africa and Colombia provide will offer insights into the full range of potential of political aesthetics vis-à-vis transformative transitional justice. The thesis will conclude, in chapter six, with a short summary of the findings, during which the research question will be addressed. There will also be space for reflection, with a discussion of some of the shortcomings and suggestions for further academic inquiry.

## 1.1. Scientific and societal relevance

Transitional justice is the globally dominant framework for scientific research with regard to nations, states and communities that are dealing with a violent past. Despite this status, the scope of its theoretical and analytical frameworks proved too narrow to properly account for all aspects of violent conflict and its prevention. The transformative turn has broadened this scope, but it, in turn, has some serious theoretical and analytical deficiencies. It does not include a proper theory of (the transformation of) social meanings. As such, its ability to analyze and engender social change is inadequate, or even non-existent. This thesis aims to bridge some of the theoretical and analytical deficiencies that create gaps between the aims of transformative justice and its ability to conduct the

kind of research that fulfills these aims. It does so by bringing two scientific disciplines together: political aesthetics and transformative transitional justice.

Transitional justice is not just the globally dominant framework for scientific research of (the causes and effects) of violent conflict, but also the dominant lens for practice and policy-making. In its practical work towards addressing violations of peace and ensuring lasting positive peace in the future, it is responsible for the well-being and even flourishing of people around the world. This heavy burden of responsibility also means, however, that gaps or deficiencies in the framework of transitional justice can have disastrous consequences for the people affected by conflicts and for the governmental and non-governmental actors working to help them.

The importance of a proper framework for transformative justice in terms of its practical and analytical capabilities seems to grow due to recent developments. Today, around two billion people (almost a third of the world population) live in countries affected by conflict, and in 2018, the world saw 70.8 million refugees (Avis, 2019).  At the same time, a growing consensus points to the fact that "the international community's conflict response toolbox, including expensive international interventions, is inadequate in the face of new empirical realities" (Avis, 2019: 20). Conflict takes on new forms and is becoming more fluid, in addition, spreading across borders to affect wider regions due to greater interconnectivity of countries or deliberate strategies (ibid.). Greater complexity in the production of violence demands greater analytical capabilities and better practical strategies – an aesthetics of transformative transitional justice helps to achieve this. Taking all this into account, the scientific and societal relevance of this thesis can hardly be overstated.


# 2. Theory

## 2.1. Transformative transitional justice

In order to understand the ambitions and extensive demands of transformative transitional justice, it is important to look at the history of the field of transitional justice. Against the backdrop of the workings and shortcomings of 'traditional' transitional justice, the urgency and demands of transformative justice become clear. After mapping the characteristics of transformative transitional justice, the same will be done with regard to political aesthetics. In the last part of this theory chapter, the compatibility of both theoretical frameworks will be addressed.

## 2.1.A. Transitional justice: a brief critical history

Transitional justice has a tradition that can be traced back to at least post WWII Germany and the Nuremberg Trials. Although accountability and acknowledgement have been hallmarks of transitional justice from the onset, the stasis of Cold War politics that followed often hampered their realization. Once authoritarian regimes gave way to liberal democratic regimes by the handful in the 1980s and 1990s, however, Latin America and Eastern Europe saw new governments engaging in "idiosyncratic, bargain-based attempts to pursue accountability for human rights abuses" (McAuliffe, 2017: 36).

During all of this, transition was conceptualized – in rather limited fashion – as a progression from authoritarianism to liberal democracy. The justice measures that corresponded to this conception, and that were thus seen as legitimate, were centered on legalism: truth-telling, restitution, prosecutions, and institutional reform. Understanding transition in terms of a move towards liberal democracy meant fairness would be gauged around issues of rule-of-law instead of broader conceptions of democracy that took socioeconomic inequality and transformation into account (Nagy, 2013). 'Justice' was almost entirely colonized by law and legalism. Truth commissions and judicial responses to rights violations became the narrow standard, eclipsing broad social dynamics that might lie at the heart of the conflict by concentrating on specific highly demarcated – and thus isolated – instances of physical violence (Turner, 2013). Simultaneously, other measures, such as distributive justice, were overlooked (Arthur, 2019). All the while, the focus in measuring fairness was on adherence to procedures and rules instead of their sociopolitical outcomes. This was reflected in the conception of democratization: transitional justice suffered from a dogmatic focus on procedural democracy – on elections and constitutionalism (Gready and Robins, 2014a).

The liberal peace ideology caused transitional justice to prioritize the creation of 'empty' institutions paralyzed by capacity shortfalls in fragile states, rather than contextualized engagements with population welfare and their everyday needs (Gready and Robins, 2014a). The infatuation with institutional mechanisms stood in the way of real citizen participation. Small numbers of citizens were allowed to engage with these mechanisms, through giving testimony, as defendants, or as witnesses. In general, the people who are most severely affected by violations had the least opportunity to influence the nature of these mechanisms and the goals of the process (Robins, 2009). In addition, the discourse used in these proceedings – and the legal(ized) discourse of transitional justice in general – had an empowering effect on elites at the expense of victims, while the latter are most in need of access to this language. This led to rights being claimed on behalf of victims instead of *by* victims (Madlingozi, 2010).

Restorative enterprises of reparation and reconciliation were effective on the individual level on occasion, but in general restoration amounted to restoration of an unjust *status quo ante*

(McAuliffe, 2017). Even the South African and Latin American truth commissions, widely valorized as they were, have come under criticism for unveiling a 'diminished truth' by ignoring repressive political economies, obscuring structural power relations surrounding ethnicity, and working with definitions of victimhood that are too narrow (Mamdani, 2001). Collective mobilization was hamstringed by the combination of a strong desire to achieve closure of past events, together with the focus on rule-of-law procedures that encouraged victims to voice their plight both *in* and *on* individual terms. In addition, victims were encouraged to forego claims to more substantial redress beyond the bounds of what the inquiry or trial provided (Meister, 2012). All these factors placed firm limits on the possibility and scope of justice.

As the concept of victimization was fleshed out more profoundly, it was discovered that it occurs along the lines of social identities, such as class, gender, and wealth. (Lambourne and Rodriguez Carreon, 2015; Shackel and Fiske, 2019) Thus, violence was (re)conceptualized as a spectrum spanning structural and interpersonal violence, instead of a dogmatic focus on (singular) acts of political violence (Gready and Robins, 2014a). This paved the way for a stronger emphasis on the indivisibility – and thus interdependence (Gilabert, 2010) – of rights, which went severely underappreciated in the traditionally dominant liberal-legalist transitional paradigm (Laplante, 2008). It also led to transitional justice embracing peacebuilding practices that were only tangentially linked to accountability for committed crimes, such as security sector reform (SSR), disarmament, demobilization and reintegration (DDR), history education reforms, and rule of law reconstruction. One by one, these practices increased the credibility and demand of more holistic approaches to transitional justice (McAuliffe, 2017).

Another reason why broader societal distributions and underlying social trends – related to class-division, wealth, and political culture – were disregarded or met with indifference was the fact that transitional justice placed heavy emphasis on inter-elite bargaining relations (McAuliffe, 2017). It is not surprising that the policy options extrapolated from such a legalistic and individualistic approach centered mainly on political and civil rights. In other words, transitional justice found itself obsessed with individual actors that committed particular wrongs against particular victims at the expense of all-encompassing, agentless, society-wide structures (Guilhot, 2002). As such, transitional justice treated the *symptoms* rather than the *causes* of conflict (Gready and Robins, 2014a). Bit by bit, it became clear that judicial trials and procedures were incapable of making the same kind of strides towards reconciliation that were made by more tangible social and economic programs (Terreblanche, 2001). At the same time, the primary orientation remained one directed at negative peace rather than positive peace. As a result, an absence of violence related to (renewed) social divisions carried more weight than the eradication of social injustice (Van der Merwe, 2009; McAuliffe, 2017).

Instead of reconciliatory socioeconomic programs, the field came under sway of neoliberal market-driven economics towards the end of the 20th century, culminating in 'Washington Consensus' interventions. This 'consensus' held that international donors "should encourage recipient states to implement economic liberalization policies, on the grounds that deregulation and privatization of these states' economies would create the most propitious conditions for sustained growth"(Paris, 2004: 29). The enduring marginalization and poverty resulting from a lack of attention to socioeconomic (re)distributions combined with neoliberal policymaking caused some states to remain fragile despite 'graduating' to middle-income status, however (Naudé et al., 2011). This underscores the importance of combatting socioeconomic injustice and inequality. Despite this, the state of the art of transitional justice reflected in the 'New Deal on Fragile States' announced on 30 November 2011 at the g7+ Fourth High-Level Forum on Aid Effectiveness did not seriously address these problems. The New Deal is an effort to forge partnerships on the international level consisting of fragile states with rich countries in the global North, in order to "pull them out of low-development–high-conflict traps" (Naudé, 2012: 1). Despite its talk about 'country-owned transitions', the New Deal focuses narrowly on increasing productivity and sees the private sector as the central force of development in the name of 'aid effectiveness'. In addition, it remains stuck in state-centric ideas of peacebuilding, dominated by elite international donor networks instead of driven by locally rooted movements (Gready and Robins, 2014a).

## 2.1.B. The turn toward transformation

In addressing the issues listed above, transitional justice scholarship started to move beyond circumscribed liberal-legalist accountability towards the end of the first decade of the 21st century, and started focusing on broader social dynamics and state output. As such, they brought about what is now called the 'transformative turn'. Transformative justice constitutes less a 'turn' and more of an inclusionary expansion. It does not aim to replace the practices of transitional justice. Legalistic practices of truth-telling, restitution, prosecutions are still very much a part of its toolbox, and liberal freedoms are still very much on the table as core values. That being said, transformative justice does aim to radically reform the priorities, locus, and politics of 'traditional' transitional justice. This inclusionary expansion amounts to a *holistic* view on both transitioning societies and the kind(s) of justice they deal with (Stover and Weinstein, 2006; Gready and Robins, 2014a).

The toolbox transformative justice employs is enlarged beyond top-down imposition of legal frameworks or institutional templates to include a range of bottom-up approaches and policies with potential to impact the social, economic, and political status of a wide spectrum of stakeholders. In addition to transitional justice's focus on state-centric institutions, potential for real change is seen as driven by multi-level processes, with extra emphasis being given to community-created processes at

the local level. In order to do so, it tries to make room for empirically and evidentially driven analysis strongly grounded in multi-sectoral contexts, instead of a dogmatic focus on international law, norms, and rights. Paul Gready and Simon Robins, two prominent advocates of the transformative justice, hold that victim/survivor mobilization and civil society can bring about shifts in power relations and agency through constituency building, long-term participation, and new patterns of engagement. They define transformative justice as "change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes and the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level" (Gready and Robins, 2014a: 340).

The literature of the transformative turn often tends to present the traditional emphasis on civil and political rights as a deviation rather than a foundation of real transitional justice. Since they are often related to the fundamental causes of conflict (Smith, 2004), social and economic rights are given equal consideration compared to civil and political rights. A "root cause approach to justice" (McAuliffe, 2017: 40) cannot avoid incorporating social injustice, wealth distribution (Arbour, 2007; Pasipanodya, 2008; Cahill-Ripley, 2014), structural violence (McGill, 2017), and systemic discrimination in its portfolio (Duthie, 2008; Evans, 2016). Moreover, social and economic rights are often prioritized by local communities and victims (Robins, 2013). Impunity for rights violations across different categories of rights can be mutually reinforcing (Carranza, 2008), and it is often the case that forms of exclusion, inequality, and marginalization interact with each other and compound each other. For example: citizens with unequal access to land often experience a lack of political power. Various truth commissions – such as the ones in Peru, Kenya, Sierra Leone, Liberia, and Timor-Leste – already investigated and put forward recommendations regarding cultural, economic, and social rights (Duthie, 2008).

In addition to addressing individual rights violations, transformative transitional justice started to look at victimization along broad (intersecting) population categories and identities, and collective experiences of systemic and structural violence (Mani, 2008). It increasingly theorizes transitional justice from gender, class, and socioeconomic perspectives (Lambourne and Rodriguez Carreon, 2015). Instead of treating victims and affected citizens as mere spectators or witnesses in events of transition, transformative justice tries to be as inclusive as possible and aims for their sustained engagement.

The mechanisms with the biggest potential for socioeconomic impacts are the ones concerning reparations. These can be tied to both corrective as well as distributive forms of justice (Yepes, 2009). At the same time, reparations should not function as a substitute for development, or be implemented in the latter's absence. This is precisely what happened in Colombia, as Pamina Firchow argues (2013). In addition to reparations, criminal persecutions, truth telling, and institutional reform, holistic transformative approaches include things such as educational reform, commemorative practices and

memory work, and reconciliation initiatives. As such, they establish connections with broader notions of post-conflict reconstruction and peacebuilding (Gready and Robins, 2014a; Baker and Obradovic-Wochnik, 2016).

The theoretical shift in focus from bargaining elites and rule of law to include agentless society-wide distributions of social and economic goods was accompanied by shift from (material) interests to include general ideas and ideologies. In order to account for this change, the explanatory models shifted accordingly: a (social) constructivist perspective – emphasizing that ideology and norms influence how contexts and constraints are interpreted (Autesserre, 2011) – had to accompany rational choice models. It is not rational input/output formulas, but the value that impacted populations place on change and transformation that decide what normative goals emerge or what counts as equitable development (Tadjbakhsh and Richmond, 2011). Together with material interests, these values – that are rooted in or mediated by many things, including culture, beliefs, frames, discourses, norms, worldviews, ideology, symbols, representations, and habitus – influence local and even societal understandings of transformative justice mechanics. These understandings do not single-handedly cause or determine action, but do have a mediating function in rendering certain actions legitimate and possible, and others improbable or illegitimate (Autesserre, 2011).

### 2.1.C. Criticism of transformative justice

Transformative transitional justice has not steered clear of scholarly criticism. Some researchers have a problem with the ontological status that constructivists bestow upon ideals and ideas. Pádraig McAuliffe is one of them. According to him:

> One sees in the transformative transitional justice literature great optimism that the social world within states can be changed – the main barriers to justice exist not in context, state capacity or the efficacy of transitional justice's mechanisms, but at the cognitive or ideational level. (McAuliffe, 2017: 72)

McAuliffe espouses a half-truth here. There is indeed a great optimism to be found in transformative transitional justice literature with respect to the proclivity for social change. However, nowhere does this literature proclaim the supreme centrality of ideas when it comes to the main barriers to justice. In discussing constructivist thought, McAuliffe treats it as a stand-alone approach, and sketches a one-sided story around what ultimately amounts to a crude straw-man version of constructivism. Contrary to his claims, most constructivists do not reject the rational choice paradigm, and material interests definitely do not "become mere secondary concerns to ideas and identity", losing their "causal agency"

(McAuliffe, 2017: 70). Material conditions are not ignored. Rather, what is at stake is the causal relationship between ideational and material factors (Risse and Sikkink, 1999).

Neither the realist nor constructivist paradigm should be treated as a final or full account of how justice should operate in transitioning societies. Instead, they should be treated as what they are: models – simplified abstractions that allow us to draw conclusions and conduct analysis within the chaotic complexity that transitional justice faces. The question becomes: in which contexts does each model gain plausibility, and what are the primary variables that constitute this plausibility (Duthie, 2017)? As an example of contextual influence: one of the central tenets in constructivist thinking directs our thought to the soft power that can be employed by civil society, persuading governments to change behaviors or adopt ideas. One of the main concerns of transformative transitional justice is democratization. Democracy, after all, is what is transitioned to (Arenhövel, 2008). In functioning democracies, change has to come from the attitudes of its citizens – from their hearts and minds. As such, social movements and civil engagement plays a big role, and it is telling that transformative justice scholars incorporate social and protest movements in the concept of civil society (Gready and Robins, 2017).

As a result, one would expect the (social) constructivism to gain in explanatory power in societies that have experienced a reasonably successful transition to democracy (or that had relatively resilient democratic institutions to begin with), and deal with their violent past through a democratic political framework. In situations of peace-brokering or immediately after a peace agreement has been signed, on the other hand, it makes more sense to look at individual interests of elite and powerful actors. In such cases, it may matter less whether the broad public is in favor of certain measures if warlords or political leaders oppose them (Thoms et al., 2010). Democratization, of course, is but one of the many contextual variables that has to be taken into account in choosing the right theoretic approach (Duthie, 2017).

According to McAuliffe, the promotion and demand for ever-more comprehensive forms of transitional justice have led to justice becoming the ontological starting point instead of transition in assessing the possibilities of the field. As some other scholars agree, the relation between field and subfield has been inverted: "transition is constituted as a subfield of transitional justice rather than vice versa" (Bell, 2009: 24). McAuliffe laments the fact that the distinctiveness of transitional justice has incrementally been sacrificed in the name of inclusiveness, impeding focused theorization. Another – yet closely related – point of criticism of McAuliffe is that transformative transitional justice is presented in very idealistic terms, and scholars working within the discipline have started to acknowledge "that its virtuous effects are more easily presumed than proven" (2017: 74). As a result, these effects tend to be exaggerated, and their challenges minimized. McAuliffe chalks this up to an excessive reliance on pristine ideals of justice.

The term 'pristine' is part of a distinction between pristine and rectificatory justice by Mark Evans (2012). Without explicitly acknowledging this, Evans builds on a long discussion in political philosophy on ideal and non-ideal theory,[1] engendered by John Rawls' *A Theory of Justice*, and its ensuing critical reception following the publication in 1971. Rectificatory justice posits justice as a remedial, restorative, or rectificatory virtue, focused on righting a wrong. It is the justice one find in conceptions about punishment. In absence of any wrongs or wrongdoers there is no need for it. Pristine justice, on the other hand, concerns itself with how things should be in an ideal world. It is fundamentally positive or affirmative in character. The world it envisions does not need to be perfect, but it does offer an account of how things should be "with no significant ills to address or hard compromises to be hammered out" (Evans, 2012: 199-200).

According to McAuliffe, the emphasis on pristine justice in transformative justice literature is explained by the fact that "the most demanding ideals of justice may naturally seem more appealing than circumspect attention to the likely materialist-realist context" (2017: 73). This is a lapse of judgement that probably comes from the idea that one can engage in normative interventions on the non-ideal or rectificatory level without the use of pristine ideals. However, as John Rawls would counter, the ideal is always already at play in informing what is perceived as non-ideal or rectificatory (Rawls, 1999a: 90; 1999b: 8). The non-ideal and the rectificatory can only appear as such against the backdrop of the ideal or pristine. That being said, there are epistemological pitfalls that accompany excessive emphasis on the ideal: the ideal might have blind spots that cause it to fail cognizing certain non-ideal positions (Anderson, 2009: 135). What is thus needed is a back and forth between ideal and non-ideal viewpoints. It is precisely this dynamic that transformative justice tries to safeguard by its dual emphasis on an indivisible constellation of rights *and* bottom up local perspectives of afflicted communities.

Where McAuliffe's argument gains traction is in his statement that *a priori* legitimacy and salience of transformative norms should never be assumed, and that transformative ideals should never be technocratically applied. Transitioning societies are no guarantors of predefined political outcomes, or neutral grounds for theorization, but sites of contestation. In Western theorization, rights might be conceived in pre-political manner, premised on universality, but within the explicitly political arena of transitioning societies they cannot avoid compromise and instrumentalization (McAuliffe, 2017). However, rights do not avoid instrumentalization and compromise in non-transitional contexts either. This does not mean that pristine theorization is at fault. The example of human rights shows parallels with the far reaching demands of holistic transformative justice. The fact that rights are conceptualized in a pristine, a priori, and indivisible way does not mean that they should be applied

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[1] For more information on the different conceptualizations of the (non-)ideal, see Valentini (2012).

wholesale or not at all. It is crucial to balance scope and feasibility, but feasibility constraints should not dominate theory. What critics of a transformative holism such as McAuliffe misunderstand is that failure to meet its far-reaching demands does not signal the bankruptcy of the theoretical framework. Instead, its demands function as a regulative ideal (Emmet, 1994) – as a beacon on the horizon by which to measure progress.

McAuliffe does have a point, however, when he notes that external transitional justice actors often enjoy very little capacity to alter historically constituted political relations between elite actors and groups and their constituencies. In addition, we should not ascribe autonomy to transformative justice as an actor in its own right. It is not self-enforcing. Transformative justice always (politically) challenges an existing order that prevented organical development of such progress (McAuliffe, 2017). The strongest point McAuliffe makes, however, might be that the foundations of the ideational side of transformative transitional justice are still severely under-theorized. In this regard, political will, he notes, is one of the most "underanalyzed determinants" of the transformative capacity of transitional justice (2017: 85). This under-theorization becomes unsettling when viewed in light of the fact that transformative justice makes big demands for redistribution, socio-economic rights, welfare, or radical structural change, and becomes full-on problematic once you also factor in that transitioning societies are sites of political and ideological contestation.

The objective of transformative justice is one of gargantuan proportions: it aims at nothing less than altering the course of collective (co-)existence. In this light, it is hardly surprising that "expansion of [its] claims currently outpaces their implementation" (McAuliffe, 2017: 35). What *is* peculiar, however, is that so little attention has been paid to exactly how the social realm and its potential for change are to be analyzed, let alone to how these changes are brought about. It seems as though transformative justice commits a cardinal sin of the social sciences: it lacks a proper theory of (social) change. Political aesthetics is one possible avenue in helping to remedy this deficiency. Despite this, and despite the fact that Gready and Robins call for a multi-disciplinary approach to transformative justice (Gready and Robins, 2014b), political aesthetics has scarcely been considered as one of these disciplines. This is remarkable in light of their compatibility. Before making this compatibility explicit, I will touch on political aesthetics by giving a brief overview of its characteristics, basic claims, and applications.

## 2.2. Political aesthetics

We have come a long way since Plato's militant condemnation of art, artists, and representations in general as having nothing to contribute of genuine philosophical concern, and as concerned solely with superficial appearances that distort the truth of reality (Plato, 1991). Today, the consensus is that

cultural artefacts and the ideas attached to them are just as much a part of the 'truth' of our reality as anything else. 'Real life' often imitates or follows symbolic patterns expressed at their purest in art (Žižek, 2000). This means that art and cultural artefacts in the broadest sense, including jokes, films, novels, commercials, architecture etc., demand to be studied as a site of cultural conceptions and symbolic coordinates. The study of these artefacts and their political aspects falls under the domain of political aesthetics.

### 2.2.A. Aesthetics and cultural artefacts: the imagined and the imagining community

To underscore the importance of analyzing cultural artefacts, it serves to look at one of the most influential ones in the current global political landscape. Nationality, nation-ness, as well as nationalism are cultural artefacts of a particular kind, Benedict Anderson tells us (2006). The nation, he writes, is an imagined community – in fact, "all communities larger than primordial villages of face-to-face contact" are imagined (2006: 6). Communities should be distinguished from each other by the *style* in which they are imagined. When it comes to communities, there is not a more fundamental reality to be discovered beyond its imagination, beyond shared self-conception.[2]

Different representations of community carry different meanings. But meaning as such is more fundamentally connected to community. Our specific mode of being 'in community' might be contingent, but our being in community *itself* is not. A meaningful life, the taking hold of meaning, or in a more simple formulation, making *sense* of a world, is supervenient on shared perceptions.[3] Jean-Luc Nancy states in this regard: "There is no meaning if meaning is not shared, and not because there would be an ultimate or first signification that all beings have in common, but because *meaning itself is the sharing of Being*" (2000: 2). If any community is an imagined community, a cultural artefact based on shared understandings, and if meaning only enters into our world in communal contexts, then dimension of the aesthetic is where a community comes into existence.

Unlike its popular application sometimes seems to suppose, the term 'aesthetics' does not refer solely to (the study of) the beautiful. The ancient Greek *aesthesis* broadly designated the knowledge we obtain through our senses. Later on, the term's meaning stretched to include a scientific approach to the conditions of sensory perception. While closely related to the notion of art due to institutional and historical reasons, moreover, the idea of aesthetics is able to inform analysis beyond art in the narrow sense (Holm, 2017). The sensible world that it analyzes is structured along somewhat

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[2] This fact is underscored by the recent boom in scholarly output concerning the constructivist turn in political representation, which, in a nutshell, holds that representative claims do not just make present an already existing political reality, but *actively construct* this reality (Disch, 2019).

[3] Note that a similar argument can be made from the perspective of the philosophy of language. There are strong connections to Ludwig Wittgenstein's ponderings on the status of a private language. His famous conclusion is that such a 'language' would not be meaningful, and even incoherent (2009).

fixed lines, and so are the meanings we attach to it and thus the way we engage with it. As such, aesthetics is linked to the socio-political world in fundamental ways (Dikeç, 2015).

## 2.2.B. The politics of aesthetics and the aesthetics of politics

Writing in the 1930's, cultural theorist Walter Benjamin already warned us of the 'aestheticization' of politics. He connected it to the rising fascism in Germany at the time, and saw it as a key feature of fascist regimes. New techniques of reproduction, such as the tabloids, photography and film, were operationalized to conjure up 'mass publics' that thoughtlessly adsorbed their imagery instead of closely and thoughtfully observing it. As a counter-measure for the aestheticization of politics, some argued for reversing its terms, and engaging in the politicization of aesthetics. Political aesthetics, as a result, is the discipline that concerns itself with the political aspects of art, and more broadly speaking, the sensible world, but also with the sensible aspects of politics. It is, in other words, about the aesthetics of politics as well as the politics of aesthetics.

The world is made accessible to our senses in specific structural ways. Jacques Rancière uses the term 'distribution of the sensible' to designate these structures. Such a distribution is a system of "self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it" (2013: 7). This 'something in common', or *le commun*, for Rancière, "is strictly speaking what makes or produces a community, and not simply an attribute shared by all of its members" (2013: 109). Analyzing a given distribution of the sensible calls for an appreciation of the various ways that the world of sensory perception is divided up and partitioned, and consequently shared within a specific social structure. The shared perceptions or understandings of cultural artefacts can be of a political, social, but also of a literary or legal nature.

A central question to the field of political aesthetics is how one can (re)calibrate these communal configurations so that the accessibility to sensory fields, but especially the logics and meanings that are tied up with them, are altered, shifted, or subverted. It is in this light that Rancière, in *The Politics of Aesthetics,* speaks of 'aesthetic acts'.[4] These acts are "configurations of experience that create new modes of sense perception and induce novel forms of political subjectivity" (Rancière, 2013: 8). Once again, it must be highlighted that aesthetics is not simply about sense experience in the physiological meaning of the term. The term 'sensible' in the distribution of the sensible must be understood simultaneously as 'what can be sensed' as well as 'what makes sense'. In other words, the

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[4] Rancière is not the first to actively operationalize such acts. One older example of such a strategy is *détournement*, a form of social critique practiced by 'situationists' in which central imagery and texts from the dominant (mass-)culture were redirected (*détourner*) in such a way that their original meaning changed radically. The purpose was to unveil the absurdity underneath the self-evident façade of these cultural artefacts in a playful manner (De Leij, 2016).

aesthetic regime structures what is audible, visible, and speakable, but also – and perhaps more importantly – what is imaginable, meaningful, appropriate, or even prudent (Koren, 2011).

Some critics lament the fact that Rancière grants aesthetic acts too much agency.[5] Art, according to them, "is no match for the image and information industries that control and concentrate 'the sensible' with such ease and efficiency" (Foster, 2013: 15). Such criticism, however, mistakenly confines aesthetic acts to the world of art in the narrow sense of the word. This is exactly how some critics have come to characterize the relation between art and politics as marked by irresponsibility and non-committal. Laws, for example, can intervene in distributions of the sensible as well, and can thus equally be labeled aesthetic acts. Art undoubtedly offers the richest, most varied arena for the manifestation of aesthetic properties, but non-art objects have these properties all the same. It is just that they do not catch our attention, because of various reasons: maybe their use-value overshadows the aesthetic values, maybe we just aren't attuned to aesthetic properties if we are not urged to consider them by certain markers, such as a nice ornamental frame around them. In fact, popular cultural artefacts (films, music, games), might very well have bigger impacts on distributions of the sensible than some classical art objects. This highlights that political aesthetics is operative in a very diffuse domain. In order to get a better grasp of its characteristics and workings, it serves to turn to Crispin Sartwell and his focus on (non-)discursivity.

### 2.2.C. The non-discursivity of the aesthetic and the aesthetics of the discursive

The shared perceptions and understanding that underlie our social meanings and collective sensibility are strongly rooted or anchored in discursivity: in constitutions, political programs, declarations of independence, and law in general. These texts are often seen by political scientists as comprising the nucleus of what counts as the political, and as a result, they are given pride of place in political scientific analysis. What is often forgotten is that these texts always have non-discursive, aesthetic properties. Crispin Sartwell gives the U.S. constitution as an example: John Adams, when asked to compose the Declaration of Independence, suggested that the task should be assigned to Thomas Jefferson. Jefferson's prose style, Adams thought, was not only more beautiful, but specifically more classical than his own. While Adams was a skillful writer, and enjoyed a lifelong immersive schooling in the classics, Jefferson's neoclassicism was not only embodied in his writings, but was also reflected in his architecture and its influence on American public buildings, such as the U.S. Capitol. In addition it was

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[5] Notoriously, Rancière also stated that there is no formula for a one-on-one correlation between aesthetics and struggles for emancipation and political equality, and some critics have chastised him for this. By trying to vouchsafe the (potential for) absolute otherness of aesthetic acts, Rancière opens himself up to accusations of an unwillingness to provide strategies for concrete political engagement. Alain Badiou, for example, accuses Rancière of leading us "to nothing in the order of real politics" (2012: 108-110). We are offered mere 'motifs' rather than actual ammunition for political militancy, Badiou fulminates.

reflected in the form of government he drew up for the state of Virginia, which served as one of the models for the Constitution of the United States. To really understand the meaning of the Declaration of Independence, then, it is crucial to understand its poetry and the sources that shape its significance. The text, Sartwell concludes, is not a transparent window through which one can see its political ideology (in this case, Lockean Liberalism), but is inherently connected to "centuries of political and nonpolitical discourse, and to centuries of nondiscursive images and objects". (2010: 4)

In other words, the shared understandings that political texts and discourse serve to express, institutionalize, or safeguard, are also rooted in and expressed by the non-discursive world. In fact, Sartwell points out, political systems, ideologies, and constitutions are, at their heart, aesthetic systems. They are multimedia artistic environments. He echoes Benedict Anderson's statement in *Imagined Communities* when he writes:

> The political 'content' of an ideology can be understood in large measure actually to be—to be identical with—its formal and stylistic aspects. It's not that a political ideology or movement gets tricked out in a manipulative set of symbols or design tropes; it's that an ideology *is* an aesthetic system, and this is what moves or fails to move people, attracts their loyalty or repugnance, moves them to act or to apathy. (Sartwell, 2010: 1)

As a result, the objective of political aesthetics is not just to give aesthetic interpretations – and highlight aesthetic connotations – of political texts, although the ability to widen contexts of interpretation of political texts cannot be underestimated. More generally, according to Sartwell, its objective is to refocus political theory onto the various non-discursive modes of political formulation (2010: 4).

In short, political aesthetics sees political systems, constitutions, and ideologies as *aesthetic environments* rather than as essentially composed of (textually expressed) doctrines (Sartwell, 2010). Truly understanding a political system or social setting is not exclusively a matter of studying its text, speeches, or propositional assertions, but also demands seeing these discursive things as part of a multisensory aesthetic context. As such, political aesthetics attends to the aesthetic features of what people usually see as the material of political science: things such as speeches, constitutional texts, treaties, spatial planning, human geography (Hawkins and Straughan, 2018), government buildings etc. The list is practically infinite, and this reflects Sartwell's main standpoint that while not all art is political, it is certainly the case that all politics is aesthetic (2010).

The political, furthermore, is not just the site where power- or interest-oriented engagement happens. Beyond this, it is the site where identities and interests are formed, which in turn constitute the political itself. The formation and expression of socio-political identities happens across discursive

lines, but also across non-discursive lines. That being said, political and aesthetic *values* are not identical: beauty and justice, for example, are not the same things. However, they do inform each other in a fundamental way. Their dimensions of value are intimately and complexly linked, cutting across each other, infesting each other, and exceeding each other in every case. In addition to justice (political value) and beauty (aesthetic value), the same goes for the fundamental dimensions of truth (epistemic value) and goodness (moral value). All four of these show complex yet intimate links, and as such, aesthetics intersects with all other three at political sites. As such, political aesthetics will yield a more specific and richer account of the way the political and political subjectivities are (mutually) constituted and expressed (Sartwell, 2010).

An example of the interrelation between aesthetic and political values can be found in way politicians present themselves to align their looks with positive values. From their teeth to their glasses (Du Pre, 2019), and from their garments to their hair, everything part of their appearance is scrutinized in present day politics. More so than for their male counterparts, this is (regrettably) the case for female politicians (Reeves, 2019). Female aesthetic values are apparently more deeply connected with politically relevant values in the public's mind than those of their male counterparts, or they might simply be forced to take recourse to a broader arsenal of tools to convince the public of their political capabilities.

The focus of political aesthetics should not only be on (the interaction between) positive values. In his discussion of intertwining values, Crispin does not mention that 'negative' aesthetic values – ugliness, bad taste etc. – often go hand in hand with negative moral and political judgements. This indicates that even scholars sometimes have a blind spot, a bias towards beauty and positivity in general. However, negative values can cause affective responses in people that are just as strong, and sometimes even stronger, than their positive counterparts. A good example of this can be found in a social media strategy used by two political campaigners recently hired by the conservative U.K. Tory party. In a devilishly inventive display of the use of aesthetic (non-discursive) qualities of discursive data, Sean Topham and Ben Guerin intentionally used badly designed media material for campaigns. On the 22 October, the message "MPs must come together and get Brexit done" was shared on Twitter in the oft-ridiculed Comic Sans font. Many progressives took the chance to mock the image, inadvertently causing it to go viral and giving it a wider audience (Waterson, 2019). In this case, it was not beauty that engendered an affective response. In fact, it might not even have been its opposite, ugliness, that caused the response, but the value of childishness often attributed to Comic Sans – a value that evokes negative judgements when linked to politics.

The focus on *shared* understandings means that political aesthetics, or aesthetic properties in general, are not purely subjective or relativistic. People can simply be wrong about the assessment of the aesthetic features of an object (Sartwell, 2010). At the same time, they aren't entirely objective

either. Aesthetic properties show themselves in interpretations of an object or artefact, but these interpretations are massively constrained by the character of the object – its material, historical origin, function, etc. In other words, interpretations of cultural artefacts are dynamic. They are always context-dependent, and change according to the purpose of the interpreter. But at the same time, the way the relational – historically emergent – aesthetic properties of cultural objects are interpreted is grounded by their more or less objective properties.

As a way to frame aesthetic phenomena, Sartwell's focus on non-discursivity, and more specifically on the non-discursive modes of political formulation, forms a nice addition to Rancière's more sensorial-oriented conception. Combined, the two ways of conceptualizing the aesthetic allow us to investigate the formal and cultural existence of cultural artefacts, from pop-cultural phenomena such as films, music, novels, and video games, to highbrow art forms, from fashion to gardening, from architecture and spatial planning to political 'texts', such as speeches, constitutions, and treaties. The formal and stylistic features of these cultural artefacts influence how we engage and understand our socio-political world (Holm, 2017). Now that the objectives, scope, and workings of the discipline of political aesthetics have crystallized, it is time to turn to the question of how they should be brought – and thought – together with transformative transitional justice.

## 2.3. Transformative transitional justice and political aesthetics

If we take seriously the demand of transformative justice to think transitional politics beyond the engagement with (and contestation over) state and legal power by elite actors and organized groups, then we need to enrich our conception of what counts as political. Such an enriched conception views politics as that which involves all the processes by which power relations are implemented, altered, challenged, or maintained in any sphere of activity whatsoever. As such, and once it genuinely pursues its own promises of holism and open-endedness, transformative justice cannot avoid incorporating political aesthetics. The transformative turn not only demands analysis of the distributions of the sensible related to social and economic – in addition to political and legal – marginalization and discrimination, but also demands (aesthetic) analysis of the social contexts and meanings in which all of these fault lines are anchored to begin with. If transformative justice truly wants to account for the realm of the social and the way rights interact with it, the shared perceptions and shared understandings of local communities cannot be overlooked. This means that the strict dichotomous distinction between 'lived reality' and 'representations' of it has to be abandoned (Derrida, 1978).

As a model of analysis, (political) aesthetics can tell us a lot about what is valued in communities, by looking at shared understandings. As such, political aesthetic theory dovetails quite smoothly with the central tenet of the constructivist paradigm that the transformative turn tries to

incorporate. It holds that certain ideas and values – in this case embodied in distributions of the sensible – (co-)determine what counts as possible and feasible in the socio-political realm and what doesn't. Especially in forming a lasting, positive peace (Galtung et al., 2014) after a violent conflict has come to an end, both constructivist analysis and the role of political aesthetics grow in importance.

Political aesthetics not only shows potential in analyzing and explaining social change (or a lack thereof), but also in engendering it. A grasp of the way a society understands itself proves useful in trying to effect a transformation of said society. If aesthetic systems are – to repeat the words of Sartwell – what "moves or fails to move people, attracts their loyalty or repugnance, moves them to act or to apathy" (2010:1), then their role in the transformation of transitioning societies can hardly be overstated. The aesthetic expressions of a regime, or of the resistance against them for that matter, are central to both the concrete effects and cognitive content of political systems. As a result, the transformation of such systems relies heavily on aesthetics.

Despite the fact that, besides Carrol Clarkson, no transitional justice scholars systematically engage with political aesthetics, aesthetic acts can be found in any society dealing with a violent past. A recent example is the decision by the Spanish government to move the remains of Fascist dictator Franco from his enormous mausoleum in the Valley of the Fallen outside Madrid to a regular cemetery where his wife is buried (Tieleman, 2019). The act can be seen as the latest step in '*Pacto del Olvido*' an unwritten pact of forgetting, initiated during the democratic transition, during which statues of Franco were removed and streets were renamed (Davis, 2005). It is, furthermore, no coincidence that some of the tools that transformative justice added to the transitional justice toolbox rely heavily on non-discursive representation, and thus on visualization through imagery and symbolization. Especially in commemorative practices, memory work, and reconciliation initiatives, such non-discursive modes of representation play a huge role. Because of these non-discursive elements, they can be expected to strongly rely on (the effects of) aesthetic properties.

Despite its constructivist elements, political aesthetics discards neither materialism nor realism. These distributions are both the result of individual (elite) actors as well as shared collective ideas. Moreover, aesthetics properties rely on both physical properties of (cultural) objects as well as common values and shared understandings. As Sartwell underscores: "The aesthetic embodiments of political positions are material transformations and interventions, with concrete effects"(2010: 1-2). One should not lose sight of the material world and elite actors, in other words. But at the same time, material and power based interests themselves arise from shared meanings and social values – often consisting in a combination of aesthetic and ethical, political, and social values. To repeat my conclusion regarding McAuliffe's criticism of the transformative emphasis on constructivist idealism: what is at stake is the causal relationship between ideational and material factors. This is precisely what political aesthetics allows us to investigate.

An important side note bears repeating: in order to grasp the ways in which a society understands itself, and the way its social meanings are constituted and maintained, it does not suffice to look at art in a narrow sense of the term. It can be fruitful to look at the aesthetic properties of non-art objects, such as the (peace) treaties, agreements, constitutions, party programs, and laws of transitioning societies. At the same time, an aesthetics of transformation should not limit itself to these objects. Political aesthetics, when restricted to the world of art and artistic interventions in such a narrow sense, is too caught up with elite-centric ways of approaching the socio-political realm. Transformative justice is right to move away from elite- and state-centric approaches. As a result, its political aesthetic analysis must focus on the distributive structures of the sensible, non-discursive world citizens encounter in their everyday lives, which shapes their self-understanding and public opinion. Sartwell (2005) calls this the 'aesthetics of the everyday'[6]. In addition, it should look at non-artistic interventions in distributions of the sensible. Not just art objects in the narrow sense of the word, but a broad range of phenomena ought to be considered: fashion, films, music, (urban) spatial planning and public space in general, media strategies, and political geographies.

Aesthetic properties and experiences can be observed in all walks of life and corners of the globe. That being said, it is still an extremely subtle and highly specific form of judgement. Shared understandings can be located at the global or state level, but also at the local level. In many texts on political aesthetics, this specificity and subtlety is glossed over. Local and cultural understandings have to be taken into account in political aesthetics, and transitioning societies are no exception. As an example of the cultural specificity of aesthetic phenomena and the problems a Western gaze can cause, Kathleen Higgins brings the research of Steven Feld to mind, on the Kaluli tribe of Papua New Guinea. This tribe's music is structured to involve overlapping voices. The practice was dismissed by missionaries as unmusical, due to the tribe members' "seeming difficulty in singing hymns in unison"(Higgins, 2005: 680). Westerners, in other words, run the risk of misjudging the merits and social meaning of non-Western cultural artefacts when they simply apply the standards of their own society in deciding what counts as aesthetically valuable or invaluable. A transformative transitional justice that incorporates political aesthetics, in other words, has to be mindful of the local and cultural specificity of the transitioning societies and the communities within them.

There are some general tendencies: in non-Western contexts, there is a stronger tendency to relate aesthetic values to ethical values[7] – a tendency more common in earlier Western history as well (Higgins, 2005: 678). Despite the existence of certain trends, the ways in which aesthetic values

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[6] This approach is closely related to what Berleant calls 'participatory aesthetics' (1991).
[7] The Confucian tradition is a prime example in its emphasis on the role of ritual behavior in negotiating human relationships. As such, ethical (socially desirable) behavior has a fundamentally aesthetic character. In addition, Confucian thought holds that music is particularly vital in providing templates for ethical behavior, as the mutual attunement of voices serve as a model for societal harmony. (Higgins, 2005: 687)

interact with other values has to be assessed anew in every case. In addition, aesthetics should not become the default frame for analysis of transformative transitional justice. That being said, in case certain policies could benefit from its insights, political aesthetics better be part of the transitional justice toolbox. Exactly which parts of the holistic transformative framework should be given more weight in a specific situation should be assessed on a case-by-case basis. In other words, one doesn't have to bring the full arsenal of tools in position for each policy, and one can be selective in terms of which tailor-made approach is opted for. A theoretical holism does not exclude a specialized and partitioned practice.

Political aesthetics looks to be a promising addition to the transformative justice toolset. To sum up, this chapter allows me to formulate two main uses for transformative transitional aesthetics: (1) analyzing given distributions of the sensible that serve to buttress existing fault lines of social, economic, political, and legal marginalization and discrimination. These transformation-antithetical fault lines and the logics that underpin them can be opposed or altered by non-aesthetic, discursive acts (such as lawmaking and economic restitution and legal action), but also by aesthetic acts. Aesthetic acts can be driven by art and artistic action, but also by non-artistic action. (2) Providing the theoretical underpinnings as well as the practical applicability of aesthetic acts that further transformative goals – and distributions of the sensible better suited to them – is the second main capability of transitional aesthetics. Before moving to the case studies and looking at some practical examples of political aesthetics in transitioning societies, the methodological approach will be discussed.

# 3. Methodology

## 3.1. Cases and case selection

This text aims to explore the potential of political aesthetics within a theory of transformative transitional justice. In other words, it puts forward a research question with regard to the broadening of a specific theoretical framework. As such, its approach focuses heavily on theory-building – or rather: theory-expanding. It expands this theory, however, by way of testing it through comparative case analysis. In other words, the research is characterized by a mix of theory testing and theory building. Having said this, the purpose of the case study design is predominantly exploratory, As such, and befitting an exploratory research project's ambitions, it will focus on a small number of cases – two, to be precise – rather than a large sample population.

What this approach lacks in terms of generalizability of results, it makes up for with its potential for establishing a rich in-depth explanatory narrative. Such an in-depth analysis will allow me to zoom in on causal (micro) *mechanisms* underlying macro-phenomena. In other words, it will facilitate unearthing the nuanced ways in which individual (political) subjectivities and their corresponding ideas and preferences bring about higher-level community-wide shifts. This focus on micro-mechanisms is something that is not only crucial for the topic of political aesthetics, but also for transformative transitional justice: the most important sites when it comes to transformation and transition, arguably, are the minds and hearts of the citizens living in post-conflict settings.

When it comes to case delineation, cases should not only be bounded in space, but also in time (Ragin, 1992: 5). However, given the complexities of post-conflict circumstances, 'post conflict state', as a concept, cannot be exhaustively or precisely defined. "It is impossible to say exactly when a country returns to normality from its post conflict state," as Janvier Nkurunziza stated during a UN global development summit (2008: 5). Moreover, whereas the physical violence and crimes that traditional transitional justice focused on usually have a specific spatiotemporal character, the structural violence of economic and social marginalization that transformative justice includes is harder to pin down. Seeing as the inquiry at hand concerns various aesthetic practices related to the conflict that has raged in both states, and both the causes and consequences of these conflicts cannot easily be pinned down (spatio)temporally, the case delineation will be rather fluid and unstable. In the words of one of the most eminent theorists of case study research, Charles Ragin: "Constructing cases does not entail determining their limits, but rather pinpointing and then demonstrating their theoretical significance" (1992: 10). That being said, the case conceptualization will be strongly linked to the conflict, its causes, and its effects in both cases.

Contrary to South-Africa, the conflict in Colombia was not primarily racially motivated. In other words, the primary drivers of conflict differ between both cases. A political aesthetics of transformative justice cannot avoid dealing with these primary drivers of conflict. As such, Colombia can be seen as a deviant case with regard to the South Africa, which becomes the 'baseline' case due to the availability of the insights of Carrol Clarkson. In addition, Colombia is what Gary Thomas calls a "local knowledge case" (2011: 514), due to the familiarity the researcher has obtained with it after traveling through the country and researching aesthetic phenomena. This familiarity cannot completely negate the etic nature of the case study. The obvious downsides to this 'outsider's perspective' – such as less exhaustive epistemological access – are trumped by its advantages. There is a smaller chance of familiarization bias and commitment bias, which decreases the chance of making ethnographic assumptions that hamper the discovery of cross-cultural phenomena. By way of its combined status as a deviant case and a local knowledge case Colombia makes an optimal candidate for testing the political aesthetic mechanisms Carroll Clarkson (2014) identifies in South Africa.

A case study in itself is not a methodology, but more of a delineation of what a research is about: a case is always a case *of* something. So what are these cases cases *of*? Following Thomas' distinction between the subject and object of a case study (2011), South Africa and Colombia as transitional and transforming societies will be the practical historical anchor points, and will comprise the *subject* of this study. The *object* – i.e. the analytical or theoretical frame, or 'class' of phenomena – will consist of transitional political aesthetics, as outlined in chapter two. Combining the subject and object of this research, South Africa and Colombia become cases *of* political aesthetics in transitioning and transforming societies. This frame, however, retains the potential to evolve. In the context of this project, this means that the lens of political aesthetics can be narrowed into various sub-frames or -classes as the research progresses. In order to buttress this dynamism, a few comments on the nature of this research project and some of the ontological assumptions at play are warranted.

## 3.2. Case ontology

The theoretical framework constructed in the chapter two serves as a tool to *case* the studies of South Africa and Colombia. As far as the treatment of South Africa is concerned, further limitations of the case boundaries are put in place by using Carrol Clarkson's treatment of South African transitional aesthetics as the 'entrance' into the case. The verb 'case' betrays an ontological commitment that is opposed to a realist view on case selection. This realist view can be traced back to one of the most influential philosophers of Ancient Greece. When discussing the act of categorization in *Phaedrus*, Plato's Socrates tells of his desire to 'carve nature at its joints' (Plato, 2002: 265b-266a, 55-56). The tissue is softer at the joints than it is in the middle of a bone, this analogy reminds us, so when trying to categorize the world around us, all we need to do is look for these 'soft spots'. We should look for the natural places to sink our epistemological butcher's knife. But does this analogy hold? Is our world made up of bones and joints fixed in place? Are there cases 'out there' in reality, waiting for us to unearth them?

According to the nominalist view on case studies, Plato's analogy runs aground upon closer inspection. If decades of social science have shown us one thing, it is that the role of the researcher is substantially more proactive than the realist supposes. Unlike the butcher, the researcher can shift the joints and bones around depending on the criteria that constitute a case. She might sink her knife in soft spots, but only after constructing them herself first. The verb 'casing' reflects the proactive role of the researcher in the process of picking the criteria for case selection. According to the nominalist view, cases are "ambiguous occasions for meaning-making" (Soss: 23). As such, nominal casing is a reflexive process based on a dialogue between observations and framework bi-directionally influencing one another.

There are other reasons for adopting a nominalist perspective. This project's exploratory nature means that it might be forced to tread on new conceptual ground. As of yet, the genus 'transitional political aesthetic phenomena' is severely underexplored and lacks proper definition. Moreover, and as a result, no subcategories have been conceptualized. In an ideal world, researchers should clearly identify the "universe" – the class or subclass of events – of which cases are instances (George and Bennett, 2005: 69). In many instances, working with preconceived categories or criteria to case your study, or 'a priori casing', can be valuable. But often, and particularly in theory-building research such as this one, the worlds within this universe only become apparent upon later scrutiny. In such situations, a realist approach can increase the chances of tunnel vision and lock-in, as researchers run the risk of shoehorning their findings into presupposed *a priori* categories. Ragin already noted decades ago that "strong preconceptions are likely to hamper conceptual development" (1992: 6). In exploratory research, it is especially pertinent to avoid tunnel-vision and shoehorning. Because of this, I cast a wide conceptual net at the onset. Initially, I view the phenomena I treat as generic political aesthetic acts and structures. As the case study progresses, I will theorize the subcategories or -classes to which they might belong, fleshing them out by accumulating bits and pieces that suggest similarities, overlaps, or (Wittgensteinian) family-ties.

Treading on new conceptual ground requires not only light, but also steady feet. Even though its reflexive stance underscores that this research project does not subscribe to the prevailing realist ontology that somehow holds that cases really exist 'out there', waiting for researchers to unearth them, this does not mean that anything goes. Plato is right in at least one sense: once you start carving, you better make sure you do it at a joint, whether 'natural' or constructed. The exploratory nature of this project urges great care with regard to conceptualization. In other words, it is paramount to properly define and delineate the aesthetic subcategories at work in both cases, or as I will call them from here on out: 'genres' of transitional political aesthetics. What counts as a 'genre' in this respect, and why? Do the aesthetic phenomena evince sufficient consistency and iterability to speak of tropes, motifs, or even genres? Even though at the onset, a wide conceptual net is cast, both cases possess certain characteristics that hint at the existence of aesthetic subcategories. As a potential example: when it comes to South Africa and the conflict that set fire to the country, one cannot disregard colonialism and racism. In what way do these enter into Clarkson's analysis of aesthetic acts in South Africa? Are anticolonialism (or post-colonialism) or anti-racism aesthetic categories? When it comes to Colombia, is their narcotics problem deserving of a genre of its own?

As remarked in the previous chapter, aesthetic values are rarely ever found to operate in isolation. Instead, they are closely interlinked – caught up in a bond of mutual influence – with moral, political, practical, religious, and epistemic values, among others. The exact way in which these values interlink and come together in objects, rituals, and everyday practices can differ greatly between

states, however, and even between different communities within a state. As a result, when analyzing transitional aesthetics, a close eye should be kept on these linkages. In every case, the question should be what the relevant societal or communal features are – both in a material and ideational sense – that constitute the relevant context for understanding its aesthetics (Higgins, 2005). This means that in order to speak of 'genres' of transitional aesthetics, and the objects and practices that belong to them, they should display a certain consistency in the way in which aesthetic values interact with other values.

Having outlined the theoretical and methodological frameworks of the research project, the next two chapters will engage with the cases of South Africa and Colombia. Before diving into the case studies, it helps to formulate a set of hypotheses related to the main research question, based on the preceding findings. Let's recall the primary research question:

*What is the use of political aesthetics for transformative transitional justice in terms of analytical capacity and practical strategy, and what can we learn from South African and Colombian transitional aesthetics in this regard?*

Taking into consideration the pioneering work Carrol Clarkson has already done with regard to this question in *Drawing the Line: Toward an Aesthetics of Transitional Justice* (2014), and considering the (apparent) limitations of her work, a sub-questions can be put forward:

*1. Does Carrol Clarkson's work on transitional aesthetics in South Africa in* Drawing the Line *exhaustively map the analytical and practical use of political aesthetics for transformative transitional justice?*

In order to answer this question, it is crucial to end chapter four with a meticulous outline of the boundaries of Clarkson's analysis of transitional political aesthetics. What parts of the theoretical framework of (transformative) transitional aesthetics outlined in chapter two does she utilize, how well does she do this, and which parts does she disregard? The answer to the question can prove the veracity of one of two hypotheses. H1: Clarkson's work proves to harness the full theoretical potential of transitional aesthetics in her analysis of South African transitional aesthetics. H2: Clarkson's work fails in harnessing the full theoretical potential of transitional aesthetics in her analysis of South African transitional aesthetics. In the case H1 turns out to be true, we can test the validity and universality of her findings by applying them in the analysis of Colombian transitional aesthetics. Should H2 prove to be true, we can, again, test the validity and universality of her findings by applying them in the analysis of Colombian transitional aesthetics. However, in this case, Colombian transitional aesthetics should

*also* be analyzed in terms of the strengths of transitional aesthetics that Clarkson fails to address. Anticipating both answers to these hypotheses, and in light of the comparative analysis that will follow in chapter five, a set of follow-up questions can be formulated:

> *1.1. What do transitional aesthetics in Colombia tell us about the analytical and practical use of political aesthetics for transformative transitional justice within the boundaries of Clarkson's analysis?*

> *1.2. What do transitional aesthetics in Colombia tell us about the analytical and practical use of political aesthetics for transformative transitional justice within and beyond the boundaries of Clarkson's analysis?*

In answering either of these questions, it will be valuable to see whether the aesthetic phenomena discussed show signs of trends that are based on the (culture of the) nations in question, on subcategories within that culture, or on categories that are supra-cultural and can be found in different cultures. The generality or specificity of aesthetic structures and acts would undoubtedly influence their place in a holistic transformative transitional justice. Keeping the research question, hypotheses, and related questions firmly in mind, it is time to turn to the two cases.

# 4. South Africa and political aesthetics

In the opening words of her book *Drawing the Line: Toward an Aesthetics of Transitional Justice*, Carrol Clarkson quotes G. K. Chesterton: "art, like morality, consists of drawing the line somewhere" (2014: 1). The quote is exemplary of the necessity *and* contingency of boundaries that she draws attention to. Until we discover, in the unlikeliest of events, a universally binding ethical theory, an ethical decision inevitably involves marking a contingent limit. Yet, Clarkson firmly states, the act of drawing this line is an art as much as it is a question of morality. Boundary lines – ethical, social, political, religious, economic – run deep through any society, and South Africa is no exception. It is a country that has been in a checkered transition (away) from apartheid for nearly two and a half decades. Deeper boundary lines are hardly imaginable. Despite the formal political equality that is in place today, South Africa is still a site of persistent inequality in socio-economic status and power (Mabasa, 2019; Booyens and Rogerson, 2019).

After the end of apartheid in 1994, a number of transitional justice mechanisms were employed in South Africa, including amnesty processes, some recommended prosecutions for apartheid-era political crimes by the International Center for Transitional Justice (ICTJ), and of course the Truth and Reconciliation Commission (TRC). The transitional justice model of South Africa – and the TRC in particular – has been put on a pedestal as a praiseworthy and successful mechanism and has been used as a model for other post-conflict contexts (Tarrow, 2005). However, as the focus shifted from trials and truth commissions to issues of social transformation, the South African model comes out significantly less favorably (Evans, 2016). These findings reflect the importance of the demands of the transformative turn in transitional justice, urging it to move beyond the legal domain and rule-of-law. When analyzing and evaluating Clarkson's treatment of South African transitional aesthetics, the question of whether her work properly accounts for the socioeconomic demands of transformative justice should be kept in mind.

## 4.1. Aesthetics of law

In her analysis, Clarkson (2014) reserves a prominent place for law. To lay down the law is to draw a line, as Carl Schmitt has made clear in his influential conception of land appropriation as the primeval act in founding law – tracing the etymology of *nomos*, the Greek word for law. Lines drawn in the soil mark ownership as much as it marks the existence of and refers to the law within the community living on the land, underlining Schmitt's core thesis that "Law is bound to the earth and related to the earth" (2006: 42). Laws also draw lines in social landscapes. To the extent that the lines drawn by laws decide in each context what counts and what does not – what is included and excluded – in a social order, this act of 'drawing the line' is also an aesthetic act. Because of the similarities between law and aesthetics, Clarkson attempts to formulate an 'aesthetics of law'. In articulating her aesthetics of law, Clarkson formulates a philosophical consideration of the limit of the law, using it to discuss the relation of law and literature. She does so by referring to works by South African writer Herman Charles Bosman and to critical and fiction writings by John Maxwell Coetzee.

When it comes to the work of Bosman, Clarkson directs our attention to the images of graveyards and fences, specifically in his short story "Unto Dust", published in February 1949 (just months after the Daniel François Malan's apartheid Nationalist Party rose to power in 1948). While objects such as fences and graveyards are meant to set and stabilize human boundaries, they invite us instead to think of the contingency and mutability of these boundaries. In Bosman's stories, barbed-wire fences rust, corrode, and sag. Gravestones bleach and weather by rain, sun, wind, and sand. As graves and cemetery plots recede, inevitably and indiscriminately, back into the landscape, traces of human passing are lost. These fences and tombstones, Clarkson argues, are stark reminders of

precisely the things that they are designed to keep at bay: the fenced-in pieces of land "seem hardly up to the task of isolating and defining the perimeters of 'Boer,' 'white people,' 'Christian,' 'civilised'." (2014: 31) Bosman shows that lines drawn in the earth are unstable, mutable, and prone to decay. As such, they force us to transpose these characteristics onto those other drawn boundaries, the one by law – or in this case: colonial law. Bosman's work intended to illustrate and justify the idea, Clarkson holds, that "what is fenced in […] insists instead on the uncertainties it is meant to fence out" (2014: 31-32)

These uncertainties are unmistakably reflected across the entire surface of the large body of extremely divisive laws instituted by the Nationalist Party around the time Bosman's story was first published. As Clarkson reminds us, in 1949 the Prohibition of Mixed Marriages Act was ratified, and 1950 saw the banning of the South African Communist party, the Suppression of Communism Act, the Population Registration Act, the Group Areas Act, and the Immorality Amendment Act. The predicaments of Bosman's characters are focused through a colonial lens, effectively satirizing colonial and racist attitudes in a localized setting. In many ways, Clarkson notes "law is colonialism's first language" (2014: 25).

In addition to the work of Bosman, Clarkson discusses the work of Coetzee. A central preoccupation of the South African-born novelist J. M. Coetzee is the attention to the nature of writing not as free expression, but as an intimate engagement in conversation with other voices in creatively different ways. Clarkson recalls an interview with the author, in which he states the following:

> There is a true sense in which writing is dialogic: a matter of awakening the countervoices in oneself and embarking upon speech with them. It is some measure of a writer's seriousness whether he does evoke/invoke those countervoices in himself. (Coetzee 1992: 65; Clarkson, 2014: 41)

Both art and law create their own worlds and their own logics (and thus also their own non-logics), with their own subjects that inhabit these worlds. While they do not operate in fully identical ways, they converge in their reaching out for the creation of a new semantic articulation. Both law (especially constitutional law) and the politics of transformation "raise the possibility of a reconstituted future community within the fields of affect that they instantiate" (2014: 74). Instantiation of these new fields of affect is one of art's biggest source of motivation. A work of art, Clarkson states, is aimed at future sites of reception. It 'precipitates' towards a future meaning, and as such, it is primarily an *address* – albeit an address inflected by uncertainty and risk, and by temporal and spatial drift. Similarly, law is an address oriented at a future reception. One of the most profound examples in law in this regard is the fact that 'the people' that "We, the people" refers to in the opening line of the (preamble to the)

U.S. constitution did not exist at the time of writing, but is *performatively produced* by the constitution itself. The entity as such didn't exist at the time of writing, but was called into being by a 'new semantic articulation'.

The alignment between a philosophy of law and a philosophy of art, Clarkson argues, is furthermore reflected in the fact that both art and law do not simply exclude, but also make possible and even bring forth "that other to which law is intrinsically responsive" (2014: 37). Law, just as any outline or boundary, inevitably evokes questions of what lies beyond it. This unsettles complacent preconceptions of that which is supposedly stabilized within law's borders. The relation between the inside and outside of law is more fundamental still: if part of what constitutes law is its responsiveness to this other, "then what is 'other' to the law is not dispensable but a structural condition for law's being what it is" (2014: 37). In other words, every law gains its force through inclusion *as well as* exclusion. Bringing forward and questioning that which is excluded is the go-to strategy of political art, but also of legal philosophy, and (discursive and non-discursive forms of) political engagement in general.

Bosman's "Unto Dust" and Coetzee's *Disgrace,* as well as other critical writings, raise unsettling questions regarding colonial arrogations – unlawful appropriations – of land, but just as much as regarding the arrogations of authorship. Hence, Clarkson holds, they question the supposedly stable, demarcated meanings that are encountered by readers of literature and law. By its ability to question and test these arrogations, contemporary South African literature, in the words of Clarkson, can "contribute to a thinking through of a post-apartheid jurisprudence" (2014: 45). In addition, she asks: if the limits, boundaries, or the actual fences that law erects, invite us to think what is beyond them, then what would it take to redraw these lines? How can justice be rendered by laws grounded in colonialism, and the logic of appropriation and imposition of territorial boundaries? In her search for the forces that possess the power to wrest a new constitutional and democratic law (away) from imperial ideology that gave rise to colonial law, Clarkson turns to the performance of Nelson Mandela.

## 4.2. Redrawing the lines: Nelson Mandela's anti- and post-colonial political aesthetics

In Mandela's biographical work, *Long Walk to Freedom*, he penned his account of the initial hearings of the Rivonia Trial that took place in 1962, on October 15:

> I entered the court that Monday morning wearing a traditional Xhosa leopard-skin *kaross* instead of a suit and tie. The crowd of supporters rose as one and with raised clenched fists shouted *"Amandla!"* and *"Ngawethu!"* The *kaross* electrified the spectators […]

I had chosen traditional dress to emphasize the symbolism that I was a black African walking into a white man's court. I was literally carrying on my back the history, culture and heritage of my people. That day, I felt myself to be the *embodiment* of African nationalism, the inheritor of Africa's difficult but noble past and her uncertain future. The *kaross* was also a sign of contempt for the niceties of white justice. I well knew that the authorities would feel threatened by my *kaross* as so many whites feel threatened by the true culture of Africa. (Mandela, 1994: 311-312; Clarkson, 2014: 46-47)

Clarkson directs our attention to the emphasis on performance: the public becomes a 'crowd of supporters' and 'spectators'. Donned in a *kaross*, in full traditional regalia, Mandela becomes, in his own words, a *sign*, a *symbol* of black Africans, electrifying the crowd. He becomes an "embodied cipher", Clarkson concludes, of more than could ever be expressed in any thematized linear narrative. (2014: 47) But, she goes on, the performance is not only theatrical, as the performativity of Mandela's speech acts shows, opening up a possibility for political appeal and action *within* the very institutional edifice of apartheid law. The speech act she refers to is Mandela's speech from the defendant's dock at the Riviona trial on April 20, 1964, almost 2 years after the initial hearing, that was later given the name 'I Am Prepared to Die'.

The temporal and spatial dynamics of Mandela's situation of address "subtend, and sometimes even usurp, the subsumptive content of what is said" (Clarkson, 2014: 47-48). In other words, Clarkson focuses on the non-discursive elements of Mandela's discursive actions. It is not just the aesthetic means of the *kaross*, but also the time and the place at which it is worn. Moreover, it is not only the discursive content of the speech, but the fact that it was given *within* the boundaries of the South African legal system – a system from which Mandela and the African National Congress (ANC) were previously barred – that was significant. It caused humanity's conscience to suddenly be allowed a spectacular and *legitimate* place inside of South Africa's overall social configuration of apartheid. The "distribution of the sensible", Clarkson borrows Rancière's phrase, would never be the same: "Mandela's words radically altered the social system determining what could legitimately be seen and heard, and hence brought out starkly the oppressive delimitations that had prevented people from perceiving what they actually shared in common" (2014: 48).

These delimitations are shown in unambiguous terms in the binary oppositions between the Xhosa *kaross* versus the Western suit and tie; between the 'black African' and the 'white man'; between the 'true culture of Africa' and the 'niceties of white justice'; between 'African nationalism and a white man's court; between 'my people' and 'the authorities'; between the 'noble past' and an 'uncertain future'. They are the building blocks of the apartheid laws that Mandela unambiguously opposes. However, they are not just concepts that translate into the discourse of apartheid law, but

also inform the non-discursive world. As such, and "to the extent that his forced presence in court, in his traditional regalia, amounts to an expression of contempt, Mandela's appearance *and audience* at the Rivonia Trial amount to a rupture in the very logic of apartheid law" (Clarkson, 2014: 49). Mandela's strategy, in other words, operates simultaneously *within* and *beyond* the given sociopolitical order.

Instead of focusing on the content of Mandela's speech, Clarkson looks at the conditions of possibility in which his 'addressees' perceive it as meaningful speech in the first place. As such, she explores the fault line between the event of the saying and what is said. Mandela Himself is acutely aware of and sensitive to the nature of the event of his communication. He recalls his thoughts upon first appearing in court for formal remand:

> at that moment I had something of a revelation. These men were not only uncomfortable because I was a colleague brought low, but because I was an ordinary man being punished for his beliefs. In a way I had never quite comprehended before, I realized the role I could play in court and the possibilities before me as a defendant. I was the symbol of justice in the court of the oppressor, the representative of the great ideals of freedom, fairness and democracy in a society that dishonoured those virtues. I realized then and there that I could carry on the fight even within the fortress of the enemy. (Mandela, 1994: 304)

Mandela realized that purely the fact of his appearance in *kaross* within a white man's court, before any word was spoken, would bring about what Rancière would call a transmittal of "meanings in the form of a rupture with the very logic of meaningful situations" (2013: 59). As such, it is a prime example of how an aesthetic act can disrupt the relationship between what is the visible, sayable, and thinkable without having to take recourse to discourse. It also makes clear that there has to be some kind of overlap in shared language and shared understanding in order for the rupture to take effect (in this case this overlap reflected in the uncomfortableness of the men Mandela describes). Despite the fact that his role in court was rigidly pre-defined – he was forced to make an appearance in a place where discussions and speaking positions are strictly regulated and non-negotiable, and a sentence was inevitable – the existence of this shared language allowed Mandela to unhinge the supposedly rigid clear-cut procedural mechanism of the court: "By representing myself I would enhance the symbolism of my role. I would use my trial as a showcase for the ANC's moral opposition to racism. I would not attempt to defend myself so much as put the state itself on trial" (1994: 304).

Before appearing at the trial, Mandela and the other accused opted for giving a statement from the dock instead of testifying and undergoing examination, despite the fact that such a statement would carry less legal weight:

Anything I said in my statement regarding my own innocence would be discounted by the judge. But that was not our highest priority. We believed it was important to open the defense with a statement of our politics and ideals, which would establish the context for all that followed. (1994: 347)

This context was indeed established: his statement took over four hours to read, and disarmed the legal proceedings, seeing as ordinary testimony was expected by the prosecution, in a scenario in which Mandela would have denied all charges of sabotage and would consequently have been subject to cross-examination. Instead, Mandela's statement radically recalibrated the political and legal settings surrounding the antiapartheid struggle, opening a space for the nation to question and reconsider its own delineations of what counted as (il)legitimate. Mandela's words, Clarkson concludes, "crossed law's line and inaugurated his addressees *beyond* apartheid's field of affect" (2014: 85).

By altering the lines that establish patterns of perception and meaning, Clarkson notes, the arts play an active role in establishing a new legal constitution. She correctly points out that the instantiation of a constitution is itself an aesthetic act. It draws up a template of what can be said, seen, and heard, and decides what is recognized as significant within its jurisdiction: "the idiom of the arts constitutes lines of force and fracture that inaugurate new meanings, precipitating at each turn the possibility of a future 'we'." (Clarkson, 2014: 66-67) This is always a possibility and not a certainty. Creative works set "perimeters to a potential field of response", but any determinate knowledge of its future audience at the time of creation is always lacking (Clarkson, 2014: 66). The art of drawing the line, of fixing a limit or boundary, as a result, involves interaction and delicate interplay between recognition and uncertainty. The boundary lines anticipate an unstable field of response that they themselves help call into being.

The similarities between law and art that Clarkson points out are telling, but just as transformative justice goes beyond the legalist rule-of law centered approach of traditional transitional justice, so does a transformative political aesthetics have to go beyond an aesthetics of law. Clarkson is spot on about that fact that law is colonialism's first language in many ways, but law is not colonialisms only 'language'. In addition, we might ask whether colonialism is the only appropriate aesthetic lens for a South African transformative justice. In other words: what other approaches are featured in her work?

## 4.3. Linguistic and literary political aesthetics

In search for other idioms of the arts that constitute lines of force and fracture that can inaugurate new meanings, Clarkson discusses South African language-artist Willem Boshoff. The question of language and its relation to law, and "of a vernacular or local idiom in relation to the possibility of justice and political and legal transformation," is incredibly urgent in a country such as South Africa, with its eleven official languages (Clarkson, 2014: 69). Central to the art of Boshoff are the operations of language. He has a keen interest in the visual and material aspects of language, Clarkson tells us, and his work bears resemblances to sculpture, concrete poetry, and conceptual art.

Boshoff's works often remind the viewer of the disconcerting effect that linguistic boundaries have in actively dividing speakers. The huge mural *Abamfusa Lawula - The Purple Shall Govern* (1997), 3,660 mm x 2,440 mm, printed text on paper, masonite and wood), is an example of such a work, Clarkson holds:

> Printed along the length of the wall in large, bold letters are the words of the rhythmic protest chants performed with such energy and urgency during the apartheid years. Between the lines, in a much smaller script, one can read the English translations of the songs. Viewers who know an indigenous African language can read the work from a distance, but those who do not will find themselves up against the wall, forced to read between the lines to gain some understanding of the writing that was always on the wall in the apartheid era. (2014: 70)

Apartheid law, of course, banned protest songs, and would not be found in writing, let alone translated writing. Taking this into account *Abamfusa Lawula*'s force lies in the fact that it actively moves its addressees, positioning them along sites of response. This positioning takes place along the lines of language capabilities, and brings about a theatrical spatial reenactment of apartheid. This way, Clarkson holds, "it draws attention to the enforced legal segregation and political distance between people *as* they fall under the jurisdiction of apartheid law" (2014: 70).

Other works of Boshoff Clarkson treats are *The Blind Alphabet ABC* (1991–2000) and *The Writing in the Sand* (2000). *The Blind Alphabet* consists of 338 exquisitely carved wooden sculptures. What these figures represent is written in braille script on their steel mesh casings. The script enforces cross-linguistic encounters and interactions between people who can read braille and those who can't, rather than mere individual interactions with the work itself. In the interactive encounter, a line is crossed between the world of the sighted and the world of the blind. The social balance of power is

inverted, Clarkson points out, as the blind person becomes the seer (2014: 81). As such, the work provokes an awareness of difference that serves to provoke dialogue.

*Writing in the Sand* also seeks to stage encounters between its viewers. It consists of a list of English words ending in '-ism' or '-ology' made of black and white sand and stenciled onto the floor. The often frivolous and breezy definitions of these words, however, are written in the other official languages of south Africa. Thus, English speakers are obliged to make use of the expertise of the speakers of these other languages in order to understand. Once again, Clarkson notes, this shifts the balance of power, "as the English speaker is unseated from his or her usual linguistic position of the one who knows" (2014: 81). As the words are made of sand, and are easily blown away, Boshoff furthermore makes the viewer realize that a collective preoccupation with speaking the same language risks the extinction of minor indigenous language and culture. The risk that this preoccupation entails remains in place unless existing power relations are changed in the name of avoiding what Clarkson, after Stewart Motha, calls "reconciliation as domination" (2014: 82).

In addition to the work of Boshoff, Clarkson looks into the effect of three novels set in urban Johannesburg during the first democratic elections in South Africa in the mid-1990s: Marlene van Niekerk's *Triomf* (1994), Ivan Vladislavic´s *The Restless Supermarket* (2001), and Phaswane Mpe's *Welcome to Our Hillbrow* (2001). These novels, Clarkson points out, can alter a reader's understanding of the *tone* of the urban environment of Johannesburg, modifying "the images a reader may have of the city and his or her relations to others living there" (2014: 149). Furthermore, what links the novels is the fact that their characters encounter things in the here and now that are from a time and a place that is different from the character's own. Through these different articulations between past and present, the writers show how two individuals can come to 'read' the same spatial configuration in dissimilar ways. Moreover, by disturbing the apparent and supposed stability of the here and now, the novels underscore that the sensible world cannot be defined in terms of brute 'sense data' that have an instantaneous and undifferentiated impact. Instead, past experiences and individual understandings always already shape the way our surroundings are cognized and experienced in specific meaningful ways. As a result, the delimitation of a perceptual field in *a priori* or totalizing ways is impossible. This realization does not amount to a denial of the world's physical objectivity, Clarkson notes, but serves to show that "while the visible is dependent on the physical, it is not defined by the visible" (2014: 152)

Characters in the novels of Niekerk and Vladislavic notice features of old buildings and meeting places that have been replaced by new structures, whose sole function seems to be to designate what is no longer there. Such absences and traces from the past, Clarkson states, "are *registered* in the here and now, thereby investing any supposedly stable present with a contingent temporal drift" (2014: 153). For the protagonist of Mpe's *Welcome to Our Hillbrow*, however, things are slightly different, as

he is new to Hillbrow and Hillbrow new to him. This makes the titular term 'Our' strange, or even disturbing, as the story itself systematically undercuts and undermined expectations of a locatable and stable community premised on shared beliefs and recognized obligations. The novels remind us of the invisible worlds every person brings to bear on the interpretation of the world around them: their "memories, personal histories, values, cultural capital, expectations, assumptions, fears, prejudices, hopes" give the physical world its 'latency and 'depth' (Clarkson, 2014: 158).

The strangely ambiguous use of 'our' in the title of Mpe's work brings us to Clarkson's repeated emphasis throughout her work on the ability of literary works to use 'linguistic shifters': pronouns whose meaning shifts according to their context, and as such lead a reader to actively rethink who is meant when 'we', 'you', and 'I' are used in each situation. J. M. Coetzee has dubbed their workings "the deep semantics of person" (Coetzee 1992, 197; Clarkson, 2014: 92). When 'we' is used spuriously and without question, it automatically tends to affirm a shared present. In contrast, Clarkson holds, 'we' in contemporary South African literature frequently brings the fragility of presumed cultural limits to the fore. At the same time, 'we' always remains ambiguous: "it can mean 'I and you' or 'I and them' or even 'I and you but not them'." (Clarkson, 2014: 173-174) Its potential to challenge the assumed limit and location of the self, Clarkson concludes, is literature's extraordinary potential.

## 4.4. Architecture and the aesthetics of reconciliation and public space

When it comes to reconciliation, Clarkson holds that it is not the acknowledgement of wrongdoing in terms of an already established set of shared norms that initiates it, but rather the act of constitution: constituting a space for politics guarantees the possibility of a future collective remembrance (2014). Reconciliation, in this light, requires the kind of creative ingenuity, risk, and technical skill and consideration one would normally associate with making an artwork. This, she holds, is what informs the architecture and overall design of the new Constitutional Court of south Africa, in Hillbrow, Johannesburg. The court is built on the site of the high security prison where Mandela and many other political prisoners were held: the Old fort. Mandela himself announced the winners of the architectural competition for the project, and praised the building's ability to transform a reading of what has taken place at the Old fort site:

> The Court's physical foundations will rise from the horrific memories of torture and suffering which [were] perpetrated in the dark corners, cells and corridors of the Old Fort prison. Rising from the ashes of that ghastly era, this new institution will shine forth as a reminder for the future generation of our prevailing confidence and optimism that South Africa will never return to that abyss and indeed is a better place for all. (Segal, 2006: 84)

Mandela, Clarkson notes, calls attention to the fact that the physical act of constructing the building constitutes a future transformed out of certain past events. As such it "lays the foundational stone of the constitution in both a literal and a metaphoric sense" (2014: 78). The founding of the constitution and the founding of museum spaces and artworks, and even the polis, happen in the *same* gesture and space. Constitutional Court judge Albie Sachs realizes this when he writes:

> Like the Constitution, the Court belongs to and serves the whole nation. We want the eyes, hands and hearts of all our artists famous and unknown, to be involved. We do not want to acquire loose art and place it in the building but rather ensure that the art is integrated into the very fabric of the building. We want this to be a national project. We want to include people who don't even know they are artists. We want people who do beautiful doors, crafts and mosaics. (Segal, 2006: 108)

The design of the building opened up the whole hill, Sachs writes, underscoring that the site of the Old fort wasn't the end of the journey: "It was a place of thoroughfare and *encounter*—ongoing, mobile, fluid, moving—for people coming past. And connecting Hillbrow with Parktown with Braamfontein: the three totally different Johannesburgs" (Segal, 2006: 89). As a former site of neglect, incarceration and abuse became a site of rebirth and democracy, Constitution Hill epitomizes the experience of trauma and joy of South Africa and her citizens. The constitutional Court exemplifies, Clarkson states, that reconciliation starts with "the invention and the projection into the future of an event that will become a past worth remembering" (2014: 77).

Clarkson's analysis does not exhaustively describe the aesthetic dimension of the court. One could call attention to the solid materials used in its construction, exhibiting a sense of robustness and permanence. Moreover, one could note that almost half of its art collection is fully integrated in the fabric of the building, underlining the profound link of the justice measures taken there and the cultural history of the nation. Instead of building the kind of fortress government security wanted to erect – their plan was for a secure perimeter fence guarding the entire structure (Maciver, 2011) – the court is open for pedestrians day and night. Combined with the location of the building, this openness shows and proves that courts can – and should – be town squares: public places of exchange and learning. Values of transparency, inclusivity and openness are also reflected in the court chamber itself: it is an accessible place where people can easily gather. By making the most important space the most public space, one of the court architects held, the building "demonstrate[s] unequivocally that the debating forum for the ongoing dynamic development of our democratic order would be among the people" (Maciver, 2011). These considerations are not necessarily meant to show Clarkson's analysis is lacking

– she calls attention to the non-discursive meaning exuded by acts and objects, and the power such meaning can carry, in skillful ways. Rather, they are meant to show the complexity and near inexhaustible depth of the non-discursive world. Not every non-discursive aspect is equally important in light of transformative justice, so choices must inevitably be made in both research and policymaking that best further its most important goals. The next section will – among other considerations – discuss whether Clarkson opts for the best choices in this regard.

## 4.5. Critique of Clarkson's political aesthetic analysis

Clarkson's philosophically inflected writings on aesthetics are incredibly rich. She shows both how artists influence political engagement (in the case of various literary sources) and how politicians can make use of aesthetics (in the case of Mandela's court appearance). Postcolonial theorists have long regarded aesthetics with skepticism. This is understandable to the extent that it has been implicated in the canonical marginalization of non-Western and post-colonial art forms. Clarkson offers valuable redress in this regard, however, and shows how aesthetic acts can disrupt colonial logics of exclusion and marginalization. By showing how people of different linguistic and cultural worlds come into contact in constructive rather than contestatory spaces, Clarkson unveils the kind of transcultural moments that lie "at the heart of postcolonial creative production" (Ashcroft, 2015: 410).

Clarkson aptly shows how aesthetic acts can redraw societal 'lines' of force – the boundaries created by social, legal, linguistic, and political values. Some of these acts do so by creating a space in which social hierarchies can be unsettled, reconfiguring the margins of exposure of one person to the other. They illustrate how an attunement to difference can lead to new kinds of dialogue and recalibrate sociopolitical settings. Other acts, such as Mandela's speech at the dock, call given legal boundaries in question by referring to what falls outside of its limits. Mandela's aesthetic act is an archetypical act of transformative justice if there ever was one, and Clarkson's thorough analysis underscores what a transformative justice can stand to gain in analyzing the shift in lines of meaning – the change of the distribution of the sensible – that such an act can call into being.

Clarkson (inadvertently) addresses one of the central ideas of transformative justice, namely its emphasis on process-oriented dynamics and releasing transformative dynamics instead of measuring success by fixed goals. This might be a 'natural' aspect of the aesthetic realm. Clarkson aptly points out its dynamic nature: the effects of aesthetic acts (their 'field of response') are unstable and never guaranteed. This is due to the active role of the 'addressee' of a work of art and the 'openness' that turns them into an 'addressee' in the first place. Their willingness in cognizing the meaning of the aesthetic act plays an important role here, which requires a minimum overlap in shared values that brings about a willingness to actively suspend oppressive value-boundaries – and potentially subvert

and transform them. The possibility for a certain change in attitude is opened up, in other words, yet never guaranteed, because it requires an active role of the involved subject. This, surely, is what "prioritization of process rather than preconceived outcomes" and "releasing transformative dynamics" (Gready and Robins, 2014a: 340, 355) is all about.

It is strange that Clarkson does not explicitly mention transformative justice or the demands of the transformative turn, even though she evidently takes the social realm into account.[8] To those skeptical about the range of influence of the artworks she discusses, Clarkson rightly counters that the effect of a work of art is incredibly hard to measure, and that, furthermore, this effect transcends its own material boundaries and direct effects. Artworks such as the ones she discusses undoubtedly operate at the level of "fundamental attitudes", and thus inevitably send out "lines of force into the sociopolitical field beyond the limits of that work's own physical or representational quiddity" (Clarkson, 2014: 83). Furthermore, these lines of force indeed possess the potential to reconnect, along different and new routes, previously isolated or closed circuits of meaning. While this is true, there are certain elements of Clarkson's approach that unnecessarily limit the analytic and practical potential of political aesthetic.

In order to understand these shortcomings, it serves to recall the two main uses of political aesthetics for transformative transitional justice outlined at the end of chapter two. (1) Its first major use is analyzing given distributions of the sensible that function to uphold or entrench existing societal fault lines antithetical to transformation: lines of social, economic, political, and legal marginalization and exclusion. An engagement with these fault lines, and a disruption of their logic can occur through non-aesthetic (discursive) acts, but also through aesthetic acts. These aesthetic acts, in turn, can be driven by art and 'artistic action' and non-artistic action. (2) Providing the theoretical underpinnings and practical applicability of aesthetic acts is transitional aesthetics' second strong suit, and causes what Clarkson calls a 'redrawing of the lines'. Her analysis of the second capacity overshadows the first, however. The focus on "recalibrat[ing] the settings" (Clarkson, 2014: 2) of the sensible world through aesthetic acts eclipses the study of the (social) environment in which these acts take place. The starting point of Clarkson's investigations are aesthetic acts, which she utilizes to analyze given distributions of the sensible, but she does not reason in the other direction: from the distributions to possible acts.

Transitional justice needs to be able to analyze given distributions of the sensible that are antithetical to transformation, with the aim of finding out what aesthetic or non-aesthetic acts would be able to engage with it. Clarkson skillfully shows how the breaks with given distributions of the

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[8] Not to mention her work is part of a book series on 'transformative ideals of justice in ethical and political thought'.

sensible are orchestrated, but she does not specify how one analyzes such distributions *without* taking recourse to given aesthetic acts. Just as aesthetic theory is often biased towards beauty, Clarkson's work displays a bias towards the transitional effects of aesthetic acts rather than the 'counter-transitional' effects of given distributions of the sensible. While we do catch a glimpse of how the aesthetic apparatuses of the regime that has to be transitioned away from work – both the literal regime of politics and the figurative regime of meanings and shared understandings – they are not systematically engaged in her work. In general, these existing regimes are both naturally disposed and actively inclined to resist and oppose transition. As such, analyzing them in order to disrupt them is of the utmost importance for transitional justice.

The fact that Clarkson's analyses gloss over the demands of the transformative turn at times is reflected in her treatment of the Johannesburg novels. While she talks about the effect they have on a reader's perception of (urban) space, she does not go into the memory work that the Johannesburg novels can do as testimonies to the first democratic elections. Moreover, Clarkson seems preoccupied with elites in both the world of art and politics.[9] By foregrounding the work of artists at the expense of the analysis of more quotidian aesthetic phenomena, Clarkson's work exemplifies precisely the kind of political aesthetic theory that is often criticized, but also the kind of elite-centric approach that the transformative turn disavows. Aside from an enigmatic and esoteric analysis of a personal encounter with street vendors during a traffic light stop[10] and some aspects of the constitutional court, she only engages with 'everyday aesthetics' through the lens of art in the narrow sense of the term. This might be explained by the fact that Clarkson's approach is based on examples of aesthetic acts and not necessarily on the given distributions of the sensible that they interfere with. Nevertheless, one could ask whether we ought not to look at a smaller scale as well: at structural mechanisms that affect the ordinary, day-to-day configuration of the sensible world. Even though the full effect of artworks cannot and should not be measured in terms of the quantity of viewers, in addition, this does not mean that it is an insignificant factor. Clarkson's analysis of fences and graveyard plots in the writings of Herman Charles Bosman, for example, is admirable and rich, but how many people read these novels, and of these people, how many make the connection to Schmitt's *nomos* of the earth? As long as political aesthetics is seen as a tool that can only be used with regard to – or in the hands of – artists and political elites, its potential for transitional justice will remain underexplored.

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[9] Such an approach can be seen as the aesthetic equivalent of what in the field of history is called 'Great Man Theory', in which elites are seen as the only relevant actors in bringing about change.

[10] Clarkson's (2014) analysis of this encounter is further problematized because of the fact that she conducts it through the ethical framework of Emmanuel Levinas. This framework is notorious for the (infinitely) excessive demands it places on ethical conduct, and can thus hardly be taken as a self-evident choice for a transitional ethics.

Furthermore, Clarkson's analysis is very law-centric, only addresses *some* social and political values, and largely fails to address the economic dimensions of transition. Her treatment predominantly focuses on "lines that mark legal, political, and linguistic limits" (2014: 79). The dominance of the legalistic account is apparent in the central place that her analysis of Mandela's speech and the constitutional court take up. Some of the musings on (African) languages or scripts and their relation to social hierarchies form a nice addition to an admittedly rather one-sided emphasis on legalism and law. Social limits are often tangentially addressed, economic limits hardly at all. As such, she does not account for the fact that colonial values tied to race are not only reflected in legal structures, but often influence and intersect with economic factors.

By placing her emphasis on elites and (rule-of) law, Clarkson ignores a large part of the findings that characterize the transformative turn. As such, she limits not only the sites of intervention – where aesthetic acts might take effect – but also the sites where political aesthetics can be used as a framework of analysis in service of transformative transitional justice. As a result, the place and importance of political aesthetics within transitional justice remains rather limited and underspecified. With this in mind, the switch to the case of Colombia in the next chapter will not only be a switch to the more prosaic and commonplace role of political aesthetics, but also to the social and economic dimensions that transformative justice reckons with. Next to a treatment of several artistic interventions, the next chapter will broaden the aesthetic lens by, for example, focusing on the aesthetics of popular culture and the everyday phenomena it is linked with that help produce and sustain the legitimacy and authority of criminal organizations.

# 5. Colombia and political aesthetics

Just as South African transitional justice strongly revolved around the TRC, Colombian transitional justice literature has often centered on the workings of the Commission for the Clarification of Truth, Coexistence and Non-repetition. The creation of the commission was part of the 2016 peace agreement between the government and the Revolutionary Armed Forces of Colombia (FARC). It ended a long period marked by civil war between government forces, crime syndicates, paramilitary organizations, and communist guerrillas such as the National Liberation Army (ELN), and FARC. During this time, all sides trafficked drugs and engaged in acts of terror. According to Colombia's National Centre for Historical Memory, 220.000 people have died in the conflict between 1958 and 2013, of which 177.307 civilians. Colombia's truth commission focused on victims and their right to the truth. In addition, it purported to adopt a differential and gender-based approach, with a keen eye for the

way in which different people were treated in terms of their roles in society. As such, the commission seems to conform to some of the demands of the transformative turn.

The complexity of the Colombian social fabric that transformative justice has to take into account, however, extends far beyond legal tribunals and commissions:

> Whether Colombia's political system will remain democratic depends greatly on the state's ability to ensure the rule of law and protect civil rights and liberties, strengthen and widen the political party system, diminish corruption swiftly and measurably, provide a voice to those who have traditionally been excluded from the political process, and share the economic pie more widely. (Hybel, 2019: 165)

In addition, this chapter will show, there are various aesthetic forces at play in Colombia that both foster and inhibit these transformative factors and the values that underlie them. The critique of Clarkson's analysis of South Africa demands closer attention to the 'aesthetics of the everyday' (Sartwell, 2005) in order to map the full scope of these aesthetic forces. In the analysis of Colombian aesthetics, I will try to connect them to everyday environments and commonplace cultural practices. That being said, the value of Clarkson's insightful analysis of artworks should not be underestimated in an aesthetics of transition. Before we discuss the Colombian aesthetics of the everyday, I will first take a 'Clarksonian' look at some Colombian art.

## 5.1. Artists and artworks

Colombia has produced one of the most eminent and most loved artist in all of Latin America: Fernando Botero. The self-proclaimed 'most Colombian of Colombian artists' is known for 'Boterismo', his signature style, depicting figures and persons in large and strangely exaggerated volumes. The anatomical oddities can elicit political criticism or humor, depending on the piece and its context. This section will start out by discussing two aesthetic acts by Botero. The first seeks to transform (ideas of) collective memory, while the second seeks to transform (ideas of) public spaces. The section concludes with a discussion of two other Colombian artists, whose work tries to disrupt a distribution of the sensible that connects meanings of fear and terror to the mass media circulation of bloody and violent images.

### 5.1.A. The aesthetics of memory: 'knowingforgetting' and two birds of peace

In Plaza San Antonio, in the heart of Medellin, two Botero sculptures stand shoulder to shoulder. The two bronze peace doves, their extravagant corpulence betraying a distinctly Boterian anatomy, did not

start out as a couple. Until the year 2000, there was only one. On June 1995, this sculpture was ground zero for a bomb explosion that killed 30 people, and injured over 200 more. In a move of defiance, Botero donated an identical, undamaged bronze bird in 2000, insisting that the statue that was torn apart in the explosion remain in the plaza.

According to Botero himself, the torn apart statue was kept in place as a 'monument to stupidity' (Hodgson, 2000). However, the two sculptures have come to represent much more. The peace dove duo shows strong links to the aesthetic functioning of the New Constitutional Court in south Africa. Recalling Clarkson's analysis of the court, the sculptures adhere to a similar logic of rebirth. Just as the court, a symbol of reconciliation and rebirth, was placed on the remains of the prison that represented the atrocities of the apartheid regime, the second, undamaged dove becomes a symbol of rebirth through its placement next to the ruins of the first. The two birds have become symbols that represent the story of Medellin and large parts of the country.

Violent conflict leaves a permanent scar on a society. The physical visibility of these scars, exemplified by the exploded Botero sculpture, is an ambiguous subject. On the one hand, as the saying goes, those who cannot remember the past are indeed condemned to repeat it. On the other hand, what some scholars call 'deep remembering' can cause people to remain trapped inside of (collective) memories that reproduce old traumas and divisions (Rigby, 2005). Excessive remembrance of past wrongs can cause severe grudges that lead to repetition all the same. As a result, the 'tyranny of total recall', according to which more memory leads to more truth, which leads to more justice, which in turn leads to reconciliation, should be nuanced and reviewed (Theidon, 2009).

In general, Colombians show a strong willingness to forget. Their cheerfulness and love for celebration is partly responsible for this. Unfortunately, this attitude is not always beneficial in light of the goals of transformative justice. A form of remembrance better suited to transformation is illustrated by what Jean Bethke Elshtain calls *knowingforgetting*: acknowledging the violence and injustice of the past but deciding not to allow the past to imprison and predetermine the present and future (Elshtain, 2012). Both Botero's peace doves as well as the Constitutional Court facilitate *knowingforgetting*. The similarities do not extend all the way, however. Unlike the peace doves, the Constitutional court belongs to 'architectural transitional justice', and in that regard, is more similar to the architectural repurposing she discusses of two Nazi Flak towers in Hamburg and Vienna (Mihai, 2018). The fact that Botero uses his dove sculptures to produce a similar effect, however, shows that different aesthetic practices can produce similar aesthetic acts.

The importance of social dynamics in transformative justice is reflected in its attention to collective memory, memory works, and commemorative practices. (Gready and Robins, 2014: 344) The memorialization of violence happens in diverse and fragmented ways. In 2011, a national law was established in Colombia – for victims and the displaced – that provided a more favorable and secure

context for the emergence of memorial initiatives. The emergence of various memorial projects all across Colombia, involving the Colombian army, paramilitaries and guerrillas, indicate that the feelings of vulnerability that existed in the minds of many victims prior to the law have somewhat dissipated. (Naef, 2018) Whereas before, the state was the primary driver behind memory work (most notably by supporting the creation of the National Centre for Historical Memory), alternative memorial practices relating to 'narcoheritage' and the war have started up in parallel. In addition, popular culture and tourism represent an alternative and "more organic way of memorializing violence" (Naef, 2018: 83).

Within transitional justice discourse, commemorative arts are seen as 'symbolic reparation' (Boesten, 2019). Truth commissions such as the one in Colombia are often crucial in developing a 'collective memory', but they always leave more memory work to be done. Unlike written histories, aesthetic works such as the two Botero sculptures allow citizens to channel and project their own memories in a way that requires a more active role on their part. This fosters the process whereby citizens "are appropriating their own agency in disseminating memory". (Laplante, 2007: 433)  With time and support, citizens that actively memorize conflict and share their memories with others can come to act not only as keepers of memory, but also as "watchdogs against repression and midwives of democracy." (Gready and Robins, 2014: 359)


## 5.1.B. The aesthetics of public space

Around the time Botero placed the second peace dove, he also donated over 200 of his own works to his country of birth – and almost 100 works of other artists (including Picasso, Monet, and Dali) – from his personal collection, making the collection the largest of his work anywhere, to be shown in a purpose-built gallery in Medellin and museums in Bogota. The purpose of the donation, in Botero's own words, was to "change the face of Medellin", and to show "that it's not just the city of the cartels, assassins, death and crime" (Hodgson, 2000). In particular, this was to be achieved by the placement of a large number of sculptures in a run-down section of downtown Medellin marred by drug delinquency and prostitution, transforming it into a sculpture park (Rohter, 2000). The artworks did more than changing the face of the city. To understand the full extent of their influence, it helps to see how violence and insecurity can change public spaces.

As Tani Adams points out, 'chronic violence' reconfigures how people use public spaces: many middle and upper class people retreat into gated communities, and the ones living in dangerous areas avoid using the public parts to minimize exposure to its risks. The first trend, Adams notes, "isolates rich from poor, the second isolates neighbors from neighbors — undermining both social cohesion and conditions for social action" (2012: 31). As a result, mass media and television become substitutes for the reduced *physical* public sphere. They leave behind their status as instruments of leisure and become disproportionately important in the way people come into contact with others and social

meanings. As such, mass media become instrumental in how people make sense of their lives. Especially television, Jesús Martín-Barbero writes, turns into "a place of coming together, of vicarious encounters with the world, with people, and even with the city in which we live […], devouring the space of communication that cannot be lived on the street" (2002: 27-29)

Taking this into account, the influx of Botero's artworks – and especially the placements of a wide variety of sculptures in Medellin's public space – can be seen as an aesthetic act that resonates beyond the immediate physical aesthetic reconfiguration of public space. By placing his art in public, Botero draws the attention to the function of public spaces as sites of cultural production and reproduction – as places meant for human interaction. As such, he breaks with the distribution of the sensible in the dual manner that Jacques Rancière envisioned the operationalization of the concept: his act reconfigured the physical non-discursive properties of Medellin's public space, but it also reconfigured the constellation of values and meanings that were attached to this space. While he does not refer to his act in these terms, his wish that the space was transformed into "an open space that will change the skyline and allow the city to breathe" (Rohter, 2000) shows that Botero was aware of its transformative potential. The sculptures have become local landmarks, and the space in which they stand can be counted among the most vibrant in all of Medellin.

Transformative justice rightfully places emphasis on dismantling entrenched habits of fear, distrust, and silence. It acknowledges that there is a form of injustice in being disallowed (physical) social interaction because of violence and conflict. Engaging in the physical realm of social interaction that is safeguarded by vibrant public spaces enables victim and survivor groups to become active citizens (Gready and Robins, 2014: 359) and helps them develop what Tshepo Madlingozi calls "civic competence" (2010: 220). This competence is vital in empowering victims, survivors, and citizens in general to participate in the kind of "grassroots-driven approaches that impact directly on communities" (Gready and Robins, 2014: 345) promoted by transformative justice.

### 5.1.C. The aesthetics of violence, fear, and terror

There are, of course, other artists beside Botero who engage with transitional politics in Colombia. Two of them are Doris Salcedo and Clemencia Echeverri. In their work, they try to represent the aspects of violence that cannot be adequately captured in discourse. Their art is a response to what María Victoria Uribe calls the 'voyeuristic saturation of horror', brought about by the massive infiltration of violent and bloody images in Colombian mass-media: "[a]s if the bloody images could become explanatory texts on violence and not what they really are, symptoms of the unspeakable" (2012: 107-108). This spread of horrifying imagery helped war lords cause terror and confusion among the public. It is, moreover, not difficult to see how this saturation of fear and interacts with the effects of mass media's takeover of the public sphere discussed in the previous section. In order to break with this

saturation, Salcedo and Echeverri use different sound, photographic and visual works to conciliate the representation of the conflict and the unrepresentable suffering. They try to build a bridge between understanding and feeling, without giving in to the aesthetization and dramatization of the victims and the perpetrators. In doing so, they make use of tools such as metonymy to establish (seemingly contradictory) analogies and links between violence, animals, flowers, as well as certain objects such as shirts, chairs, shoes and others considered as meaningful. (Uribe, 2012).

In other words, the strategy of Salcedo and Echeverri is based on engaging a distribution of the sensible based on creating meanings of terror and fear through gory imagery. They actively try to dislocate the field of meaning that warlords and criminals intend to erect surrounding violence, and move it towards wider meaningful effects, and even the meaninglessness of violence. The goal is to replace fear with feelings of affront. Interestingly, this example concerns a distribution that can be disrupted by artistic aesthetic acts but also – and perhaps even more efficiently – by newspapers that refuse to put the images in print. The big difference is that the latter tries to banish the distribution altogether, while the former actively tries to subvert it. Fear and terror are the enemies of the kind of democratic engagement that transformative justice seeks to foster, but also inhibits the functioning of what some transformative justice scholars call 'new' civil society, a conception that incorporates social and protest movements as an addition to the more traditional mechanisms of civil society. (Gready and Robins, 2017) Taking this into account, the effect that these types of aesthetic acts have on transformative dynamics should not be underestimated. Having explored the political aesthetic dimensions of various artworks, it is time to look at what a transformative 'participatory aesthetics' looks like in a transitioning society such as Colombia.

## 5.2. Narco-aesthetics and the aesthetics of illegality

Art is, in one sense or another, continuous with ordinary experience. It has its source in ordinary everyday experience, but is itself also a source of ordinary experience (Barthes, 1972; Sartwell, 2005). Although every aesthetic practice and cultural artefact is politicizable, not all of them are politically relevant in any given context, let alone in light of the goals of transitional justice. It is crucial, in other words, to look closely which everyday artefacts and practices are relevant in the context of transformative justice. This section will explore the role of cultural artefacts in the production of the legitimacy and authority of criminality. Central to this exploration are the aesthetics of violence and illegality (Rojas-Sotelo 2014; Naef 2018), their relation to everyday aesthetics and artefacts of popular culture, and their influence on the goals of transformative justice.

In marginalized urban areas around the world, criminal gangs and organizations can quickly rise to power – sometimes even institutionalized power. Because marginalized citizens seek out

protection and some kind of social welfare, criminal leaders and gang members can take on the functions, but also the symbols of the state, evolving into extra-legal structures. The poor, structurally marginalized and neglected (urban) communities of Colombia are no exception. However, weapons, intimidation, violence, providing material welfare, and sometimes even dispute resolution, are not the only things that create and entrench the power position of criminals. Violent actors rely – either consciously or unconsciously – on aesthetic force for the legitimation and normalization of their activities. These imaginative aesthetic underpinnings, are rooted in (popular) culture – in "street art, film, video games, dance, popular music, and various everyday objects" (Oosterbaan and Jaffe, 2019: 10).

In Colombia, for example, as soon as the television series *Pablo Escobar: El Patrón del Mal* aired in 2012, local merchants started selling children's sticker books, allowing them to collect Escobar stickers and those of other Medellín cartel key figures (Brodzinsky, 2012). Barrio Pablo Escobar, the popular Medellín neighborhood constructed in large part with Escobar's money and housing low-income families still wears the drug lord's face on flags and walls, "reminding residents on a daily basis who provided the homeless with a roof over their heads" (Oosterbaan and Jaffe, 2019: 10). Almost a quarter of a century after his death, Pablo Escobar's legend is very much alive. The drug lord is not only featured in TV-shows, but also in films and pop-music. Coke dealers in El Poblado try to sell the drug as 'coca de Pablo' (De Waal, 2016). Now that large scale violence has died down in Medellin and large parts of Colombia, it is a painful paradox that many of the visitors it attracts are those that are interested in precisely this violence.

The commodification, glamorization, and even trivialization of narco-violence expresses itself in tourist attractions, such as 'Pablo Escobar tours' and paintball games in one of Escobar's old mansions, but also in TV-shows such as *Narcos*, produced by *Netflix*. Violence and popular culture feed each other in vicious cycles (Naef, 2018): films and shows inspire youngsters to become *sicarios*, whose violent acts in turn become new movie scripts. In all this, Escobar himself remains a divisive figure for Colombians, with a part of society praising him for donating his wealth to poor neighborhoods, and a bigger group condemning him for his brute violence against not only competing criminals, but judges, police officers, politicians, journalists and civilians. This latter group is far from pleased with the shift from *narcoterrorismo* to *narcoturismo*.

The mythologization and veneration of big criminals has a long tradition, dating back to gun-slinging outlaws and prohibition era organized crime kingpins. Walter Benjamin, in his seminal essay "Critique of Violence", tied our fascination with these figures to the fact that their actions led to a subversion and undermining of the rule of law (1986). Escobar, whose status might have been larger than life, but most definitively larger than law, epitomized this undermining behavior in his offer to pay off Colombia's entire foreign debt in return for exemption from extradition to the U.S. Especially

in Colombia, where the government (forces) used to be an important actor in a violent past, state and government legitimacy is crucial. A state's legitimacy is rooted in its ability to provide material well-being for its inhabitants, as well as in the acceptance of its monopoly on (the means of) violence in order to provide the safety of its citizens. The omnipresent visual presence of Pablo Escobar in the streets of Colombia and Medellin in particular – from the objects sold in tourist shops to the bikes of local street racers (Parkin Daniels, 2019) – undermines both. It calls attention to a figure that painfully showed the impotence of the Colombian government before and during the country's turbulent years, both in providing for its citizenry and keeping them safe. Even though the Colombian authorities have undergone significant changes, they are haunted by these past failings. This is especially critical in light of the fact that Colombia historically lacks traditions of authority (Deas, 1997). The aesthetics of violence and illegality in Colombian society heavily influence how criminals are perceived, and are crucial in persuading city residents that gang rule and violence are natural and normal.

The normalization of violence is still a big issue in Colombia. Over the past nine years, the number of homicides have significantly dropped, from 2,899 in 2009 (or 10 deaths per 100,000 people) to 626 in 2018 (24.7 per 100,000 people). (Drost, 2010; Caracol 2019) The rate went up compared to 2015 due to escalating turf wars between gangs that are aligned with *Oficina de Envigado*, the local crime syndicate, and the AGC, their paramilitary rivals controlling the gangs in the west of the city. Robbery numbers increased since 2010 (up to 21.000 in 2018) but might be spurred by the possibility of reporting these crimes online. (Colombiareports, 2019) Research conducted in 2010 found that a little over 70 percent of Medellin citizens (aged 12-60) approved of using extreme violence to defend their family members or to secure political or economic gain (Duque et al., 2010). Despite the fact that the question is posed in problematic terms,[11] leading to the conflation of significantly different motivations, the percentage is telling of the degree in which violence normalization. And while there is cause to assume that the drops in the statistics signal a decrease in normalization, the numbers are still quite high. Mass data from the Americas Barometer survey (LAPOP) further problematizes this by demonstrating that the presence of violence in society directly diminishes social support for democracy. This is caused by perceived insecurity in combination with the fact that people believe democratic governments will not be able to protect them from violence and crime (Adams, 2011). The result is that countries where violence triumphs experience the highest support for rejecting democracy (Cruz, 2008). As such, the aesthetics of violence and illegality are profoundly antithetical to the goals of transformation and transition.

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[11] The Spanish phrasing of the question was "Aprobación de la violencia extrema, en defensa de la familia o en beneficio económico o político" (Duque et al., 2010).

The moral of this section is not that visual representations of Escobar should be forcibly removed or banned, but it serves to point out that the image provides more than a glimpse of a specific set of distributions of the sensible. The aesthetics of violence and illegality constitute two (related) distributions of the sensible. One revolves around the state's impotence in matters concerning values of social provision, safety, and power. The other is based on the normalization of violence, contributing to its spread and undermining of democratic legitimacy. Both distributions inhibit social cohesion and democratization, and are thus completely antithetical to the goals of transformative justice. Thankfully, they can be disrupted by non-aesthetic acts, such as education and memory work, and by aesthetic acts. This section shows that aesthetic acts seeking to break with these distributions have to engage with elements of social provision and safety, and the values related to them.

Furthermore, it emphasizes that it is not always enough for the state to provide safety and welfare: it has to be *shown* that that is what is going on, not only by discursive means, but also by non-discursive routes. Governments in general try very hard to 'sell' their new policies to the public, but are very bad at 'marketing' their basic services (the EU, for example, often settles for placing one single sign next to its subsidized infrastructural projects). In a perfect world they wouldn't need to. The non-ideal reality of transitioning societies, however, in which government legitimacy is eroded by criminal actors, emphatically shows the necessity. Government legitimacy is constituted in a game that is both *'show' and 'tell'*. At the same time, not all aesthetic acts of 'showing' are legitimate, as the next section shows.

## 5.3 The aesthetics of poverty: cable cars and 'favela chic interventions'

Sometimes making something visible is in itself an aesthetic act. Moreover, sometimes this is not a matter of unveiling, but simply a matter of facilitating a change of perspective. The cable cars in Medellin do this in a very literal way. They open up a birds-eye perspective on the city's two faces: the industry and large apartment buildings of the downtown area, and the slums up on the hills that line the city's flanks, housing thousands in shoddy conditions. In the cable car, the two worlds come into view simultaneously – something that ground-level vistas struggles to capture. Medellin's cable cars in have come to be highly valued, just as similar projects in other developing cities. After visiting Medellín for the UN World Urban Forum, Nobel laureate Joseph Stiglitz wrote of the cables as breaking "the social and economic barriers between the informal settlements and the rest of the city" (Rivadulla and Bocarejo, 2014: 2026).

Not too long ago, the value of technological objects in relation to their "cultural, ideological and aesthetic roles" was overlooked in favor of their operational and economic roles. (Rivadulla and Bocarejo, 2014: 2030) But in the case of the cable car projects – constantly used for political and tourist

propaganda – the roles are reversed. They are seen by disenfranchised local citizens and elites[12] alike as engines for social change that bring political visibility and intervene in the social fabric like no other policy can, especially in extremely deprived urban areas. The reality, however, is different. The cable cars have enormous symbolic value, and are emblematic of how symbolic aesthetic value can sometimes take precedence over other (more) material values in ways that hamper genuine transformation.

Cable cars change the terms of recognition that planners and politicians apply to the poor, and even affects how disenfranchised citizens *themselves* imagine their futures. Often, politicians endorse cable car projects to make up for previously failing to implement more ordinary urban changes[13] (Rivadulla and Bocarejo, 2014). Expectations related to cable car projects do not depend on careful evaluation of existing projects in terms of effect and feasibility, but more on the desire to transforming something undesired and invisible into something 'tourable' or 'brandable':

> cable cars have become part of a new aesthetic agenda of developing cities: Rather than trying to avoid poverty and resemble first-world cities […], the new aesthetic includes poverty — a new, pacified and beautified kind of poverty—in the presentation of the city. (Rivadulla and Bocarejo, 2014: 2036)

The desire to change the image of the city is what drives them. This changing image does not exclude poverty. Poverty becomes linked to values of authenticity, and plays a central role in what some have called 'favela chic interventions': projects that heavily focus on representation and image, and thus on aesthetics and physical transformation (Rivadulla and Bocarejo, 2014).

Inclusive urban development and aesthetic practices can transform former enclaves of exclusion, but not if it does so on a superficial aesthetic level, or as substitute for substantial socio-economic help in the form of basic services, job creation/security, and general social welfare. What the existence of superficial slum-beautification projects underscores is the fact that political aesthetics is not an inherent force for good – or for transformation for that matter. The aesthetics of poverty discussed in this section – and the aesthetic act of implementing cable car infrastructure – uphold a distribution of the sensible that is ambiguous at best in light of the goals of transformative justice, and perhaps completely antithetical to them. They underscore that transitional aesthetics is a field of contestation, where the visibilization of one aspect can lead to the obfuscation of another, and where

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[12] Such as local leaders of *Juntas de Acción Comunal*.
[13] At their time of their writing, Bogota's mayor has promised two cables in two deprived neighborhoods, Rivadulla and Bocarejo note (2014).

multiple actors and ideas can clash over domination of parts of the sensible world. As a result, political aesthetics should always be actively thought and operationalized in service of transformation and transition, since it does not do so automatically or by design.

## 5.4. Aesthetic genres of transition

Together with the case of South Africa, the Colombian transitional aesthetics discussed in this chapter yield a set of aesthetic genres: colonialism, linguistics, law, memory, violence, illegality, public space, (mass) media, fear, and poverty. The ability of these aesthetic genres to transcend state boundaries can be proven by comparing the two cases. Clarkson's analysis of the effect the Constitutional Court had on the space around it informed my analysis of the effect that Botero's sculptures had on the public space of downtown Medellin. While both aesthetic analyses had to do with transforming (conceptions of) public space, however, the causes and effects of both transformations were quite different. This hints at the fact that the genres should be used as lenses to be used in the orientation phase of analysis, and not as cookie cutter molds that determine the exact shape of aesthetic research and action in light of transformative justice.

Many important aspects regarding Colombian transformative transitional justice – such as the transnational nature of Colombian (narco-)violence, economic and infrastructural problems in rural coca-producing regions, persisting paramilitary activity, and the marginalization of indigenous people – have been left unaddressed by this chapter. The phenomena that it did manage to touch upon, however, show what 'everyday aesthetics' can mean for the analysis of the quotidian lived experiences of Colombian citizens, and the shared understandings that shape them. Moreover, the chapter identified several distributions of the sensible that were profoundly antithetical to transition. It is crucial to understand and mobilize the aesthetic distributions and acts that foster the goals of transformative justice, but it is often equally vital to understand and mobilize those that *inhibit* these goals.

# 6. Conclusion: taking the next step towards an aesthetics of transformative transitional justice

This thesis started out by situating political aesthetic theory in the theoretical framework of transformative transitional justice, and explored whether and to what extent it can form an asset to the toolbox of transition. Carrol Clarkson's pioneering work *Drawing the Line* attempts the latter, while leaving the former matter unaddressed: she does not explicitly situate aesthetics in the theoretical

framework of transitional justice, and does not mention the transformative turn or its demands. Chapter two has offered redress in this light. It made the compatibility between the two disciplines explicit. In fact, it argued that their combination is urgently required. The research then moved on to analyze the work of Clarkson in chapter four in light of the full potential of political aesthetics for transformative justice outlined in chapter two. Following this, chapter five tested whether the aesthetic potential left unaddressed by Clarkson can indeed be of use in transitioning societies by looking at various aesthetic phenomena in Colombia. The chapter showed that an aesthetics of transformative transitional justice should expand its scope beyond a narrow focus on aesthetic acts of art- and political elites. It should, furthermore, include analyses of distributions of the sensible and aesthetic acts antithetical to transformation, and it should incorporate the aesthetics of the everyday.

Throughout this thesis, the theoretical lens and conceptual apparatus of political aesthetics have proven indispensable assets to the toolbox of transformative transitional justice. In fact, political aesthetic theory might even be able to help the transformative turn in moving from legal-centric approaches to broader social dynamics. By pointing out and utilizing aesthetic values that are intertwined with both social and legal values, they can bring out the interrelation of the two, and problematize the practice of focusing on the legal without taking into account the social. Aesthetic theory facilitates an attunement to the way in which the non-discursive world attracts and discloses particular meanings and shared understandings. Such an attunement is critical for a transformative justice worthy of its name – one that does not rest satisfied with formulating social and economic rights and policies, but looks at the values communities attach to them, *and* at how these values are (re)constituted. Aesthetic acts can be useful in transforming the self -understanding of communities with regard to such things as violence, wealth distribution, and social hierarchies. Aesthetic analysis, in turn, can be used to map the distributions of the sensible that such transformative acts can act upon.

In addition, aesthetic strategies of transformation conciliate the dual transformative demands of holism and open-endedness. Political aesthetics theory and analysis allows for a better holistic understanding of the social world and the shared meanings and understandings that form its building blocks. Aesthetic acts, on the other hand, are prime examples of unleashing open-ended transformative dynamics. The uncertainty that surrounds their effects, and the unstable nature of what Clarkson calls the 'field of response' that they anticipate, dovetails neatly with transformative justice's emphasis on process- instead of outcome-oriented practices. They provide individuals with discursive or non-discursive stimuli that have the potential to change their hearts and minds. As such they are drivers of social transformation that, while they do not guarantee fixed outcomes, have the more important advantage of *actively involving* and 'activating' citizens living in transitioning societies.

This thesis has not found the aesthetic phenomena and acts it discussed to be bound in a fundamental way to either the states of South Africa or Colombia. The boundaries and lines of meaning

it has discovered in light of aesthetic analysis were related to categories of colonialism, linguistics, law and legal proceedings, memory, violence, illegality, public space, (mass) media, and poverty. The ability of these 'transitional aesthetic genres' to transcend state boundaries has been established. However, this does not mean they can be 'applied' through simple standards for practice. Their interaction with other aesthetic and non-aesthetic phenomena differs in each situation. Moreover, the complexity of the interrelation and mutual influence of aesthetic and other values can shift in each new instance where an transitional aesthetic genre is active. Both the analysis of the Constitutional Court in chapter four and the analysis of Botero's placement of sculptures in chapter five show in exemplary fashion that these aesthetic categories often interact and intertwine. In the case of the former, aesthetics of memory, law, and public space are intertwined. In the latter, aesthetics of violence and public space show great affinity. The way in which social, ethical, political, and aesthetic values interact with one another differs from case to case. This is true for states, but also holds within specific communities. As a result, a transitional political aesthetics has to show great sensitivity to contextual factors.

## 6.1. Shortcomings of the research project

Despite uncovering several genres of transitional aesthetics, this thesis has had to refrain from making general claims regarding the concrete functioning of political aesthetic analysis and strategy across different situations. The workings of the transitional aesthetic categories found in the thesis differ fundamentally between countries and between communities within countries. This is because of the complex way they interact with, influence, and are influenced by other aspects of transition – not only other aesthetic factors, but also with regard to political, ethical, social, legal values. While the thesis does provide a general theoretical framework of the usefulness and applicability of transitional aesthetics, the concrete situation in each case has to be assessed anew in light of this framework. As such, the aesthetic phenomena discussed in the thesis do not easily lend themselves to be used in making generalizing claims. This hamstrings the practical applicability of its findings. Furthermore, the thesis does not give clear criteria for when to make use of aesthetic analysis and strategies in situations where transformative transitional justice has to make choices between parts of its holistic toolbox (due to scarcity of resources and time). Seeing as scarcity of resources and time is a chronic issue in the field, this is quite a severe indictment. This project, however, was not a final, but a second step, and these shortcomings might provide directions for further research.

## 6.2. Recommendations for further research

While this project was able to take the next step towards an aesthetics of transformative transitional justice, many more steps remain to be taken. Firstly and most generally, transformative justice, in its

quest for holism, must continue seeking out interdisciplinary influences that can help achieve the goals it set for itself. Secondly, and because of this broad holistic framework, more research is required on the practical criteria that allow researchers and actors to make choices between the aesthetic and non-aesthetic parts of its toolbox due to scarcity of resources and time. In addition, the genres of transitional aesthetics uncovered in the project do not exhaust the amount of genre's there are. Analysis of other aspects of two states discussed here – as well as other countries – will likely yield more genres that might be useful for an aesthetics of transformative transitional justice.

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