Reconciliation after ethnic cleansing: witnessing, retribution and domestic reform

John Borneman

WHAT ARE THE conditions that might make possible reconciliation after ethnic cleansing? This chapter addresses reconciliation in light of specific ethnic cleansings and 'ethnicisations', with a focus on the most recent example in Bosnia. It neither elaborates a specific case nor makes specific historical-cultural comparisons. The potential contribution is theoretical, specifying psycho-social terms and processes integral to reconciliation after violent conflicts. The arguments presented are therefore relevant for reconciliation after conflicts other than those analysed here, but are restricted to the extreme case of ethnic cleansing. 'Reconciliation' is defined not in terms of permanent peace or harmony, but as a project of 'departure from violence'. To reconcile is an inter-subjective process, an agreement to settle accounts that involves at least two subjects who are related in time. They are related in a temporal sense not in that they necessarily have a shared past or a shared future. Consensus about what was shared in the past or what will be shared in the future, in modern parlance a 'collective memory', is not necessary for reconciliation and its expectation may in fact awaken counterproductive drives to recover a lost whole or to produce a harmonious community. Rather, in order to reconcile, different subjects must agree only to share a present, a present that is non-repetitive (Moore 1987). To agree to a present that does not repeat requires both the creation of a 'sense of ending', of a radical break or rupture from existing relations, and the creation of a 'sense of beginning', a departure into a creative relationship marked not by cyclical or rebounding violence but by trust and care.

Traumatic loss after ethnic cleansing

After ethnic cleansing, victims, and to some extent perpetrators, are not merely engaged in a struggle for survival, for resources such as food and shelter. To find food and shelter after an ethnic cleansing is frequently no small feat, especially given that hostilities and violence continue in some form, but physical survival

is a solvable problem. Much less resolvable is a problem located at a deeper, existential level: that survivors are suffering from despair, an agony or melancholy of insoluble and inexpressible grief. Despair, if we follow Kierkegaard, does not result from an inability to live but from:

the disconsolateness of not being able to die. The survivor's despair, then, rests not in having lived through the recent confrontation with the deaths that they witnessed (or the murders they committed) but in the fact that they themselves have not died and cannot die. What keeps the gnawing pain alive and keeps life in the pain . . . is the reason why he despairs . . . because he cannot consume himself, cannot get rid of himself, cannot become nothing. (Kierkegaard (1974 [1844]: 342)

Because most survivors cannot die, much to their consternation, they are continually confronted with the psychic, social and political tasks of dealing with the ever-present loss of those who did die. They must, in some way, attempt to recover or redeem this loss. Yet the profound loss suffered in an ethnic cleansing, the unbearable loss of loved ones and the damage inflicted on one's own standards of self, irrespective of whether one is perpetrator or victim, is never fully recoverable. Some sense of the loss continually reappears, if not in consciousness then minimally in dreams and fantasies. Because of this continuous and uncontrollable reappearance of loss, survivors remain, necessarily, in a state of melancholy, unable to detach themselves from the love-object or, as Freud would have it, prone to repetition compulsions.

The possibility of non-repetition, then, rests on the recuperation of losses that are impossible to recover, to reconcile with an end to which there is no end. This paradox is the key to reconciliation after ethnic cleansing. Attempts to recover this loss, or these losses, manifest themselves in many ways. Two common attempts are revenge and physical reproduction. Following an ethnic cleansing, in the face of a loss that cannot be articulated and that is unrecoverable, revenge is a frequent response. Revenge after ethnic cleansing takes many forms, from reciprocating one's own suffering by expelling the expeller, to creating myths about the eternal evil of the ethnic other. However it is conducted, revenge is the enactment of a repetition of the violence, the only difference with the 'initial' violence being that those victimised are, or hope to be, temporarily on the 'winning' side. The alternative to revenge after ethnic cleansing is, as is made clear below, a legal reckoning with the violence, an invocation of the principles of the rule of law to settle accounts, which in turn facilitates the building of networks of trust and principles of accountability.

Recuperation of loss through physical reproduction

A second attempt to recover the loss is the compulsive physical reproduction by victims that follows events of this sort, including most wars. One might think

that physical reproduction following ethnic cleansing is a positive transformation of a loss into a life-affirming event. This interpretation of reproduction is dangerous, however, first, because it does not take seriously the impossibility of such recuperation and the fundamental paradox in a project of recuperation, and secondly, it does not acknowledge the likely consequences of trying to recover a loss through physical reproduction. Recuperation is impossible because of the specific nature of traumatic loss, which is experienced as a temporally delayed and repeated suffering of events that can be grasped only retrospectively (Caruth 1996). Loss that becomes traumatic is characterised by not having been experienced at the time of occurrence. In other words, the loss is only, if at all, experienced later, as it returns to the victim unbidden, frequently as a horrifying silence that cannot be spoken. Hence our difficulty in detecting, understanding, or treating such an experience.

The suffering of traumatic loss cannot be stopped or overcome through the possibility of return to a prior state of innocence or fullness. Any recovery from traumatic loss, a recovery that might be a reconciliation, a departure from violence, is possible only if the loss is 'relentlessly mourned and mourned'. To assume a definitive end to this mourning is mistaken. Assuming an end is to place oneself in a limbo, as Serge Leclaire writes, 'in the milky light of a shadowless, hopeless waiting' (Leclaire 1998 [1975]: 3). Waiting for an end to the despair, to the inability to die, is to wait for the deliverance of death, and that comes only with suicide. Yet those victimised are challenged to begin anew without an actual end; they are challenged to create an end and a departure that paradoxically also acknowledges its fictional character, a beginning that does not deny the loss.

Impatient with relentless mourning, to deliver oneself from this waiting, many survivors have babies. The arrival of the child changes the nature of the waiting, but it does not end the despair, the inability to die. A child cannot recover a loss that is unrecoverable. But it changes the waiting by presenting a potential fullness to fill the absence left by the loss. Immediate physical reproduction after ethnic cleansing is the substitution of a child for the loss of a loved one, a living substitute for the dead. It is the displacement of a loss. This child might well be the product of an act of love, and might be thought of as a new beginning, but it carries with it the despair, the inability to die, that motivates much of the survivor's grief. This grief now takes a less private form; the circle of grief is enlarged and includes the new child. Immediate reproduction perpetuates this despair by passing it on to the child, who then grows up bearing the parental expectations, their unfulfilled wishes and hopes, of recovering the loss suffered in the initial ethnic cleansing. The child is brought up in the light of these expectations, 'in the milky light of a shadowless, hopeless waiting'. This 'wonderful child', the child of hope and despair, is asked to deliver the parents from their waiting. But deliver what? Herein lurks a likely repetition of the violence, a strong motive for revenge,

for the child to begin a new cycle of what Maurice Bloch (1992) calls 'rebounding violence'.

To be more specific and historical, and situate reproduction after ethnic cleansing within the contemporary global movement of 'ethnicisation', an increase in ethnicisation, a recovery, reinvention, or intensification of ethnic belonging, is observable in much of the world, especially in states that legitimate themselves through ruling majorities, and in places on all five continents. It is also prominent among people who have suffered ethnic cleansing, especially among those who remain at the site of the violence, or who are asked to reconstitute the social in the space of this violence. Individuals who live in dispersed diasporas, such as American Jews, have been specifically excluded from this discussion. This new ethnic identification is often talked about as a kind of 'fundamentalisation', akin to a religious fundamentalism. By this, observers usually mean that the group turns in on itself, engages in a further purification of its principles, a nostalgia for autochthony and obsession with origins, a clear demarcation of itself from other groups. Such a turn inward, an inner purification, not only appears to complete, in a putatively voluntaristic spirit, the ethnic cleansing initially perpetrated on the group, but it also institutionalises a further 'cleansing' of the group by enforcing endogamy on its members (Borneman 1998). No marriage with ethnic 'Others'. No statistics to prove this coerced endogamy are provided here, and such a form of proof may well be impossible to offer. But based on the impressions of others, it is asserted here that this holds true following most of the ethnic cleansings of the 1990s, e.g. in Cambodia, Bosnia and Zambia.

I want to draw attention to the relation of compulsive reproduction following ethnic cleansing to this ethnicisation at the social and political levels. However understandable at a personal level, immediate reproduction after ethnic cleansing permits the fiction of a recuperation of the loss through substitution of the living child for the dead loved ones. New group leaders, who understand their purpose to be the reconstitution of the social, frequently utilise this fiction in order to mobilise followers. Insofar as their authority is tied to an ethnicisation of the group, political leaders encourage the illusion of recuperation of personal loss through substitution of the living child for the dead loved ones. In today's world, where the legitimacy of rule in most states is based on constituting a numerical majority, ruling majorities are most easily created based on ethnic affinity. This is especially true after an 'ethnic cleansing'. Reconstituting the social becomes a project in political ethnicisation that is realised through an endogamous reproductive politics. 'Mixed marriages', as they are called, are the antithesis of this politics of exclusion. Endogamous pronatalism, then, substitutes a demographic argument of numerical majority for an argument based on other more inclusive principles of affiliation. The intention here is to demonstrate how the socio-political logic of ethnicisation feeds off the attempt to recover an individual loss through physical reproduction.

In short, ethnicisation is a politics of repetition and is unlikely to lead to a departure from violence. Recall the discussion of reconciliation above. The precondition of reconciliation is a desire for non-repetition and an appreciation of the inter-subjectivity of the present. Such reconciliation is improbable if not impossible without domestic reform, without a new and more inclusive politics of the domestic group. What is also important to explore is under what conditions women actually refuse reproduction after such violence. This may be the case in Peru, for example, where compulsive reproduction has not followed the violence of the last several decades, perhaps because the active inclusion of women in political life has presented them with opportunities to change the social as a means of recovering losses (Billie Jean Isbell, personal communication, April 1999). Physical reproduction is an altogether different mode of recovery from ethnic cleansing. It tends to create a sense of continuity instead of a radical break or rupture from existing relations. It also relegates women to the presumably apolitical role of mothers of the future. The sense of beginning that might be associated with the birth of a child is an illusion, in this case, since the baby represents the wish to return to a prior state of wholeness and innocence. Especially today, given the political uses of pronatalism to support ethnic majoritarian projects, leaders tend to narrate new children into a story of recovery. Because such endogamous physical reproduction contributes to a denial of the inter-subjectivity of the present, it deflects from the work needed to reconcile and actually increases the likelihood of a repetition of violence. The alternative to ethnicisation is the cultivation of care (in German '*Sorge*', in French '*souci*'), reciprocal but non-egalitarian practices that affirm inter-subjectivity (Tronto 1993; Borneman 1997b). Such care might take the form of a politics of sterility, which necessarily focuses radically on the present. This may be called the ethics of 'caring for the enemy'.

Recuperation of loss through revenge

Revenge, too, increases the likelihood of violence. Revenge is an exchange, a form of taking-turn, in which individuals or groups engage in reciprocal violence. Much like the physical reproduction discussed above, revenge is an attempt to recover a loss. It is often motivated by individual frustration with continued injustice; individuals act to solve their own problems where judicial authorities, or the state, will not or cannot act. In anthropological literature, the principle of revenge is frequently equated with other forms of justice administered by the state, but it distinguishes itself from legal redress in one crucial respect: it is the arbitrary, narcissistic exercise of violence in which there is no accountability except to oneself, and to a personal memory of the dead. That the state frequently fails in its pursuit of justice is admittedly a problem, as is the fact that many states themselves actually initiate violence. But people taking justice into their own

hands is simply replacing one problem with another, an arbitrariness of 'rule by men' for a potential predictability in 'rule by law'. It is a politics of repetition.

Here two separate but complementary processes are addressed as alternatives to revenge, as modes of possible departure from violence, part of a politics of non-repetition. The first is witnessing, the second is legal redress of violence, or 'retributive justice'.

Witnessing as cultivated listening

Witnessing after ethnic cleansing is a form of truth-telling, involving the listening and speaking of at least two parties. It is primarily associated with speaking, with giving voice to individuals who have been silenced. Ideally, the silenced voices of victims are brought into discourse, that is, their experiences of harm and suffering, of being victimised in the violence of ethnic cleansing, are articulated publicly. Such articulation most frequently intends to contribute to an identification of causality, ultimately leading to the possibility of making claims on perpetrators, of holding them accountable for their wrongdoing. There are many discourses in which this voicing can have an impact, ranging from familial discussions, to neighbourhood meetings, to legal proceedings.

Witnessing differs from its cousin, confessing, in that the voicing tends to focus on the fate of the victim and not the perpetrator; and it is voluntary, not coerced as frequently are confessions. Most recently, in Latin America and South Africa, the art of witnessing in Truth Commissions has played a crucial role in reconstructing a public sphere where truth itself is given a value. The value put on speaking the truth has, in turn, had a significant impact on establishing what may be called networks of trust, networks that include not only neighbours' relations with one another but also citizens' relations with the state, in particular with the courts and the justice system. The importance of 'living the truth' in the construction of trust was in fact a theme in the plays and essays of Czech leader Václav Havel when, as a dissident, he wrote about life under the repressive state-socialist regime of the 1970s and 1980s. An enduring reconciliation is possible only in a departure from violence through a double rebuilding on the basis of trust: between neighbours and between citizens and the state.

It is worth pursuing the question as to whether and under what conditions witnessing as a process contributes to allocating accountability. Witnessing necessarily involves speaking and giving voice but it must be preceded and followed by listening. To listen is a motivated practice that differs from hearing for it always involves listening *for* something. Following an ethnic cleansing, this involves listening for truth. To listen for everything is to hear a cacophony of sounds, which is called noise. But to listen for truth entails a complex interpretive and evaluative process that goes beyond documenting experience *per se*. Listening as a practice, as an art, is similar to the art of reading or speaking. It is not passive but

interactive, involving soliciting and questioning, weighing competing accounts, as well as hearing. Listening can be learned and cultivated, and some individuals are far better at it than others. I am suggesting here that we rethink who might be the practitioners of listening after an ethnic cleansing. They include not only friends, neighbours, anthropologists and historians, but also professional observers such as the OCSE, UN 'monitors' and individuals who work for Human Rights Watch. Such professional observers, at their best, actively cultivate the art of listening for the truth.

The significance of listening is not directly linked to its timing. Preferably, listening for the truth in various experiences would occur at the beginning of any escalation of violence. This is often impossible, however, and observers are then limited to documenting the work of memory or the escalation of violence. The presence alone of professional listeners at a moment of escalating conflict may actually have a cooling effect on potential perpetrators, making them pause before committing acts of violence.¹ When this listening is turned into voicing is a matter of timing. So is the question pertaining to which forums – familial, neighbourhood, television, courts – in which the voicing, and the allocation of accountability, takes place. The timing of voicing claims based on listening requires sensitivity to the specificity of place and context, to the politics of the present. The effect of truth-telling on allocating wrongdoing is highly context-dependent. But the nature of listening is not. Hence the telling of some truths has no effect until years after the actual experiences are heard.

The focus on listening here does not aim to discount the importance of voice but to direct our attention to the ineffectiveness of speaking if no one hears and no one acts on this hearing. One of the serious limitations of many Truth Commissions is that they explicitly make telling the truth a substitute for any retribution. It is necessary to create public forums, including newsprint, radio and television, where participants feel compelled to hear, to weigh and judge competing accounts, and ultimately to openly acknowledge the ambivalence and complicities in the exercise of power, and the power of truth and trust in social relations. Listening, in this sense, as a necessary precondition to giving voice, creates the possibility for departure, for a 'sense of ending', rupture, and break. A sense of ending is possible only by breaking silences concerning the nature of loss and its attempted recuperation as it relates to the sources of violence and modes of its reproduction, and the possibility for fair judgement and punishment. The cultivation of listening as a concrete social practice contributes to making a public sphere that is vigilant, critical and engaged. Moreover, many of the nascent public spheres, in Latin America and Europe, as well as in much of Asia, are peopled by marginal actors, for example women or minority groups, whose interests are diverse and dissentious and hence are not easily appropriated and utilised for the purposes of ethnicisation. The success of interventions by the many international non-governmental organisations (NGOs) in their support of 'civil society' projects

may in fact largely depend on their ability to listen to these marginal voices. It is frequently the case that pressures for unity after a war silence voices of difference, displacing violence formerly directed at an external enemy to marginalised groups within a society or even to women and children within one's own domestic group. Listening for the truth of this violence, while itself crucial for long-term reconciliation, must be complemented by a process of legal accountability.

Retribution

Unlike witnessing, which rests on truth-telling and listening, a legal accounting, retributive justice is concerned with symbolically affirming the distinction between right and wrong (Hampton 1992). The timing of legal retribution, as mentioned above, may not be the same as that of witnessing and listening in the public sphere, since courts are only formally independent of the other branches of government. Making judicial appointments, setting the budgets, as well as determining types of criminality, are very much political decisions that rest with executive and legislative actors. Moreover, if courts convict, they need the cooperation of the other branches of government to enforce their rulings and carry out their sentences. Because of its embeddedness in political processes, a legal reckoning with injustices may pragmatically be delayed many decades after the actual occurrence of harm and wrongdoing. Such is the case, for example, with the current prosecution of Chile's General Pinochet. Timing aside, an eventual settling of accounts that involves the punishment of evil and the rewarding of good by a higher societal instance, such as a court, is integral to making possible a departure from violence after ethnic cleansing. It is integral to this process largely because memory can never be put to sleep.

In Settling Accounts: Violence, Justice, and Accountability in Postsocialist States, I argued that legal accountability is not just desirable but also necessary only in democracies (Borneman 1997a). Unlike other political forms, democracies require a form of strict accountability. That is, democracies are destabilised to the extent that they do not have formally autonomous legal systems that can invoke principles of accountability and apply these principles to members of the executive and parliamentary branches of government. Such legal accounting is never able to redress all of the wrongs perpetrated; in other words, it also cannot recover all of the losses suffered in an ethnic cleansing. Its role stems not from the efficiency of its prosecutions but from the political efficacy of prosecuting symbolically significant cases. This efficacy results in establishing trust in non-arbitrary institutions of law that stand above individual men and women. These legal institutions, if they make good-faith efforts at justice, produce trust in government and encourage networks of trust among disparate individuals. This trust, in turn, relieves victims of the need to take justice into their own hands; that is, it takes away one of the prime motives for revenge.²

A further step in this direction occurred in 1998, as 120 nations agreed to set up a permanent International Criminal Tribunal in The Hague. Fully independent international tribunals are presently at work in establishing accountability for the ethnic cleansing in the Balkans and the attempted genocide in Rwanda. In 1999, an alternative UN joint war crimes tribunal was proposed for Cambodia, in which Cambodian and foreign judges would try former political and military leaders of the Khmer Rouge in a single trial. That these tribunals lack their own effective enforcement powers and are dependent on national judiciaries and armies for exacting compliance with international judgements presents an obstacle that may eventually doom their efforts. So does the fact that such supranational courts are not democratically constituted and hence make no pretence to represent majorities. Without the support of democratically elected majorities, courts risk a legitimisation crisis. This is especially so when they base their judgements on 'human rights' in the defence of injured minorities or the cosmopolitan ideas of intellectual elites. Unlike civil rights, human rights have no democratically organised or territorial constituency. Obstacles to enforcement are present for all judicial systems, however, only they are more formidable for those in their formative stages and which lack the naturalised sovereignty claims of state-run legal systems.

Whether these obstacles will make a mockery of the tribunals and prove them to be 'paper tigers' is a question that will be resolved only through a lengthy struggle, as the timing of the prosecution of cases, as mentioned above, is a strategic decision in each and every context. The time lag in the popular reception of legal judgements will undoubtedly affect their efficacy, but not in ways that can be clearly foreseen. Efficacy is a processual achievement, never achieved immediately and once-and-for-ever. The crucial factor, at present, is that the tribunals, as with national courts, make good-faith efforts, through the time-tested procedures of the rule of law, listening for the truth, witnessing and documenting the harms perpetrated and procuring remedies for them. Passing and enforcing judgements is crucial, to be sure, but it is only the last step in a settling of accounts that itself can never draw a thick line over memory. Retributive justice merely creates a sense of ending by stopping the cycle of rebounding violence, thereby opening the possibility to mourn the losses and articulate alternative beginnings.

Reconciliation and peacekeeping

In sum, it has been argued that reconciliation, as a departure from violence, requires both domestic and governmental initiative. Our ability to imagine departures from violence is hampered by inadequate understanding of both the possibilities of justice and alternative responses to personal loss. The former, the possibilities of justice, alerts us to the potential effects of a system of national and

extra-national legal accountability, such as those embodied in the principles of the rule of law, as an alternative to revenge. The latter, responses to personal loss, alerts us to the importance of principles of care, networks of trust and an inclusive political vision that might serve as alternatives to the politics of endogamous physical reproduction and its potential effects as ethnicisation.

Presently local, regional, international as well as transnational actors and organisations are increasingly challenged to respond to the escalation of violence and proliferation of 'ethnic cleansing'. Often this response takes the form of what are called 'international peacekeeping efforts'. Especially for the militaries of the United States and Europe, peacekeeping efforts increasingly supplement, if not replace, coercive military operations. Such efforts are attempts to end 'hostilities' and bring about a 'reconciliation', a non-repetition, after a period of intense violence, at its most extreme after an attempted genocide, within a particular locality. Imagining what departures from violence might look like is essential for their success.

While peacekeepers must open themselves up to understanding the locale in its own terms, or as fieldwork-based anthropologist Urvater Malinowski put it, 'from the native's point of view', that is only a part of their task. They must also understand how they are perceived in these settings, as they are already a part of the imagery of that locale. Once they enter as bodies with money, tools, guns and access to other worlds, they become an integral and internal part of the shaping of local culture.³ Hence they necessarily play an active role, consciously by way of active listening for the truth, by encouraging legal accountability through governmental reform and by encouraging domestic reform that builds larger networks of care and trust. If 'reconciliation' is to be pursued as a utopian project of 'departure from violence', it must then be conceived as the fundamental paradox of an ongoing recuperation of a loss that is not recoverable. This entails cultivating a vision of inter-subjectivity that is necessarily reflexive and relativist, that requires an often uncomfortable encounter with difference. It challenges us to construct new selves and institutions in terms of relationships of accountability, trust and care for the other, including the enemy.

NOTES

- 1 The Russian presence in the Caucasus offers an interesting example of the effect of the perception of active listening over intervention. Initially, this presence destabilised relations as it was perceived as a continuation of Soviet hegemony in the region. Later, the presence of Russian monitors helped stabilise the situation. (My thanks to Gia Tarkhan-Mouravi for this insight.)
- 2 The necessity of redistributive schemes of justice depends on the social and political location of the party claiming injury. Socialist regimes were initially motivated as redistributive responses to unjust distributions of wealth, which they, in turn, tried to rectify by creating public, shared forms of wealth. Their demise everywhere and reintegration into the capitalist world system has meant a re-redistribution of public and private property

and wealth from the historically less well-off to the better-off. The legitimization of post-socialist states has not been less contingent on their new re-redistributive schemes than on democratic and economic reforms. In places like Russia, however, capital re-redistribution to the better-off has been so extreme that it threatens to destabilise democratic reforms. In the transformation of long-standing, authoritarian oligarchies to democratising states, their legitimization might depend on both retribution and a redistribution of property from large landholders to the less well-off.

- 3 The impossibility of being 'external' was clearly revealed in the position of the US American marines in Lebanon between 1982 and 1984, but one could just as well take the examples of peace makers in Somalia or Bosnia. While the US marines in Lebanon saw themselves as external, neutral peace makers, local parties immediately made them a part of the conflict.

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