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*Art as a Strategy to Make Possible the Reparation of the Damage
Derived from the Internal Armed Conflict¹*

**El arte como estrategia para viabilizar la reparación del daño
producto de confrontaciones bélicas internas**

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Abstract

The peace processes have incorporated transitional justice spaces that seek to repair, by alternate means, the damage and effects derived from the internal armed conflict. In this sense, it is necessary to inquire about what mechanisms make reparation possible within the framework of transitional justice and the post- agreement stage? This text suggest some reflections from the analysis of the experiences of women who, through art, have developed strategies to make reparation viable, to explore their potential and difficulties.

Keywords: damage; trauma; memory; resilience; reparation.

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Resumen

Los procesos de paz han incorporado espacios de justicia transicional que buscan reparar, por medios alternos los daños y afectaciones derivados del conflicto armado interno. En ese

¹ This article is the result of the research "Representaciones del perdón y la memoria en la literatura infantil colombiana en las últimas décadas como fuente para abordar las afectaciones a derechos productos del conflicto interno" Financed by the Universidad Autónoma de Bucaramanga, through an internal call for research code. 2021/00003/001/001/048. The reflection that is presented is derived from the results that are extensively presented in the chapter "Verdad, víctimas y memoria: las mujeres y el arte como estrategia de reparación" published in the book "Verdad, justicia y no repetición en el acuerdo colombiano" Editores: JL Fabra-Zamora, A Molina-Ochoa, NC Doubleday, Bogotá: Tirant lo Blanch, 2022.

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sentido cobra relevancia indagar acerca de ¿qué mecanismos permiten viabilizar la reparación en el marco de la justicia transicional y de la etapa post acuerdo? El texto que se propone, busca sugerir algunas reflexiones desde el análisis de las experiencias de mujeres que, a través del arte, han agenciado estrategias para viabilizar la reparación, con la finalidad de explorar sus potencialidades y dificultades.

Palabras clave: Daño; trauma; memoria; resiliencia; reparación.

Introduction

One of the challenges of transitional justice derived from peace agreements is to guarantee the rights of people affected by the conflict. In the case of Colombia since 2005, and more recently with the "Colón Agreements" in 2016, transitional justice processes have been established and developed. In the debate about how to undertake these processes, on the one hand, we can see the perspectives of those who demand that justice be administered in an ordinary manner, using the mechanisms provided by criminal law, for example; on the other hand, we can also hear the voices of those who defend transitional justice as a mechanism to facilitate the end of an armed conflict through political negotiation. This implies the establishment of measures that seek to satisfy aspirations for justice through non-conventional legal procedures that guarantee the rights of those affected by the conflict to truth, justice and integral reparation, as well as a commitment to non-repetition. Finally, there are intermediate voices that recognize the need for transitional justice without ignoring its difficulties and challenges, or in some cases, its insufficiency.

Beyond this debate, the chapter we present here begins by recognizing the need to assume transitional justice processes that transcend a punitive vision to allow, through alternative means, for satisfaction of the rights of individuals and groups most affected by armed conflict. From this point of view, the questions we will address are: What mechanisms make reparation viable in the framework of transitional justice at the post-agreement stage? What notion of harm has been taken into account to suggest reparation strategies? What experiences make it possible to analyze reparation strategies? To answer these questions, contributions from the law are not sufficient. Determining what the right to integral reparation is and how it is achieved continues to be a broad topic of discussion that cannot be resolved by relying exclusively on the contributions of formal law. The goals that have been set for truth and memory, in terms of making the facts of armed conflicts known, avoiding their repetition and making reparations, pose different dilemmas for all parties involved².

This chapter will discuss the experiences of women who, through art, have developed strategies to make reparation viable. To this end, we will develop the discussion in three

² An analysis of this issue can be found in DUPLAT, Alfredo & MOLINA, Andrés, "The Right to the Truth in the Colombian Conflict: Realities and Fiction", in *The Colombian Peace Agreement: A Multidisciplinary Assessment*, Jorge Luis Fabra-Zamora, Andrés Molina-Ochoa, y Nancy Doubleday (eds.), Routledge, New York, 2021, 175-91.

moments. The first will address the concept of integral reparation and its incorporation in transitional justice processes, especially in the case of Colombia and the peace agreements consolidated after 2005³. Second, we will analyze what a traumatic event produces in affected people, and we will explore the role of art as a resource that facilitates resilience processes. This will allow us to give an account of longed-for reparation. This analysis will have as theoretical reference the proposal of Boris Cyrulnik. Finally, we will present conclusions based on the suggestion that there are conditions that must be in place for art to act as a strategy that makes resilience viable, and that not every act of artistic creation implies a process of reparation.

1. Transitional Justice and Integral Reparation

The serious human rights violations resulting from internal armed conflicts, as well as the insufficiency of ordinary justice mechanisms to satisfy the rights of affected persons by putting an end to such conflicts, has given rise to the conceptual and normative configuration of transitional justice. Transitional justice constitutes a mechanism to respond to the needs of institutional justice in the framework of transitions from internal armed conflicts to fulfillment of agreements that seek to put an end to the conflicts.

This institutional justice alternative has been adopted as the result of various peace processes, giving rise to instances, procedures and resources that facilitate the determination of those responsible for human rights violations, the reconstruction of truth and historical memory of conflict and reconciliation, thus configuring mechanisms to prevent the repetition of new internal armed conflicts⁴.

This conceptual framework includes what happened in Colombia in 2005, following the negotiation process between the Colombian government and the "Autodefensas Unidas de Colombia" (AUC). In this process, to investigate and punish the serious human rights violations perpetrated by paramilitary groups and to make reparations to those affected, a legal framework was approved that would allow for prosecution of those responsible and for the creation of measurements to restore rights through a special criminal procedure. This procedure recognized the need to make reparations to the victims and to contribute to the clarification of the facts as means of guaranteeing the right to the truth. This model has been strongly criticized, not only by those who are not in favor of alternative mechanisms, but also by those who, being in favor of them, evaluate their deficiencies and shortcomings⁵.

³ Colombia has experienced one of the longest internal armed conflicts in the region, and in 2005 a peace agreement was signed with paramilitary groups, resulting in a transitional justice process. In 2016 another peace agreement was signed with the FARC guerrillas. A review of the milestones of the conflict can be read FABRA, Jorge; MOLINA, Andrés & Doubleday, Nancy (eds.), Routledge, New York, 2021. Especially the introduction.

⁴ HAYNER, Priscilla, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2.^a ed., Routledge, New York, 2011.

⁵ UPRIMNY, Rodrigo & SAFFON, María Paula, "Usos y Abusos de la Justicia Transicional en Colombia", *Anuario de Derechos Humanos*, n.º 4, 2008; RETTBERG, Angelika (ed), *Entre el perdón y el paredón. Preguntas y dilemas de la justicia transicional*, Ediciones Uniandes, Bogotá, 2005; VALDIVIESO, Andrés, "La justicia transicional en Colombia: Los estándares internacionales de derechos humanos y derecho internacional humanitario en la política de Santos", *Papel político*, 17, nº 2, 2012, CÁCERES, Enrique, "Justicia

Subsequently, the Colón Agreements, which sought to end the armed conflict with the FARC guerrillas in 2016, set instruments under the Comprehensive System of Truth, Justice, Reparation and Non-Repetition. The System is composed of the Commission for the Clarification of Truth, Coexistence and Non-Repetition, the Special Jurisdiction for Peace (JEP), which represents the justice component of the system, and the Unit for the Search for Persons Reported Missing in the Context of and as a Result of the Armed Conflict (UBPD). The System integrates comprehensive reparation measures and guarantees of non-repetition. Although there are different transitional justice systems, they share non-conventional strategies for administering justice; thus, the system derived from the Colón Agreements conceptually fits within the guidelines of transitional justice.

Within the framework of transitional justice, instruments are established to promote reparation. Comprehensive reparation constitutes a dimension in which it is recognized that an action that causes harm can generate multiple effects on health (physical, psychological and social), on social relations, on the identity and property of the person and, in general, on constitutionally or conventionally protected values; these various types of effects have made it possible to recognize that harm can have a material dimension as well as an immaterial or moral dimension. When addressing comprehensive reparations, the starting point is to consider that the damage caused in each of these dimensions must be repaired. This implies, in the institutional sphere, a need to establish various types of obligations and incumbent upon those responsible and incumbent upon the State itself. These actions include measures of satisfaction, non-repetition and restorative and rehabilitative measures.

Satisfaction measures seek to repair damage through actions that allow knowing the truth, promoting historical memory and dignifying the victims through various actions, such as public apologies and locating deceased or missing persons, among others. Article 139 of Law 1448 of 2011 defines satisfaction measures as those "actions that provide welfare and contribute to mitigate the pain of the victim." Restorative measures seek to "restore the *status quo ante* of the victim," for example, ordering restitution of land, a return of displaced individuals to the place of origin, the restitution of jobs and so on. These are rehabilitation or accompaniment measures that guarantee social, psychological or legal attention to affected persons and to their families. Restorative measures are associated with satisfaction measures insofar as they seek to guarantee that the events that generated the damage will not be repeated. These measures are quite diverse because they are part of a framework that aims to clarify the truth, to build memory, to publicize the facts and to ensure that what has happened is not forgotten.

Symbolic reparation can be understood as an autonomous reparation⁶ or as part of a comprehensive reparation. All these measures are valued as non-pecuniary and non-

Transicional y Derecho a La Reparación Integral Aproximación al Caso Colombiano”, *Novum Jus* 7, n.º 2, 2013; UPRIMNY, Rodrigo & SAFFON, María Paula, “Transitional Justice, Restorative Justice and Reconciliation. Some Insights from the Colombian Case”.

⁶ SIERRA, Yolanda, *Reparación simbólica: Jurisprudencia, cantos y tejido*, Universidad Externado de Colombia, 2018.

compensatory actions the purpose of which is "to subvert the logic of forgetfulness and individuality in which societies in which human rights violations were perpetrated tend to fall, expanding towards the community the pain of the victims, through a critical view of the past that transcends into the future"⁷. In Colombia, these measures are incorporated into legislation in Article 141 of Law 1448 of 2011, and they are understood to encompass "any benefit provided to the victims or the community in general that tends to ensure the preservation of the historical memory, the non-repetition of the victimizing events, the public acceptance of the facts, the request for public forgiveness and the restoration of the dignity of the victims"⁸. Symbolic reparation measures have been recognized as having the potential to reconstruct and regenerate individual and social identity, to make the truth known and to represent a testimony for the preservation of memory. These characteristics are derived from the interpretation of the measures ordered by the Inter-American Court of Human Rights, where in cases such as Campo Algodonero⁹, the construction of a monument is ordered as a measure of satisfaction intended to remember the victims, or in cases where the inclusion of commemorative dates or the building museums and memorials has been ordered. However, the symbolic measures ordered may not be sufficient, and to that extent, they may not fulfill their purpose if the feelings of the affected person are not seriously taken into account. The measures must recognize the voice of those affected, of the excluded actors, to avoid a situation in which their implementation is determined by an external agent, who may be permeated by the hegemonic posture from which the affected person is being valued—or, rather, minimized.

Failure to do so may lead to a lack of recognition of the victim if they are socially pressured to say that reparation has been achieved, and it may lead to aggressors not being held responsible, if all they need to do is to follow an order on the material level. Symbolic reparation measures that are incorporated without real recognition on the part of the State authorities and those responsible may do further harm if affected persons to whom the reparations are directed perceive these as *only* symbolic. This is exemplified by what happened in Colombia in the 19 Merchants Case, in which the Inter-American Court found the State responsible and condemned it for the massacre and atrocious acts perpetrated by paramilitary groups. The judgment ordered the State "to erect a monument in memory of the victims and, by means of a public ceremony and in the presence of the victims' relatives, to place a plaque with the names of the 19 merchants"¹⁰. What should have been a measure of satisfaction for the victims ended up being, in the hands of the State, another instrument of aggression. Not only did the State delay in complying with the order to set up the monument, but once it was finished, it was not placed with the dignity in keeping with the order issued by the Court. Rather, it was deposited in the same military unit involved in the

⁷ PATIÑO, Álvaro, "Las reparaciones simbólicas en escenarios de justicia transicional", *Revista Latinoamericana de Derechos Humanos* 21, n.º 2, 2010, 54.

⁸ On measures of symbolic reparation, see CUADRADO, Martha, *Reparación simbólica a víctimas de masacres en Colombia desde la responsabilidad patrimonial e internacional del Estado*, Universidad del Norte (Master thesis), 2020.

⁹ CORTE INTERAMERICANA DE DERECHOS HUMANOS, Caso González y otras ("campo algodonero") vs. México Sentencia de 16 de noviembre de 2009.

¹⁰ CORTE INTERAMERICANA DE DERECHOS HUMANOS, Caso 19 Comerciantes Vs. Colombia, No. 109, 5 de julio de 2014): par. 261.

acts that violated the rights of the victims. The relatives of the victims had to demand compliance with the order through a *tutela* action, and finally, after being denied by two judicial instances, in a subsequent review the Constitutional Court recognized:

[The] long and painful process the relatives of the 19 massacred merchants have had to live through so that finally, more than six years later and after having been in the military brigade that was questioned by the relatives of the victims, the monument that was destined to rescue the memory of their relatives, is located in a park in the city of Bucaramanga. It has been six years in which they have been denied in one aspect - paraphrasing the Court of San José - reparations for the violations committed, which date back to 1987; that is, 25 years before this sentence¹¹.

Despite this order, the monument remains in a state of abandonment in a park in a city that did not participate in the reparation process as a collective¹².

Another challenge to these reparation measures lies in their own regulation, which has set goals such as the one laid out in Article 8 of Law 975 of 2005, which states that "Restitution is the realization of actions aimed at returning the victim to the situation prior to the commission of the crime." But to what extent is this possible for all types of damage? This and other questions encourage a multidisciplinary review of the problem. In what follows, we will conceptually address the effects that a traumatic event causes in a person and the way in which understanding these effects allows us to connect with the challenges of transitional justice, reparation and art as a mechanism to make reparation viable.

2. The Effects of Traumatic Events on People Affected by Armed Conflict

In the context of an internal armed conflict, acts are perpetrated that violate rights, and these serious violations become a profound source of trauma. They produce a damaging emotional shock that has an impact on the psychological and social health of the affected persons.

For a person who has not been traumatized, representation of an event in the past evolves according to age and context. These memories can be modified because the life experiences that provide security permit this and allow such individuals to access a flexible, evolving memory. A person who has been traumatized, in contrast, develops a "fixed" or "rigid" memory, one that does not evolve according to age and context. This leads the person or the community to become "prisoners of the past," because it is not possible to acquire other information that allows a transformation of the representation of events. The fixed or rigid image comes to mind unexpectedly, and the traumatized person is unable to stop thinking about it. At night, this takes the form of a nightmare. Every new perception evokes

¹¹ CORTE CONSTITUCIONAL COLOMBIANA, Sentence No. T-653,23 de agosto de 2012.

¹² A perspective based on the voice of the victims can be found in RODRÍGUEZ, Sergio & PERDOMO, Mónica, "Expectativas de las víctimas del conflicto armado en Colombia sobre la reparación simbólica", en *Ciencia transdisciplinar para el desarrollo y la supervivencia de la humanidad*, SERNA, Edgar (ed.), Instituto Antioqueño de Investigación, Medellín, 2021, 414-426.

the past. Cyrulnik explains the relationship between the traumatic memory and neurology as a kind of hyper-consciousness of trauma:

In acute trauma, the prefrontal lobes connected to the limbic circuits are permeated by the trace of a terrifying scene. The amygdala that is no longer slowed down does not stop sending warning signs to the anterior cingulate cortex and the subject does not stop seeing the image of horror that causes an unbearable emotion - "as if the situation had just happened" despite the years that have passed.¹³

When an acute trauma becomes chronic, the same circuits are activated, and the toxic imprint of this process of ups (alert) and downs (lethargy) leads to an inability to return to a dynamic memory and resulting in a tendency to perceive everything that is going wrong in the world, as they will direct their gaze these things with the goal of protecting themselves by avoiding the experience of a similar situation.

The only thing one can do when dealing with a traumatized person is provide them with a environment that engenders trust and that invites them to explore, to speak (search for meaning), to transform the wound, to follow a path to resilience. If this process occurs, the wound will remain as a scar. Consequently, the individual will never be a *tabula rasa*, but the wound will no longer be the centre of their existence, and memory will once again become evolutionary and flexible¹⁴.

Cultural, social and relational environments play a very important role, allowing the injured subject (who may not necessarily be traumatized) to face what has happened, and the traumatized person can undertake a process of resilience. It is here where they will either find a context that gives them confidence and allows them to seek new meanings, or in contrast, where the person's insecurity will be exacerbated, precluding questions from being raised and making inquiries impossible.

There have been various definitions of the concept of resilience. These definitions can even be opposed to one another, or they may be used as synonyms for other concepts, such as adaptation or protective factors. In this analysis, we will start from the theoretical proposal developed by Boris Cyrulnik, who highlights the importance of acknowledging that resilience cannot be understood as protective factors nor as something that can be achieved individually¹⁵.

¹³ CYRULNIK, Boris, *La nuit, j'écrirai des soleils*, Odile Jacob, Paris, 2019, 287: "Dans un trauma aigu, les lobes préfrontaux connectés aux circuits limbiques, sont imprégnés par la trace d'une scène effrayante. L'amygdale, qui n'est plus freinée ne cesse d'envoyer des signaux d'alerte à la partie antérieure de l'aire cingulaire et le sujet ne cesse de voir l'image d'horreur qui provoque une émotion insoutenable - « comme si ça venait d'arriver », dit-il plusieurs années plus tard."

¹⁴ CYRULNIK, Boris, *De cuerpo y alma*, Gedisa, Barcelona, 2000.

¹⁵ This idea can be seen in the following passage: "La résilience est présente dans le Traités de pédopsychiatrie, mais sous un autre nom: les ressources, voulant ainsi dire que la notion de résilience était superflue puisqu'elle était déjà abordée par le psychanalyse. Or ce n'est pas toute la même idée : la ressource est une force qui aide à affronter une situation fâcheuse en puisant à la source des forces initiales. La résilience, au contraire, est un processus interactif et dynamique qui permet de reprendre un nouveau développement" CYRULNIK, Boris, *Les âmes blessées*, Odile Jacob, Paris, 2014, 286.

If, in a relational context, a person chooses to subtract value or deny the damage that was done, the injured and the traumatized are doubly attacked by this behaviour, because there will not be a feeling of trust that would permit them to undertake a search for meaning that would, in turn, allow them to name the unnameable.

The first aggression occurs in the "hit/damage/fracture," the second in the ignorance on the part of others regarding what happened, which prevents a representation of it. This latter phenomenon turns out to be more difficult to handle, because the injured or traumatized person feels that the other person does not value their existence. The injured or affected person must regain confidence to explore, to undertake a process that allows them to transform the wound and the aspects of their identity that are fused with that wound; it will be a process based on their relationship with various social spheres, including here the space that culture contributes to being able to talk about what happened. It will also be necessary not to neglect a genealogical and differential analysis that makes it possible to account for the logic of power that took place before, during and after the aggression.

Three factors are necessary to keep in mind when undertaking a process of building resilience: isolation, lack of sense and shame¹⁶. Isolation results from behaviour that often occurs when the person is traumatized, triggering the frontolimbic structure. Understanding this allows us to understand why the traumatized person may have problems with cognitive and emotional regulation. The lack of sense leads to the injured person to be unable to adopt actions that would enable them to face the trauma. Shame is the predominant emotion of the traumatized person, as they experience the sensation of having been degraded.

Thus, if a context that favours reparation is to be made viable, the victim's family and social networks must promote spaces for speech, construction and inquiry, so that the injured or traumatized person can speak and seek to impart a certain sort of order what they perceive to be chaotic.

It is not enough to return land that has been stolen to bring about repair. It is not enough to raise a monument, although this can create in the injured person the feeling of being taken into account, because the injured person has not merely lost something belonging to them. The meaning of their existence has been removed, and the person feels the loss of the ability—the power—to lead their lives, that is they feel the loss of their ability to judge. It cannot be said, then, that simple instrumental logic, whereby such and such an action is fulfilled, it will be possible to bring about repair; it can only be said that doing such and such action, in principle, will allow the voice of the wounded to be dignified and valued. This, in turn, will invite them to activate their ability to judge and to thus question what has been instituted (in the sense of Castoriadis) in culture, society, the family and even the person, to finally make reparation possible, a potential that will always imply transformation.

¹⁶ CYRULNIK, Boris, *Résilience connaissance de base*, Odile Jacobe, Paris, 2012.

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3. The Role of Art as a Strategy for Resilience

As previously noted, one of the axes of discussion in the context of the Colombian post-agreement and actions to repair the damage generated by the armed conflict has to do with the actions necessary to know truth, to reconstruct memory and to make reparation strategies viable. In this sense, art becomes a relevant strategy for the reparation of the traumas derived from the conflict.

Art becomes a pillar and a resource that allows us to speak indirectly about what happened by tracing the path of what cannot be talked about, so that we can begin to say, understand and bring it into consciousness to the extent that this is woven from oneself, out toward others, and then interwoven with others. As Cyrulnik says, only monsters do not like theatre. Art allows us to look at what is painful without being petrified, as what is seen is the metamorphosis of what was fractured¹⁷.

The art “used” in the interventions that aim to facilitate reparation can be a tool for speaking indirectly of the pain. Art allows one to ask oneself about what happened without having to give an explicit account of the horror. Furthermore, as a resource that makes metamorphosis viable, art makes it possible to recreate the representation that each person has of the same event as well as the fracture that it involved.

Talking about a play, a film or a song that evokes the trauma in the person allows them to think, wonder or talk about what happened without being caught in a representation of the situation that petrifies them. This enables them to share with others without feeling exposed or exhibited. Listening to Julio Mercado (one of the people affected by the Montes de María massacres in the village of Las Brisas) when he says that the tamarind, a sacred tree, is a silent witness to what happened, is not the same as saying that his relatives were hung on a tree, and no one knows what happened to them. When what happened hurts, we only have the silence or the metamorphosis that transforms the stroke without ignoring it. The recognition of the fact as it is restores the value of the person within the community, because it accounts for what happened. However, it is still insufficient in terms of being able to talk about what has taken place and being able to follow a path to resilience and openness to the possibility of repair.

Similarly, using art, whether it ends up being a work to be exhibited or not, allows the person to think about themselves and about what happened. It will not necessarily entail making a copy of what happened, but it will allow them to think beyond the damage and the wound. When the stroke is acute, we must use metaphors and other resources to be able to name and to cease being a passive spectator of the fracture. But this assumes that creation is a process that goes beyond metonymy. That is why, when art is used to make processes of resilience or repair viable (which will not mean going back to being the same person as before, given that a rupture has occurred), it is not possible to predict the time this will take or the outcome of these processes. It is only possible to account for a position that is not

¹⁷ CYRULNIK, Boris, *Les vilains petits canards*, Odile Jacob, Paris, 2001.

intended to speak for others. Art should be used to recognize the need to promote each person's faculty of judgement. It cannot be forgotten that this requires that those who are injured or traumatized feel the confidence to explore. Any process of creation (making art, talking about art without limiting the idea to making a description), supposes having the tranquillity to travel unknown paths. For this reason, the wounded and traumatized persons usually find it difficult to undertake any act of creation.

An example of the above may be seen in the experience of the women weavers of Mampuján¹⁸, who began, with the support of a psychologist, to make a quilt (patchwork art) with the purpose of carrying out an activity that allowed what had happened to them (displacement) and was happening (living in a territory in which they did not have the basic needs supplied and they were stigmatized as belonging to the guerrilla movement) to dissipate from their minds. These women were able to begin to capture what the Mampuján displacement had been for each one of them. This entailed talking about the story that they were going to capture on the tapestry before starting to weave and talking about the themes that spontaneously emerged when they were doing it. This is what Gledis López, one of the weavers from Mampuján, points out: "It is not just the act of weaving, it is the act of telling what has been experienced. That helps you heal the old wounds." This also shows the power of speaking indirectly, beyond simply giving an account of the fact as it is.

From these experiences and perspectives, art goes beyond the collective symbolic reparation of building monuments. It is assumed, instead, to be a resource that allows making viable processes of reparation at a distance from dichotomous positions ("good" vs. "bad"), and that we opt for the path of an understanding that implies active, critical listening. This does not imply doubting the facts, but rather starting from the recognition of these facts by using what is said by the various agents (not only people, but also policies) involved in the conflicts. It is understood, then, that facts are not relative, but the representation—what is said and thought about them—is

For this reason, to make reparation processes viable for the people and communities that have been affected within the framework of actions that have taken place during the conflict, it is necessary to take into account a differential approach, to the extent that not all actors have equal opportunity to exercise power, which leads to the possibility of some parties giving in and having their voices silenced. Regarding women, the question of power is particularly important, given that the roles assigned to them from hegemonic perspectives have meant that their voice, their capacity for impact and their ability to influence have been historically and structurally limited.

¹⁸ About the women weavers of Mampuján see BELALCAZAR, John & MOLINA, Nelson, "Los tejidos de las mujeres de Mampuján: prácticas estético-artísticas de memoria situada en el marco del conflicto armado colombiano", *Andamios*, 14, 2017.

This has led women to turn to art from multiple places¹⁹, such as the appropriation of the body and space, as in theatre or performance²⁰, or by way of storytelling, literature and music²¹.

Concluding Remarks

After our discussion, it is necessary to question whether, in some of the art experiences of women affected by the armed conflict in Colombia, it is truly possible to speak of resilience and reparation. We must be cautious and not confuse resistance (adaptation to circumstances) with resilience, which as previously discussed, always implies transformation, not only of individuals and communities, but also of circumstances. In addition, the aggressions that led to injury and trauma must have stopped for resilience and reparation to be possible. It would be misleading to point out that a person living in a concentration camp had undertaken a process of resilience by finding resources to survive the aggression in that context. In cases such as this, we can only talk of protective factors that are used to resist.

Fighting for memory does not necessarily create resilience or repair. To suggest that the “Quatuor pour la fin du temps” composed by Olivier Messiaen in a prisoner-of-war camp, or that the *Diary of Anne Frank*, published in 1947, accounts for processes of resilience and repair would be inaccurate. These works of art are examples of resistance and denunciation. Resilience and repair assume a position that recognizes the necessity of changing the circumstances that affect the individual and highlighting the importance of trusting others, so as to develop the courage to re-signify the wounds.

Thus, art would play three roles. First, it would constitute a place from which memory can be built, facts can be narrated and the truth can be spoken of. It would be a place from which resilience can be made viable, as well as a place for the reparation of moral and psychological damage that has generated a trauma. In all these cases, art will be oriented

¹⁹ On the role of art within these contexts, see RAMÍREZ-BARAT, Clara (ed.), *Transitional Justice, Culture, and Society: Beyond Outreach*, Social Science Research Council, New York, 2014; DUPLAT, Alfredo & MOLINA, Andrés, “La Vorágine: Impunity, Memory and Human Rights”, *Revista de Estudios Colombianos*, 56, 2020, 19-28; DUPLAT, Alfredo & MOLINA, Andrés, “The Right to the Truth in the Colombian Conflict: Realities and Fiction” in *The Colombian Peace Agreement: A Multidisciplinary Assessment*, Jorge Luis Fabra-Zamora, Andrés Molina-Ochoa, y Nancy Doubleday (eds.), Routledge, New York, 2021, 175-91; SIERRA, Yolanda; FALCONI, José & MENDOZA, Liliana (eds.), *Reparación simbólica: Cultura y arte para nueve casos de violación de los derechos humanos*, Universidad Externado de Colombia, Bogotá, 2020; SIERRA, Yolanda, *Reparación simbólica: Jurisprudencia, cantos y tejido*, Universidad Externado de Colombia, Bogotá, 2018.

²⁰ See, for example ARIZA, Patricia, *Vivir sin miedo*, 2015, <https://www.youtube.com/watch?v=1Dal-pt6bXg>; GUARIN, Andrea, “Lineamientos para una regla general de reparación simbólica para mujeres víctimas de violencia sexual: Una Propuesta desde el performance y el caso del bloque mineros del bajo cauca antioqueño de Colombia”, Universidad Externado (Tesis de grado), Bogotá, 2019.

²¹ The work of the “Mujeres cantadoras del Pacífico y el Caribe” is a very good example of this. See CARRILLO, María, *Cantadoras, memorias de vida y muerte en Colombia*, Centro Universitario de Estudios Cinematográficos (Documentary), 2017, <https://ojodeaguacomunicacion.org/cantadoras-memorias-de-vida-y-muerte-en-colombia>; GÓMEZ, Marta, *Surcos de Amor*, 2021, https://www.youtube.com/watch?v=ANj3BWAff8k&list=OLAK5uy_m7O75cTcEBHyh977vut96PrDKc192s0Kg&index=2; Oxfam Intermón, *Making of Disco Avanzadoras* (versión corta), 2015, <https://www.youtube.com/watch?v=DluEL6eoioU>.

toward making the repair viable so that people can make the transition from a fixed to an evolving memory. Second, art can operate as a means for denunciation and resistance. In this sense, it would take the form of public and political acts that give an account of the aggression and, at the same time, promote an end to the aggression or at least the dignification of the lives of the victims. And in a third sense, art can also ease. Art makes it possible for calm to emerge and for one to distance themselves from the problem. This further allows one to later return to it, seeking resources that allow for change and transformation. Thus, art does not play a minor role, as it allows the person to calm down when they do not have strength or confidence enough to begin to understand what is happening and what has happened.

All this raises the question of what is meant by the word "reparation": Does it refer to the assumption that reparation can be considered to have been fulfilled if the facts are clarified, memorials are erected and those affected are heard? Or does it refer to making reparation feasible by providing a legal environment in which the facts are clarified, in which monuments are erected, for example, to account for memory, and in which the affected and/or traumatized persons are heard, while being clear that law cannot guarantee either non-repetition, though it seeks this, or the resilience of those affected?

If this is the case, it should be understood that legal actions should aim to promote protective factors (memory, will to truth and non-repetition) that make resilience and reparation processes viable for injured and/or traumatized persons by activating the injured and traumatized person's faculty of judgment and their flexible memory.

In any case, in either of the two meanings of the term reparation, if we are talking about people who have been traumatized after the situation they have lived through, it will be necessary to understand that the word cannot be taken to mean going back to being the same person after the fracture that has occurred. It is not possible to return to one's previous situation after the trauma, because existence and identity have been broken. It is, as many wounded people say, as if "one had died in life." Therefore, it is not a matter of a clean slate. If the traumatized person manages to undertake a process of resilience, this will show that they have resumed new development. That is, elements of the past are kept (retaking) but they will be another person (a new development) for whom the wound, now a scar, will be part of their life, but that scar will not be neither all their life nor all their identity. It would be necessary then to think of the repair as the art of *Kintsugi* or *Kintsukuroi* technique in which broken ceramics are repaired with a resin varnish that is then sprinkled with gold, silver or platinum, so that the cracks become visible and highlighted, but are never covered. It is a ceramic that retains elements of the previous piece but does not pretend to be the same: It is the art of metamorphosis.

When reparation measures are proposed, they must be valued in their fair proportion, that is to say it must be recognized in the same way that the law sometimes only fulfills a symbolic and formal function. These measures, aimed at achieving reparation, must avoid incurring the same fault as the original injury, as their transformative potential may be limited to their mere enunciation. This is the case of the women weavers of Mampuján: Here,

all the evidence indicates a process of self-agency with little or no State intervention. Cases like this lead us to be reflexive and attentive to the measures that are promoted, because:

If the spaces that depend on the State do not have a clear and uniform regulation, there is a tendency to place the initiative, on the one hand, on the victims (henceforth managers of their own risks) and, on the other, on the specialists (many times with precarious contracts); in this way "the authorities have introduced a new (self-) regulation far removed from coherence and economic commitment and closer to the current interweaving of the unbundled State, the imperatives of the global market and the new role of civil society."²²

The economic rationality imposed in all domains is also imposed in the area of reparation. In this context, it seems that each person must take responsibility for their pain and for their own reparation; each person must provide the means to repair themselves in the face of an increasingly less responsible State, which is slow to comply with its obligations, even those that are set when it has been declared responsible for the damage caused to the people affected by armed conflict. Its failure to comply with its obligations makes it once again responsible for perpetrating other violations of rights.

Thinking about the idea of reparation implies asking what is expected when this term is used. The armed conflict has touched on various aspects that not only refer to material property but also to alterations of the psyche. We need to start acknowledging this so as not to make the mistake of thinking that the law alone will be able to respond to an issue that goes beyond the legal sphere. Recognizing this limitation makes it possible to think of restorative justice as a scenario in which, by identifying the complexity of the problem, we assume a willingness to listen to the agents of the conflict, not only to determine the facts, but also to learn from what they say. From here we can understand the relevance of a differential approach that recognizes the power dynamics that precede the conflict, which are also evident within it, and which can be consciously or unconsciously perpetuated in the measures adopted later. In this sense, we need to ask ourselves how we are understanding terms such as reparation and victim. This will at least allow the legislator to ask about the role they assume when working with people who have been affected by the armed conflict and about the objectives that they try to achieve with their intervention.

But a fundamental clarification must be made: it is not so much about the legal reparations, financial aid or criminal sanctions obtained when there has been an accusation that will participate in the psychic restoration. They are important, but, psychically, they are not the most important. Humanly, the main thing is to be recognized as a subject.²³

²² OTERO, Ivana, "Mujeres y violencia: El género como herramienta para la intervención", *Política y cultura*, n.º 32, 2009, 109.

²³ ROMANO, Hélène, "La prescription médiatique des victimes», en *Je suis victime: l'incroyable exploitation du trauma*", ROMANO, Hélène & CYRULNIK, Boris (eds.), Philippe Duval, Paris, 2015, 57: "Mais nous devons apporter une précision essentielle : ce ne sont pas tant les réparations judiciaires, les aides financières ou les sanctions pénales obtenue quand il y a eu plainte qui participeront à la restauration psychique. Elles sont importantes mais, psychiquement, elles ne priment pas. Humainement, l'essentiel est d'être reconnue en tant que sujet".

Symbolic measures can contribute, but they are not measures that in themselves account for reparations. They must be conceived as strategies that must make viable the search for the understanding of what happened. Otherwise, we run the risk of harming those affected to the extent that they are invited to assume that what happened is part of a past that should only be remembered, but not thought about or questioned. In this way, the construction of memory and the telling of the truth without reparation is facilitated. From this point of view, such actions end up asking the affected person to conceive themselves as a kind of hero, wrongly called "resilient," who gives an account of what happened without having the space to question or to activate their faculty of judgment, because they have already been repaired.



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