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1

The Emerging Cultural Turn in Peace Research

‘Reconciliation came rather naturally (secara alami), when we became aware of the disastrous effects of the conflict and the need to restrengthen our culture, our adat, and our identity (budaya, adat, dan jati diri).’ This was the tenor of the many Moluccan villagers I spoke to during fieldwork in post-conflict Maluku. At the same time, the quotation expresses a broader trend in a much broader field: the emerging cultural turn in peace research. The cultural turn implies the increasing importance of peace studies as well as national and international peace organizations attribute to ‘culture’, ‘the local’, and ‘local ownership’ for peacebuilding – the cultural dimension of reconciliation. To elucidate why this paradigm shift did (and had to) come about, this chapter first introduces two concepts closely related to current international discourses on peacebuilding: reconciliation and transitional justice. Transitional justice mechanisms are intended to be a means to build (sustainable) peace, which is a prerequisite for long-term reconciliation. Throwing a critical light on key terms in those debates such as justice, truth, and liberalism – concepts that are greatly determined by Western political sciences jargon – helps to explain the so-called rise of the local and the increasing integration of traditional justice into transitional justice packages.

The cultural turn in peace research is part of a much larger (intrinsically and extrinsically motivated) trend worldwide to revive local traditions and re-empower local traditional structures. I argue that anthropological research, methodology, and theories are predestined and called upon to contribute and reveal prospects and problems of traditional justice, flawed concepts of culture and tradition, and misconceptions based on a superficial (ac)knowledge(ment) of the local – something that is so far largely missing in peace studies and interventions. The chapter concludes with a comprehensive section on anthropological notions
of conflict, peace, and the local and what contributions ethnographic research can make to peace research that has so far been dominated by political sciences, international relations, or law.

**Transitional justice and reconciliation or the fallacy of justice and truth?**

By imposing a ‘legal order’ on what is often the irrational (power-driven though it may be), the international community seeks to use criminal trials to contain and to deter violence, and to discover the truth about specific events and to punish those responsible. Yet truth, in the eyes of those most affected by collective violence, often lies not in the facts themselves but in their moral interpretation, and how facts are interpreted is often manipulated and distorted by the very people who initiated the violence.

Justice, like beauty, is in the eye of the beholder and can be interpreted in a variety of ways. (Weinstein & Stover 2004: 4)

**Transitional justice**

Transitional justice is generally understood to mean the efforts to cope with the aftermath of (in most cases intra-state) mass violence, authoritarian regimes or despotisms, and thus foster the transition to security and peace in divided societies (Buckley-Zistel 2008: 3).¹ The term ‘transitional justice’ became popular in the 1990s, but the concept as such goes back to the First and Second World Wars as outlined in Ruti Teitel’s ‘Transitional Justice Genealogy’ (2003). The first phase in the genealogy classified by Teitel was clearly focused on coming to terms with the extraordinary dimensions of the wars and is thus associated with interstate cooperation, the implementation of international law, war crimes trials such as the prominent Nuremberg Trials, sanctions and internationally justified punishment of crimes against humanity; it ended soon after the Second World War.

The second phase, according to Teitel, was determined by the post-Cold War that began in 1989 and was characterized by a wave of democratic transitions and modernization, with the nation state and nation-building again becoming the center of focus. In this phase, transitional justice ‘moved beyond retributive justice … [and] included questions about how to heal an entire society and incorporate diverse rule-of-law values, such as peace and reconciliation, that had previously been treated as largely external to the transitional justice project’ (77).
The retributive model was replaced by a more restorative-oriented one and a ‘dichotomy between truth and justice’ emerged. An increasing number of truth commissions (TCs) worldwide, first used in Argentina and immensely popularized by their adoption in post-apartheid South Africa in the 1990s, were meant to construct alternative histories of past abuses, initiate victim–perpetrator dialogue, be generally more victim-oriented, and aim towards peace, not justice, in the first place (78–79). TCs are usually installed for a limited period of time and implemented under international guidance. They are meant to construct a common national collective memory of a violent past through individual testimonies that reveal perpetrators and patterns of conflict, repression, and discrimination, crimes of violent regimes and other crimes against humanity, and thus enable national reconciliation (Buckley-Zistel 2008: 15–16). As Teitel (2003: 81) put it, ‘a jurisprudence of forgiveness and reconciliation is associated with the Phase II model’, forgiveness often going along with amnesty. The setup and conduct of TCs are usually heavily influenced by international donors who consider them an essential part of the ‘transition package’. Some of these TCs were able to make remarkable contributions, as Priscilla Hayner (2002) outlines, by delving much further into conflict patterns and consequences than any trial of individual perpetrators could have done. Many others, however, have not come up to the people’s expectations or have failed.

In a third phase emerging by the end of the twentieth century, transitional justice expanded and became ‘a paradigm of rule of law’ (Teitel 2003: 71) caused by conditions of political instability and violence in many countries, political fragmentation, small wars, and steady, often intra-state conflicts (89–90). The most obvious marker for the normalization of transitional justice, according to Teitel, was the creation of the International Criminal Court (ICC) in Den Haag as a ‘permanent international tribunal appointed to prosecute war crimes, genocide, and crimes against humanity as a routine matter under international law’ (90); according to Luc Huyse (2008: 2) these are expressions of a transnationally growing human rights culture and the spreading of the principle of universal jurisdiction.

Today, transitional justice ideally means transition to a democratic and peaceful society and long-term reconciliation of the population concerned. Next to forgiveness and amnesty, the enforcement of human rights and justice and the search for truth are considered the main instruments of transitional justice within an international peace discourse that is oriented towards Western ideas of human nature and society, democracy, and peace, which is highly problematic from a cultural relativistic
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perspective. Accordingly, international peace work often attempts to squeeze conflicts and peace processes into the same ready-made patterns or to resolve them according to certain international blueprints, a kind of ‘reconciliation toolkit’ (Bräuchler 2009c) that Roger Mac Ginty (2008: 145) aptly calls ‘peace from IKEA’. Whereas forgiveness and amnesty are often considered highly problematic due to their religious connotations (not to be dealt with further in this chapter), the quest for justice and truth throws up challenges that are ever more complex.

Liberal peace

In parallel to the transitional justice hype, a liberal peace framework emerged in the mid-1990s (see especially the critical works of Oliver Richmond), which ‘assumes the threefold transformation to peace, democracy and market economy is a self-strengthening process leading to sustainable development’ (Kurtenbach 2007: 6) and presumes that ‘democratisation and market liberalisation are themselves sources of peace’ (Sriram 2007: 579). Criticizing that ‘internationalist paradigm’, Sriram (2007: 580) points out that many states emerging from conflict have hardly any experience with market economies or ‘democracy’ and the imposition of such concepts might have counterproductive effects or might simply not match local characteristics, culture, and priorities. Richmond and Franks (2007: 30) accuse liberal peacebuilding of such impositions that rely upon ‘a hubristic belief’ that once institutions are provided, such concepts become self-fulfilling prophecies. Liberal peace often assumes an economic and political void, a terra nullius in post-conflict ‘failed states’ such as Cambodia or nations such as East Timor that need to be built yet, thus legitimizing its implementation and enforcement (Richmond 2011, Richmond & Franks 2007: 35). Liberal peace thus not only disregards existing sociopolitical structures, but also any potential for peacebuilding related to them. Accordingly, there is also heavy criticism on the missing or the misconceived local context in the liberal peace discourse (for a more elaborate critique see below). Whereas people at the local level, those usually most affected by the violent conflicts in focus, are ascribed agency as troublemakers, they are often seen as incapable of initiating the peace process and resolving conflicts, and thus rely on help from outside. The local and local people are denied agency and depoliticized at the same time. As Richmond (2009: 325) argues, ‘the local is commonly deployed to depict a homogeneous and disorderly Other, whose needs and aspirations do not conform to liberal standards’. This has to do with a popular dichotomy (deconstructed in anthropological discourse a long time ago) between a dynamic and ever
changing modernity in opposition to static tradition – an argument that has been used for a long time to depict culture and tradition as obstacles to development, such as in Indonesian nation-building policies under President Suharto.

Both liberal peace and the reconciliation toolkit usually go together with Western notions of concepts such as justice, truth, democracy, or peace that may fundamentally differ from cultural values and worldviews in other regions. I will outline some of the problems with ‘truth’ and ‘justice’. John Rawls’ influential *Theory of Justice* (1971) promotes two universal principles of justice. These are, in brief, (1) the equal right to basic liberties and (2) permitting social and economic inequalities only if they are to the greatest benefit of the least advantaged members of society and that must be attached to offices and positions open to all (chapter II). These principles are derived through a unanimous agreement of societal representatives in the ‘original position’ – that is, a position in which they put on ‘the veil of ignorance’ that makes them forget their sex, race, social class, and so on, and thus adopt an impartial standpoint. Being aware that a brief note cannot do justice to Rawls’ complex theory, the specific requirements of this book nonetheless call for a brief critique of such normative approaches. Rawls’ most important premise for his theory of justice as fairness, the ‘original position’, is simply utopian, ignores human nature, and is blind to sociocultural particularities of notions of liberty, justice, power, and what it means to be human. Amartya Sen provided substantial constructive criticism of Rawls’ theory in his *The Idea of Justice* (2009); one censure was that it does not address the important question of how to deal with outsiders who do not officially belong to a society or polity – in Rawls’ case the nation, in our Indonesian case subnational polities (see chapter 6) – but are nonetheless affected by its decisions. Equally relevant for this book’s argument is a critique brought forward by the German jurist Gunther Teubner (2009: 7), stating that Rawls’ theory ‘had great success in political contexts, but turned out to be a failure in the law in action. If justice in litigation means taking careful account of the singularities of the case, of the specific claims of the parties, of the particularity of the underlying conflict, and of the persons’ concrete infinity, then Rawls’ veil of ignorance is just counterproductive.’ In our case, this includes the awareness of a pluralistic legal setting that could imply different notions of justice (see chapters 6 and 7).

**Retributive and restorative justice**

Most prominently, we need to differentiate between retributive and restorative justice. Whereas tribunals and criminal courts are usually
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based on a retributive justice model and seek the guilt of and sanctions for individual perpetrators, the primary aim of restorative justice is to restore social relationships and reintegrate societies affected by conflict or violence, including victims and perpetrators. A mere retributive approach to justice is not only problematic from a ‘traditional justice’ perspective (as discussed in more detail below), but also from a philosophical point of view, as outlined by the ethnographically minded political scientist Susanne Buckley-Zistel. In Karl Jaspers’ philosophy, not only are individual perpetrators guilty, but so also are those who legitimized perpetrators, who watched inactively, and who did nothing to prevent the crime, which implies a collective guilt determined by social and political contexts. Trials have no means to pay respect to these various dimensions of justice or even to address issues of social, economic, and political justice (Buckley-Zistel 2008: 13). Moreover, the national justice system might be dominated by one of the former parties to the conflict – as was perceived to be the case in Rwanda and Burundi (Molenaar 2005, Nee & Uvin 2010) – or, in weak states, proper justice mechanisms may not (or may no longer) be in place, may be corrupt, or may be unable to cope with the scale of the atrocities, which makes those considerations lapse unless the international community gets actively involved. In addition, there is no proof that the prosecution of the (supposed) perpetrators and revealing the truth necessarily have healing power and pave the way for reconciliation, as is often assumed in international peace discourse (see e.g. Lutz 2004: 25). Justice may not only imply reparation, but may also be divisive (Culbertson & Pouligny 2007: 280). Often activities and negotiations of courts and TCs do not sufficiently involve the grassroots communities affected or do not involve them at all. Although truth and reconciliation commissions (TRCs) are much more victim-oriented than court trials, victims are nevertheless still treated as ‘objects’, not as agents of reconciliation. They are only part of a system set up and regulated by higher-level actors.

Depending on whom one is talking to in a post-conflict setting, what justice and truth imply may vary for each person or group such as the international community, governments, grassroots, victims, perpetrators, refugees, those in favor or those against reconciliation; and what about truth and justice in legally pluralistic states? Whose justice and whose truth are we talking about in those international reconciliation discourses and what underlying objectives are they targeted at? Courts and trials – often influenced or determined by international ideas or national elites – can only produce one kind of justice, and this is mostly retributive justice (see also Buckley-Zistel 2008: 12). TCs usually ignore
'the cultural and performative significance attributed to the production of discourse' (Kaartinen 2007: 48) and often follow the most prominent conflict lines and select the witnesses for the hearings accordingly (see e.g. Merwe 2003). As Buckley-Zistel (2008: 17) put it, ‘not everybody’s truth is welcome’. Forsberg (2003: 73) differentiates between individual or collective truth, objective (factual), subjective (narrative), or intersubjective (shared) truth; the South African TRC differentiated between four kinds of truth: forensic or factual, personal or narrative, social and dialogic, healing and restorative (Buckley-Zistel 2008: 17). No such institution, however, can grasp the complexity of ‘truth’ in a post-conflict setting. The risk of truth-seeking is to create ‘facts’, to create a normative single history and truth from which many feel excluded because their truth is not covered, their stories are not looked at, thus risking the strengthening of conflict lines and renewed outbursts of violence. Mahmood Mamdani, one of the strongest critics of the South African TRC, calls this ‘compromised truth’ (quoted in Hayner 2002: 74). TCs can nonetheless provide catharsis (Weinstein & Stover 2004: 13) and act ‘as a lightning rod by attracting controversy’; they need to be seen as the starting point for a long reconciliation process rather than its solution (Merwe 2003: 118).

In many post-conflict societies, coexistence and cooperation between former enemies at the local level are essential for daily survival and thus need to be reactivated irrespective of whether ‘justice’ and ‘truth’ have been dealt with yet (Buckley-Zistel 2008: 14). In this case, coexistence might imply the conscious fading out of the past in order to be able to proceed, as exemplified by the Acholi ritual keto ajaa ceremony (‘to cut off the grass straw’) described by Sverker Finnström (2010: 156): ‘It is an acceptance of the necessity for social interaction … and an agreement to orient action toward one another.’ The question is who determines whether people want to know the truth or whether, when, how, and what they would like to remember (compare Biggar 2003a: 318, Hayner 2002). Should people be forced to tell ‘the truth’ when they would prefer silence, given ‘a normative preference in favor of silence’, as in Burundi (Nee & Uvin 2010: 169), or given the way new or old regimes use truth-telling as ‘coercive tool’, as in Rwanda (Shaw & Waldorf 2010a: 12, Waldorf 2010), or given the fact that the security of people is not taken care of after they have borne witness, as in almost all cases where TCs were installed? Others fear that prosecutions and truth-telling might endanger transition periods and trigger renewed violence. Another downside of TCs are their legal and financial restrictions. They are not usually entitled to draw legal consequences out of the ‘truth’ they have
acquired, and most often they are not able to compensate witnesses for their time and other expenses (although selling the truth would probably also have negative effects). In cases such as Guatemala, the truth revealed did not lead to any political action or change of the structures that had caused the conflict in the first place, which renders TCs an ambivalent political concept (Buckley-Zistel 2008: 18–19).

Pushing through retributive justice and revealing the truth, whatever justice and whatever truth one might think of, certainly does not always make sense right away in many conflict settings. The time factor – that is, how many months, years, or even decades after the occurrence of mass atrocities justice and truth are thought – is surely important and can essentially influence the outcome of tribunals (see Buckley-Zistel 2008: 15). In a conflict where family networks include both victims and supporters of the killing machinery or where neighbors were fighting neighbors, ‘the idea of truth-seeking is of little interest because if people started pointing fingers, they would be pointing too close to home’ (Hayner 2002: 189). On the one hand, such an argument makes total sense in a setting where there is no clear friend/foe pattern; on the other hand, it may also serve governments to hide a truth that might get some of its members into trouble. This issue is closely connected to the classic (but problematic) victim–perpetrator divide in which a major part of the peace and conflict literature and most high-level approaches to reconciliation are grounded. Retributive justice models are usually based on the idea of individualistic responsibility and guilt, where each individual is categorized as either victim or perpetrator in a given conflict. Such a ‘sharp moral dualism’ (Shaw & Waldorf 2010a: 10) is problematic in a number of ways. In most conflicts there is ‘a basic disagreement about who the guilty perpetrators and the genuine victims really are’ (Biggar 2003a: 309). This is even more so when identity issues are involved. The victim–perpetrator divide becomes blurred or dissolves where conflict lines and dynamics are more complex – where, for instance, it was not a repressive regime victimizing its own people, where both ‘victims’ and ‘perpetrators’ come from the same families or were former neighbors. Examples are Cambodia during the Khmer Rouge regime (Rigby 2001: 3), political violence and war in Mozambique (Hayner 2002: 189), post-war Peru (Theidon 2007), post-genocide Rwanda, East Timor after the referendum for independence, Indonesia after the coup in 1965, or the violence in Maluku. Common conflict resolution and reconciliation tools that are either perpetrator-oriented (e.g. retributive justice) or more victim-oriented (e.g. TCs) cannot do justice to such complexities. Such dichotomizations fail ‘to adequately confront the moral “gray zone” of
civil wars such as Sierra Leone’s’ (Shaw 2010: 114), they simplify conflict patterns by promoting the ‘good’ that needs to be supported against an inherent ‘evil’, thus dehumanizing and depoliticizing the ‘perpetrators’, which makes their reintegration almost impossible (Pouligny, Doray, & Martin 2007: 22).

More generally, the blurring of boundaries between victims and perpetrators could also be a strategic move – either culturally determined or as an innovative approach – in order to cope with past violence and bridge the divide. ‘Bystanders’ need to be included in the reconciliation process, since the roles of victims, perpetrators, and bystanders might change over time or individuals might be at once victim, perpetrator, and bystander (Deutsche Gesellschaft für Technische Zusammenarbeit [GTZ] GmbH & Friedrich-Ebert-Stiftung 2005). Analyzing the Bali bombings of 2002 and 2005, Annette Hornbacher (2009) contrasts the Western project of the ‘war on terror’ and George Bush’s ‘axis of evil’ with Hindu-Balinese attempts to restore cosmic balance, where such a sharp divide between a human victim and an inhuman perpetrator, the good and the evil, does not exist, or where responsibilities for bad karma are shared by all. Taking the Kei Islands in eastern Indonesia as an example, Timo Kaartinen (2007: 48) suggests that ‘the advantage of recognizing evil in one’s self lies in the possibility of preventing the escalation of minor, local issues into religious or ethnic warfare and redressing them through ritual action and ongoing concern with ruptured relations in society’. It is therefore essential to not only pay attention to justice and truth, but also to how people understand human nature and personhood, that is ‘the self’ and ‘others’ (Avruch 1998b: 15). The dignity and the humanity of both victims and offenders have to be reinstated (Minow 1998: 146), and this can only be done in a culturally appropriate way.

Reconciliation

In the end, what it is all about is reconciliation, about how people in divided societies can live together again and realize positive peace. Most scholars on peace and conflict consider truth and justice (although variously defined) as a necessary part of any reconciliation process. Due to the restrictions discussed above, peace and reconciliation practitioners became aware that one tool is not sufficient and that multidimensional approaches were needed that suit the particularities of each society after a violent conflict.\(^2\) ‘Reconciliation’ has become a key term – unfortunately often unreflected – in international conflict and peace discourse. However, there is no such thing as a blueprint for
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In some environments, the term reconciliation might be the last to use. It might not translate well into the culture. Furthermore, the notion that reconciliation means closure can be threatening to victims, notably when it is attached to one time initiatives and not communicated as being a slow and open process in which the individual retains the right not to reconcile.

In many places of this world, such as in Indonesia, there is no term for ‘reconciliation’ (see e.g. Bräuchler 2009c, Dwyer & Santikarma 2007), which nonetheless does not hinder international peace researchers from applying it to various contexts. Others are more hesitant, also due to the religious connotations of forgiveness and reconciliation, and suggest using terms such as ‘social reconstruction’ or ‘reclamation’ to capture the processes of reconciliation and social repair in post-war countries (Weinstein & Stover 2004: 14). However, despite the lack of congruent terminology, there are frequently local concepts and mechanisms in place that do reflect the reconciliation concept (see chapter 2). The challenge is to identify them without attempting to fit them all into the same pattern, which ethnographic research needs to focus on.

In the past, reconciliation has too often been perceived as something peacebuilders are aiming for, a result. It is nowadays common sense that reconciliation is not only the outcome, but foremost a long-term, deep, broad, inclusive, and voluntary process (Bloomfield 2003b: 12, 13). As Bar-Tal and Bennink (2004: 12) suggest, ‘reconciliation goes beyond the agenda of formal conflict resolution to changing the motivations, goals, beliefs, attitudes, and emotions of the great majority of the society members regarding the conflict, the nature of the relationship between the parties, and the parties themselves.’ As a Dinka elder reflecting on the
Note: General topics of this volume such as reconciliation, culture, *adat*, conflict, and peacebuilding, or places such as Indonesia and Maluku are not or only partly indexed and not all occurrences are listed. In the Indonesian context, terms such as *adat*, *adat* law, customary law or traditional justice can be used interchangeably, which also affects the index.

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