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Introduction: On irreconciliation

NAYANIKA MOOKHERJEE *Durham University*

Most post-conflict reconciliatory exercises make it incumbent upon survivors to forgive, and seek closure as a demonstration of ‘moving on’. Various anthropologists have criticized reconciliation and related forms of ‘alternative justice’ extensively but within the framework of maintaining social bonds and the rule of law. In this introduction, I reflect critically on the interdisciplinary scholarship on reconciliation, apology, and forgiveness, and theorize irreconciliation as a less examined lens of analysis. Rather than being in opposition to ‘peace’, irreconciliation allows us to interrogate the status quo by refusing to forgive endemic impunities, particularly in the aftermath of staged processes of justice and the absence-presence of the rule of law. In this special issue of the *JRAI*, I ethnographically explore irreconciliation’s links with law, aesthetics, temporality, resistance, and control to locate its multiple analytical manifestations. Irreconciliation allows an important examination of the rule of law within processes of unresolved genocidal injustices and debates relating to slavery, Black Lives Matter, and institutional responses.

As a Bangladeshi I can tell this is never possible until 1971 events are faced, discussed and resolved through justice. Genocide took place there and it is a daydream to think that Bangladeshis will just forget or bypass that.

Comment by Arman Hossein, cited in Kamran Yousaf, ‘Pakistan in diplomatic push to reset ties with Bangladesh’ (2020)

In an 1882 lecture, ‘Qu’est-ce qu’une nation?’ (‘What is a nation?’), French historian Ernest Renan (1896: 165) famously proclaimed that forgetting past acts of violence was essential for the future of the nation. Jacques Derrida extends this discussion to argue that, by hiding this fundamental destruction through amnesia, the narratives of a nation are made (2001: 57). This ‘apparent amnesia’ (Forty 1999: 8),¹ or long-term unacknowledgement of and impunity for those who have perpetrated violence, has been prevalent in various historical and political contexts. ‘That’ in the above quote by

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Hossein refers to a similar non-recognition of the widespread violence perpetrated by the Pakistani army and its Bengali and non-Bengali collaborators against East Pakistanis during the Bangladesh War of 1971,² which also led to the formation of Bangladesh.³ In contrast to Renan's argument about forgetting and apparent amnesias, Hossein (as evident in the opening quote) refuses to forgive and forget until the events of 1971 are 'faced' through justice. As Jacco Visser (this volume) shows, for Bangladeshi activists, it is impossible to move forward until the past is tackled. This is because they feel the injustices rooted in the violence of the Bangladesh War continue in the present. This is the focus of this special issue: the various ethnographic instances of refusal to forgive in response to persistent impunity for those who have perpetrated past injustices, and particularly in the face of selective processes of justice that claim to seek redress. The rule of law plays a vital role in sometimes questioning, but predominantly sustaining, the status quo. As contributors to this volume have noticed, the ethnographic instances of refusing to forgive remain less examined within the academic literature, which has paid more attention to the dominant debates and languages of transitional justice.

Transitional justice has been identified by the United Nations Security Council (2004) as the official policy for post-conflict societies (Wilson 2020: 18). It has been taken up by various states, particularly in response to endemic impunities of perpetrators of past violence. Following the Truth and Reconciliation Commission in post-apartheid South Africa in 1994, debates on reconciliation, practices of apology and forgiveness, expressions of 'regret' or 'remorse' have had a particular currency in addressing violent pasts, seeking 'closure' and 'moving forward'. The idea of 'national reconciliation' emerged from a particular set of historical and political experiences, namely the transitions to liberal democracy that occurred at the end of the Cold War (Wilson 2003: 368). Embedded in the idea of reconciliation is the idea of the role of historical research and memory in helping to build sustainable peace and stability in new nations – and, conversely, the idea that ignoring violent pasts undermines peacebuilding efforts. So, two ideas are central here. The first is that reconciliation is an attempt to address/confront a violent past which would in turn lead to a departure from that violence in the future. It is thereby seen as a counterpoint to retributive justice. Second, the processes of reconciliation can often involve a process of accountability – through international and domestic prosecutions and a search for truth through tribunals and Truth and Reconciliation Commissions (TRCs).

Notable among the transitional justice processes are the instances of apologizing for past injustices, which have become significant speech acts (Mookherjee 2019; Mookherjee *et al.* 2009)⁴ and are often strategic in their timing, context, and geopolitical concerns (Nobles 2008). Richard Wilson (2003: 383) refers to reconciliation as a "‘thick’ sense of forgiveness", practices which aim to go beyond the rhetoric and can strengthen social movements seeking to combat impunity, creating in the process new forms of political agency and sociality (Wilson 2020: 8-9; 18; see also this volume). In most of these instances of reconciliatory and apologetic exercises, there is 'commanded forgiving' (Josephides, this volume). It is often incumbent upon survivors to forgive, reconcile, and seek closure as a demonstration of peacefulness. This is also suggested in instances where there is persistent unacknowledgement of and impunity for past injustices.

Reconciliation as the 'positive' and 'normative' way forward, however, fails to capture the feelings of injustice felt by survivors when processes claiming to seek justice end up serving the powerful and the status quo. In 2015, after Justin Trudeau came

to power, he made reconciliation the cornerstone of his government and sought to address the long-term injustice towards the First Nations people in Canada through the publication of the final report of the Canadian Indian Residential Schools (CIRS) Truth and Reconciliation Commission. However, the Canadian TRC ensured impunity for the perpetrators by only allowing the victims to articulate their experiences (Niezen, this volume). That the template of reconciliation can be an instrument in support of the status quo is brought out in the complex trajectories of Bangladesh. Bangladeshi civil society has long campaigned to highlight the effects arising from the unacknowledged genocidal events of the 1971 war and the impunity of perpetrators (Pakistani authorities; Bengali and non-Bengali collaborators). A dominant cross-section of citizens and current state authorities also support this activism. Since 2009, through a Bangladesh-based state-led international crimes tribunal (ICT), juridical redress has been meted out through death penalties for well-known collaborators (mostly opposition party leaders). Bangladesh's complex case of seeking accountability is an attempt to keep the irreconciled wounds of 1971 open. In response to Bangladesh's demand for an apology for the killings and rapes of East Pakistanis in that year, Pakistani governments have expressed 'regret', but have also suggested that Bangladeshis should bury their past, show 'magnanimity' (McCarthy 2002), abandon their deep 'grudge' towards Pakistanis, and move on. The Bangladeshi ICT has also faced international criticism for its lack of transparency, flouting the rule of law, and its exhibition of vengeance through its use of death penalties. In Bangladesh, however, the ICT was considered significant among a large proportion of the electorate and its death penalties were largely popular (*Economist* 2013).⁵ Pakistan has, however, referred to the trials in the tribunal as demonstrating a 'politics of revenge' and called for 'reconciliation' (*Tribune* 2015).

There is no doubt that forgiveness and reconciliation are the normative aspirations in public life as well as among many transitional justice theorists, who often frame forgiveness as 'Christian'. However, the role of Islamic mercy and the enforced right to forgiveness has also been explored by some scholars (Osanloo 2020). In Pakistan, under the Islamic law of Qisas and Diyat (meaning retribution and blood money), in instances of serious crimes/murder the law prescribes the need to be 'reconciled' to a form of material 'justice' for the victims' family as determined by the perpetrators, while the latter evade any punitive action. In 2016, an amendment tried to close this loophole of forgiveness and consequent impunity with mixed success.⁶ This amendment proposed to the forgiveness law differs profoundly from our examination of the refusal to forgive on the part of survivors.

Undoubtedly, the need for social harmony in our daily lives is driven by varied reasons beyond that of religion, and the focus of this special issue is not on the discourses of forgiveness in different religions. My ethnographic insights from Bangladesh resonate with the various contributions to this volume, which highlight the need to examine the position of non-forgiveness on the part of survivors. Of particularly novel and analytical significance here is the response of survivors in response to juridical processes which selectively seek to address justice but, in the end, do so mostly in support of the status quo and sometimes of the perpetrators. Debates from the recognition of Aboriginal sovereignty further illuminate how calls for 'reconciliation' also serve a shield for those who are perceived to be the cause of violent forms of injustice. Paul Muldoon and Andrew Schaap (2012: 536) show that liberals in Australia distinguish themselves from the culture war of social conservatives to support what

they deem to be the progressive reconciliation movement. However, this does not recognize that reconciliation was brought in as a measure to thwart the campaign for treaty by Aboriginal people in the 1970s and 1980s. Similar to the Australian call are Pakistan's call for reconciliation over 1971 and Donald Trump's call for 'a moment of reconciliation' after the Capitol Hill attacks on 6 January 2021 (Woodward 2021). Similar calls for 'temporary reconciliation' were also made by Indian public intellectuals so that Indian Prime Minister Narendra Modi could lead the nation despite widespread criticism of the Indian government in the face of its catastrophic failure to address the dystopic realities of COVID-related deaths in India in April-May 2021 (Mehta 2021). The call for reconciliation in these and various other instances enables what Allen Feldman refers to as 'exclosure': 'the self-defacement of this appearing non-appearance of violence' (2015: 12). Exclosure makes the violence inherent in these calls for reconciliation illegible as it secures and re-establishes the same violence through the process of reconciliation.

In this special issue, I wish to make a theoretical and ethnographic case for irreconciliation as both a social and a political phenomenon. My aim is not to further critique the goals and technologies of 'reconciliation', but to propose an understanding of the past based on a positive commitment to 'irreconciliation' as a position in its own right. Hence, irreconciliation is not violent and vengeful and not against the aspirations of peace and reconciliation. In contrast to Renan's and Derrida's positions on amnesias, this volume seeks to examine the phenomenon of refusal to forget and forgive, particularly in the face of unacknowledged injustices, and more specifically in the aftermath of selective, staged, compromised, failed processes claiming to address injustice.

Hannah Arendt (2002), writing from 1950 to 1973 in her *Denktagebuch* (*Thought diary*), poses three questions in her judgement of Nazi war criminal Adolf Eichmann. Ought one to reconcile himself to Eichmann and his wrongs? Or, barring such an active reconciliation, ought one to bypass these wrongdoings? Or, finally, ought one to say that such crimes are irreconcilable, and that the world in which such crimes exist must be rejected in the face of unacknowledged injustices? Arendt's call to reject this world questions not just the 'wrongs' but also the structures within which such wrongdoings are enabled. This might seem utopian, but the very idea of reconciliation to her is an acceptance of our limited humanity and hence is a compromise with the imperfect world. She writes: '[O]ne cannot reconcile himself to and that about which one ought also to neither be silent about or to pass by' (Arendt 2002: 7, as translated by Berkowitz 2011: 3). The defiance in the phrases 'just forget or bypass that' (Hossain's comment in the opening epigraph) and 'neither be silent about or to pass by' (Arendt) is well encapsulated by Audra Simpson's 'refusal' (2017: 19) or what Kamari Clarke (2019) refers to as 'retribution'. It is a stance for producing and maintaining alternative structures of thought, politics, and traditions apart from and in critical relationship to states. Simpson ethnographically examines how indigenous communities in North America and Australia resort to refusal (instead of recognition) as deliberate actions. And for Clarke, retribution is the act of reassigning culpability using different logics, histories, and tools. Thus, in this volume, irreconciliation undertaken by a collective/individual is an act of boundary-making and what is bounded is the legitimate political community.

One of the few ethnographies which has focused on the refusal to forgive and which links the discussion with apology, betrayal, abandonment, revenge, and retaliation is

Vincent Crapanzano's *The Harkis: the wound that never heals* (2011), which I expand on later (see also Crapanzano 2012). The work of Thomas Brudholm and Valérie Rosoux (2009) and of Walter Reich (2006) also provides us with various illustrations of the refusal to forgive by survivors. Writing on the politics of remorse in South Africa, Nancy Scheper-Hughes (1998: 131) notes two instances of refusal to forgive. In February 1998, the mother of Sidizwe Kondile, a victim of a police-orchestrated murder, rejected the TRC-imposed 'duty' to reconcile and told Scheper-Hughes that 'I am not ready to forgive'. Scheper-Hughes also notes that the advice she heard in her childhood catechism class – 'it is impossible to undo the damage caused by malicious acts' – was counterintuitive to 'the romance with remorse and healing ... which has emerged as a master narrative of the late 20th century as individuals and nations struggle to overcome legacies of suffering' (1998: 126).

Following Arendt, Simpson, Clarke, Crapanzano, and the contributors to this special issue, our departure in this volume is not only to interrogate this 'romance with remorse and healing'. We also seek to focus on those who refuse to forgive, and specifically on those who do so in response to various unjust processes of justice (including transitional justice). Hence, what are the various instances of not forgiving, not reconciling, remaining irreconciled to past, unresolved injustices? What forms does this position of not reconciling manifest in, apart from refusing to forgive? We explore the work of irreconciliation in three instances: first, when past historical injustice has not been addressed; second, when historical injustices have been symbolically addressed – virtue-signalled – without structural changes (like 'a cut-price apology' given to the stolen generation by the Australian government without any reparation) (Mookherjee *et al.* 2009); and, third, when highlighting the forms of continuous protests against this virtue-signalled and performative reconciliation.

In the following sections, I examine the interdisciplinary debates on reconciliation and the refusal to forgive. This leads to a discussion of irreconciliation through semantics, temporality, law, aesthetics, and the self by means of ethnographically informed interdisciplinary contributions in the context of Papua New Guinea, Mozambique, Bangladesh, Canada, Argentina, Sri Lanka, Colombia, Northern Ireland and the wider United Kingdom. The protests around Black Lives Matter in 2020-1 and the subsequent institutional pushbacks against anti-racist resistance (Mookherjee, this volume) highlight the need for irreconciliation, the need for dissent and affective work against continuing impunities. Visibilizing irreconciliation across different geographical spaces and temporalities in the Global North and South is significant so as to move away from the simplistic binaries where 'peaceful' societies are deemed to be forgiving while 'violent' ones are deemed to be more vengeful. As outlined above, in numerous instances, processes of reconciliation come to stand in for the maintenance of the status quo. For the contributors to this special issue, irreconciliation is indistinguishable from an anthropological examination of and search for truths along with acknowledgements of the realities of injustice.

Reconciliation, 'we are back to that cup of tea'⁷: anthropological and other disciplinary perspectives

This special issue proposes a conceptualization of irreconciliation which engages with and departs from the debates within the fields of peace and conflict resolution studies, what has been referred to as the continuum of the 'peaceandconflict system' (Mac Ginty 2019), critical legal and political theory, and anthropological critiques of the

transitional justice literature. The foundations of peace studies are often attributed to Johan Galtung's conceptualization of 'negative' peace, which was defined as the absence of direct, individual violence, and 'positive' peace, which was theorized as the absence of structural violence and framed initially as integration and co-operation. Galtung (1968: 190) acknowledges the status quoist perspective of this lens on peace following criticism by Herman Schmid (1968: 221) and reframes positive peace as social justice which refers to 'vertical development, of participation, decentralization, codecision' (Galtung 1968: 186). The existing scholarship has critiqued reconciliation in an attempt to improve it but within its prescribed framework of the rule of law. However, for critical and progressive theorists, reconciliation is inherently politically conservative and morally contestable as it entails problematic compromises of justice (Lu 2017: 15). Irreconciliation, the way we define it, instead aims to highlight the struggles against any violence of 'peace' (Buthpitiya, this volume) which seeks to camouflage an unjust status quo in the name of seeking reconciliation.

The status quoist attributions to peace studies have also been applied to the concept of reconciliation which is central to processes of transitional justice. The idea of reconciliation has an inherent linearity of transitioning from authoritarian/military to liberal democratic structures (e.g. Argentina and Bangladesh) as a solution, the need to look forward at the cost of closing the problematic debates about the past for those most affected. Reconciliation is thus meant to enable 'renewal of applicable relations of persons who have been at variance' (Gallimore 2008: 251), or, in this instance, the collective of persons standing in as nations. The three steps of reconciliation involve acknowledgement of injury; contrition, responsibility, and the seeking of forgiveness; and the granting of forgiveness by the victim who is also joined by bystanders. The dialogical therapeutic process of giving and hearing testimonies is also deemed to be intrinsic to reconciliation for audiences, as in the case of the International Criminal Tribunal for Rwanda (Eltringham 2019). In instances where past injustices have not been acknowledged and addressed, juridical means like TRCs and War Crimes Tribunals are deployed to bring the issues to the fore (Rosoux 2009). In other instances, when states and institutions are willing to engage with past injustices beyond the juridical, history rewriting processes, aesthetic representations, apologies, forgiveness, and reparations become the means through which reconciliation is attempted. Ironically, the need to apologize which compels nations to confront their pasts runs counter to current official, national self-images of tolerance and pluralism (Hage 1994, as cited in Mookherjee *et al.* 2009: 347).

Initially, juridical structures can be set up in response to laws enabling amnesty and as forums which are tasked to address injustice. Richard Wilson (2001), in critiquing reconciliation, has focused on the need for post-conflict state legitimacy and accountability through retributive justice (via bureaucratic and legal processes) as reconciliation is deemed to undermine the rule of law. Others, meanwhile, have focused on everyday reconciliation (e.g. Doughty 2016). Along with Fiona Ross (2003), Wilson (2003; 2020) has also critiqued reconciliation for its emphasis on positivism while excluding certain kinds of survivor narratives. He also identifies multiple competing discourses and moral systems around justice and reconciliation. Drawing on the TRC in South Africa, he shows how it brought together wider transnational notions of human rights and moral notions of forgiveness and redemption. The banner held at the TRC by the survivors read: 'Reconciliation through Truth' (Wilson 2020: 18), highlighting the need for transparency (i.e. truth telling and reparations from the TRC), which was

eventually not addressed. Instead, the TRC only recognized suffering and rendered the grief morally equal. It assumed that by encouraging forgetting and forsaking feelings of revenge among survivors, the nation would be liberated. As a result, feelings of resentment (Mihai 2010; Schaap 2005) among those wronged remained unaddressed. Instead, individual suffering was thus brought back to the public space and shared – it became part of a narrative of national redemption. Wilson (2003) shows that with the collectivization of suffering, a new identity – that of a national victim – was created.

The various juridical structures of reconciliation could be set up by the United Nations, national governments, local mediation, and community courts with complex power dynamics and geopolitics at play (Anders & Zenker 2014; Wilson 2020: 2-4). The role of international organizations like the International Criminal Court has, however, been rightly criticized for primarily indicting male African rather than European and American leaders for their war crimes, with the aim to ‘shield the west and pursue the rest’ (Clarke 2019: 105). As a result of this imbalance, various national courts have been set up to carry out trials. The Bangladesh ICT is such an example. These national tribunals have, however, been criticized for reiterating hierarchies of patriarchy and patronage (like the *gacaca* courts in Rwanda – see Clark 2010) and for flouting the rule of law to achieve justice. This legitimizes Laura Nader’s (1991) account of the aspiration towards a ‘harmony ideology’.⁸ For decades, therefore, anthropologists have extensively criticized reconciliation and related forms of ‘alternative justice’ (Anders & Zenker 2014; Branch 2014; Clarke 2019; Eltringham 2019; Niezen 2017; Thiranagama 2013; Wilson 2003; 2020). They have emphasized its coerciveness and even theorized it as an alternative modality of social control, discipline and instrumentalization in pursuit of a liberal framework (Branch 2014: 611-12).

Political and legal theorists have argued that a readiness to forgive is, however, important so that members of a divided polity can be engaged in a mode of agonism: a back-and-forth contestation which can challenge each other’s version of the violent past (Schaap 2005). Recognizing the significance of resentment on the part of a collective who have been wronged, scholars (e.g. Mihai 2010; Schaap 2005) invoke a third-party mediated retribution to recuperate ‘negative emotions for democracy’ (Mihai 2010: 183), to address this anger, and to acknowledge this injustice. In the ‘triad of conflict’ response framework (of management, resolution, and transformation), the study of the peaceandconflict continuum is today more cognizant of complexities, but with a focus on accommodation, co-existence, ‘conflict calming’ (Mac Ginty 2019: 269), and an ‘adaptive peacebuilding approach’ (de Coning 2018) focusing on the cohesion and resilience of local and national institutions. This laudable pro-peace perspective needs to make reconciliation effective by including calls for criminal prosecutions, civil reparations for violations, and structural analysis of conditions of violation (Lu 2017; Wilson, this volume). For these theorists, the role of law becomes foundational for this purpose of recognition and retribution, setting up parameters within which the contestation needs to be resolved. This, however forecloses further debate on political issues, arriving thereby at the impossibility of the process of reconciliation, which always remains deferred (Turner 2016: 40-1).

The prevalence of the framework of reconciliation as the *raison d’être* of conflict resolution in the face of these various social scientific critiques is intriguing. This narrative of reconciliation can be found in the prevalence of the positive uplifting story from trauma to hope and renewal: what has been described as the ‘Schindlerization of Holocaust testimony’ (Reich 2006: 466). This entails the need to have feel-good, upbeat

endings which the framework of reconciliation readily provides, and which often run counter to the negative experiences and emotions of survivors. In the process, such upbeat 'healing' accounts control and foreclose the survivors' emotions of injustice. Since 2002, Rwandan President Paul Kagame has emphasized the need for forgiveness for the sake of the country's future. Yet, as the contributions in this special issue show, a move away from these legal and political structures highlights that people are often forced to forgive against their will and, when asked, participants in reconciliation are often quite scathing about it. This is evident in Rwandan sociologist and psychotherapist Esther Mujawayo's account of 'the interest in post-atrocity forgiveness as an "obsession" – not on behalf of the survivors, but on behalf of the authorities, NGOs, and other agents of reconciliation' (Brudholm & Rosoux 2009: 43) – what Wilson calls a 'global reconciliation industry' (2003: 383). Similarly, Innocent Rwililiza notes that humanitarian organizations 'are importing forgiveness in Rwanda, and they wrap it in lots of dollars to win us over. There is a Forgiveness Plan as there is an Aids Plan' (Hatzfield 2009: 18; also cited in Brudholm & Rosoux 2009: 44).

Similar positions of refusal to reconcile (Shneiderman, this volume; Simpson 2017) were evident in a First Nation Panel on Reconciliation at the American Anthropological Association (AAA) conference in Vancouver in November 2019. 'Thou shall reconcile' was one of the phrases I heard being mentioned by panellists to highlight the compulsion to reconcile in the context of Canada's relationship with its First Nation communities, particularly in the light of the horrific accounts of the missing children of the residential schools (Niezen and Shneiderman, both this volume). In May-June 2021, the remains of over 1,000 Indigenous children – students of some of Canada's largest residential schools – were found in unmarked graves near the cities of Kamloops, Cranbrook, and Saskatchewan (Honderich 2021). Running between 1874 and 1996, these government-run boarding schools were part of a policy to attempt to assimilate Indigenous children and destroy Indigenous cultures and languages.

If acknowledgement of the moral truth of wrongdoing is not a precondition for reconciliation, but rather reconciliation makes possible a collective remembrance of past wrongs (Schaap 2005: 140), in the words of a First Nation panellist (which were reiterated later by other panellists) on the AAA panel, such a renewal of reconciliation would be 'like a tape on a bleeding wound, how would that help?' This is similarly expressed by Sara Ahmed: '[W]e are back to that cup of tea' (2019: 188): the reconciliatory processes often suggested by human resources (HR) departments of organizations when dealing with complaints. Attending the AAA conference in 2019 in Vancouver, referred to as the city of reconciliation, I was cognizant that our executive panel on irreconciliation felt antithetical to the reconciliatory trend. However, attending this First Nations panel, where similar criticisms of reconciliation and forgiveness were taking place, the theme of this issue – irreconciliation – became even more pertinent to address the injustices of the past and present and map the reality on the ground. Since those 'who will not forgive might be mentioned, admonished, or received with expressions of understanding or even respect' (Brudholm 2008: 35-6), the contributions in this special issue seek to examine their motivations and reflections, which are seldom seriously and ethnographically investigated. This would enable an understanding of the long-term impact and social effects of the various processes of transitional justice (Wilson 2020: 18). In the following section, I explore the interdisciplinary scholarship which is a precursor to what we are referring to as irreconciliation.

Irreconciliation and its manifestations

There is no reconciliation without truth. These 215 children brought out the truth.
Geraldine Lee Shingoose as cited in Holly Honderich, 'Why Canada is mourning the deaths of
hundreds of children' (2021)

Shingoose's powerful statement above of the abuses she faced in the Canadian residential school system she was sent to as a child powerfully resonates with the urgency with which we are arguing for irreconciliation as a prevailing phenomenon and a concept to grapple with ethnographically. If reconciliation is about coming to terms with what is fated (Arendt 2002; Berkowitz 2011: 8),⁹ the position of Shingoose and various other children in the Canadian residential schools refuses such conciliation. The normative position within the social sciences and much classical anthropological scholarship (e.g. Gluckman 1955) has predominantly highlighted the role of agreement and conciliation, showing in the process how conflict and harmony are modes of maintaining social control. Yet, as explored in various examples in and contributions to this special issue, the ethnographic realities on the ground also highlight the refusal to reconcile in the face of continuing injustice. Here, ethnographies of feuding among the Bedouins (Peters 2007) and the Glendoits in Crete (Herzfeld 1985) show that the conflicts they discuss are not 'anti-social'. They in fact constitute alternative grounds for human relationships. I elaborate on these ethnographies below to carve out a formulation of irreconciliation as a social good which is interrogating the compulsion and control intrinsic to the prescriptions of reconciliation.

For Emrys Peters (2007), feuding between Bedouin groups is about the control of resources and cannot be explained by Evans-Pritchard's (1940) mechanical fission and fusion model. Referred to as *fitna*, it is about an act which causes an impasse in relationships, creates chaos among a small group of related people, produces internal calamity (Peters 2007: 62), and enables a settlement of hostilities over proprietary rights in land and water. *Fitna* necessitates the need to form a collective to guard resources against others. Michael Herzfeld (1985) shows how the villagers in Glendi, Crete, negotiate their multiple conflicting identities and tensions with the Greek bureaucratic state over the endemic practice of herd theft. Here, re-narration of vengeance killing across groups over herd theft generates *simasia*, meaning manly selfhood. *Simasia* is hinged on a patrilineal ideology such that the deaths of one's agnates are deemed to be wounds of the self. Describing various *eghoismos* (aggressive self-regard related to male concerns articulated by men and women), Herzfeld argues that the Glendoits have 'more aggressively poetic expectations of social life' (1985: 49). The focus on these feuds and revenge killings brings out the complexity of conflictual identities among the Bedouins and the Glendoits, within and beyond their communities and in relation to external actors like the state or opposing groups.

I discern strands of irreconciliation in the mnemonic manipulation or strategic remembering deployed by the villagers of Ambodiharina, Madagascar, to take note of their colonial past and postcolonial present (Cole 2001: 276). Similarly, Greek villagers describe events of the Ottoman occupation, which they could not have experienced, and yet they do not talk of the experiences during the Greek national and civil wars of 1940-50. Anna Collard (1989) shows how this not talking enables the communities to avoid addressing their ambiguous moral complicities during this period. Reflections among the Greek left on the unaddressed and unfinished repercussions of the civil wars could be read as irreconciliation (E. Kirtsoglou pers. comm., July 2021). The rift between

Euro-remainders and 'No' supporters in the Greek referendum was seen by many as another expression of the unacknowledged dynamics of these civil wars (Kirtsoglou 2020: 161-4).

Vincent Crapanzano's (2011; 2012) moving ethnography on the Harkis is one of the few extensive anthropological explorations discussing the refusal to forgive. The Harkis are the Algerians now living in France numbering around 260,000 and are 'history's forgotten' as they were ignored by both journalists and scholars. During the Algerian War of Independence, they sided with the French and were demobilized at the end of the conflict by the French government. On returning to their villages in Algeria unarmed, they were then attacked by locals and also by the Front de Libération Nationale (FLN) for their support of the French army. Despite appeals for help, the French government at first did nothing to protect them. When it did finally allow them to settle in France, they were kept interned in camps amid miserable conditions. Being thus humiliated, the Harkis have adopted a 'haunting silence'. The children of the Harkis are affected by their parents' silence and also by their own experience of discrimination in France. They have been campaigning to claim compensation and seek apology from France for betraying and abandoning their parents. As Crapanzano puts it poignantly:

For forgiveness to occur, the wrongdoers and their victims have to acknowledge the wrongdoing, appreciate each other's perspective and recognize the role it has played in the way they have each configured their individual and collective lives (as, for example a central trauma, an excuse for inaction, a source of resentment) (2012: 199).

Scholars also point out that, as with the Harkis, no comprehensive study has been undertaken to assess whether or not the victims of the Rwandan genocide 'feel vindicated or that their injuries or grievances have been redressed by the outcome of the trials' (Gallimore 2008: 240). The main concern for the prosecutor's spokesperson was the cathartic effect of testifying, which was meant to release the hurt, and enable the testifiers to forgive and reconcile with those who had harmed them. While Rwandan psychotherapist Esther Mujawayo, mentioned above, refuses to forgive, she sees forgiveness as easy and 'tempting'. Innocent Rwililiza also finds forgiveness strange and constraining. This precisely highlights how difficult it is for many survivors (whose injury has not been – and will never be – redressed) to forgive.

The prevalence of such legitimate resentment among survivors is also explored by the psychiatrist Walter Reich (2006), exploring Holocaust narratives in America, and the philosopher Thomas Brudholm (2008; Brudholm & Rosoux 2009), exploring group forgiveness in the cases of three examples of atrocities: the Holocaust, the killing of Tutsis by Hutus in Rwanda, and the murder of black South Africans by the apartheid government. He shows how both the Holocaust survivor Jean Améry and Rwandan Esther Mujawayo consider resentment to be something deeply human which victims have a right to not rise above (Brudholm & Rosoux 2009: 45). If the corresponding counterpoint to reconciliation is the averted look – to be silent and pass by (Arendt 2002; Berkowitz 2011: 13) – it is worth reflecting on the role of silence as irreconciliation. Silence here is a site of mourning and dignity, a place from which to make the demands of acknowledgement, the demands for retribution (not revenge and amnesty). A politics of refusal (rather than recognition) thereby marks out a quiet confrontation (Selimovic 2018) born out of an unwillingness to participate in and hence legitimize the transitional justice process (Shaw 2007; Turner 2016: 45). The following section explores the relationship of irreconciliation with semantics and temporality.

Civilizing tropes of reconciliation and semantic temporalities of irreconciliation

The paucity as well as relative invisibility of the ethnographic references to non-forgiveness might suggest that anthropologists were guided by the prevailing paradigms of their times aligning with a harmonic ‘nostalgia for synthesis’ (Nader 1991: 319). Within a normative framework, non-forgiveness comes across as non-peaceful and discordant. Or we could ask with Nancy Scheper-Hughes (1998) if these concepts are semantically *deemed to be* modernist, individualized, and Western and hence unimaginable for ‘non-Western’ societies and ethnographies. It is important to examine the semantic terrains of reconciliation and irreconciliation to decentre these Orientalizing discourses that are intrinsic to the framework of reconciliation. The civilizational undertones in reconciliation can be identified through the binaries of forgiving (often associated with Christianity and ‘peaceful’ societies) and avenging (associated with conflict-ridden societies) collectives. These constructions are akin to a form of Occidentalism – ‘the essentialist rendering of the west by westerners’ (Carrier 1995: 199). Further, as we noted, forgiveness in Christianity is deemed to grant humanity while Islamic law is deemed to be about sovereign control and making deals for impunity through the process of forgiveness. Arzoo Osanloo (2006: 587) has astutely shown how the granting of mercy in the case of death penalties in both Iran and America can be about sovereign control. Yet the consensus and compromise of daily life are not guided by religion alone. Crapanzano (2012) shows how the French, in thinking of themselves as a forgiving society and the Algerians as vengeful, were quick to seize on this Algerian stereotype in their attempt to understand why villages were often split between the FLN and the Harkis. Conversely, ethnographies on victim rights in Iran (Osanloo 2020) have highlighted the role of the juridical system and the prevalence of forbearance and spaces for victims to forgive within it. This raises questions about the prevalent stereotype of Iran as vengeful in its practice of the death penalty. The use of the death penalty by the Bangladesh War Crimes Tribunal towards its collaborators has enabled the configuring of Bangladesh as vengeful, ‘complex and problematic’ by many human rights organizations as well as some anthropologists (pers. comm.) working on TRCs. Rahnuma Ahmed (2013), a critically acclaimed Bangladeshi anthropologist, however, shows that demands for the death penalty/*fashi* ‘feed on long years of betrayal, both manifest and hidden’, by Bangladeshi elites and institutions. This feeling of betrayal is a consequence of the political and social rehabilitation of collaborators that has continued in Bangladesh under military rule. It refers to the contemporary ‘deals’ made between democratic governments and political parties supporting collaborators. This is similar to the ‘rehabilitation’ of the law in Argentina (Vaisman, this volume), which would likely have resulted in the release of most convicted perpetrators of human rights crimes in the country had it not been amended to exclude those guilty of crimes against humanity. Perpetrators were not released eventually, although many are serving their sentence under house arrest.

In spite of the established criticism of reconciliation, policy circles seem impervious to these realities and ‘commanded forgiving’ (Josephides, this volume) appears to be the norm. The focus on ‘Africa’ for restorative justice (‘cultural’ forms of legal pluralism) (Minow 2000) driving supposedly African transitional justice mechanisms has been critically examined (Anders & Zenker 2014; Branch 2014: 613; Feldman 2015). That structural adjustment proposed in various African countries by the World Bank and International Monetary Fund (Clarke 2019: 104) was conditional on including the

ratification of the Rome Statute is telling of the multiple contradictions that are intrinsic to the civilizational and liberal frameworks of reconciliation. In this special issue, we are exploring juridical and aesthetic manifestations of irreconciliation in three instances: first, when past historical injustice has not been addressed: Mozambique (Bertelsen), Bangladesh and the United Kingdom (Visser, Mookherjee); second, when historical injustices have been symbolically addressed – virtue-signalled – without or with insufficient structural changes: Northern Ireland (Josephides), Canada (Niezen), Sri Lanka (Buthpitiya), Colombia (Clarke), and the United Kingdom (Mookherjee); and, third, in highlighting the forms of continual protests against this virtue-signalled and performative reconciliation (all essays). Additionally, Vaisman shows that in Argentina symbolic changes have been accompanied by structural changes through ongoing trials as a result of persistent protests against impunity.

Writing in response to the South African TRC, Jacques Derrida (2001) emphasizes the need for unconditional forgiveness on the part of those forgiving, which is not based on the expectation of atonement on the part of those who need to be forgiven. This unconditional forgiveness, according to him, also needs to be delinked from sovereign power: state power or a top-down forgiveness. Paul Ricoeur (2004), on the other hand, emphasises the significance of taking responsibility on the part of those seeking forgiveness. Josephides (this volume) provides us with a valuable theoretical and ethnographic starting point in juxtaposing Derrida's and Ricoeur's positions on forgiveness with the experiences of *ressentiment* felt by the Holocaust survivor Jean Améry, the refusal to forgive oneself among Turkish Cypriots, and the letting go of resentment in Northern Ireland and among the Kewa in Papua New Guinea. I cite Josephides' extensive parsing of the semantic terrain of irreconciliation. She groups the various concepts as those of fault, trauma, and resentment, which can follow each other sequentially. Responsibility, accountability, and imputability are the next set of closely connected concepts, followed by apology, atonement, repentance, and remorse. Forgiveness and forgetting are linked but do not necessarily follow each other. It thereby becomes important to think through the relationship between irreconciliation and temporality.

Citing the example of Northern Ireland, Josephides shows that when there are grievances on all sides, there is a tendency to apportion blame. As a result, the way out of this impasse in Northern Ireland is to take a chance on the future and move forward. Yet at the same time, such moving forward can get blocked, as in the case of the report of the 'Consultation Group on the Past' of 2009, which recommended monetary compensation of £12,000 to the families of all those who died in the Troubles, irrespective of whether the victims were IRA members, security forces, or civilians. This moral equivalence was greeted with anger as this equalizing position derecognized the suffering of families of victims. It highlighted the limited role of the sovereign in trying to easily address long-standing grievances, somewhat reflecting Derrida's position about the importance of unconditional forgiveness without sovereignty. So, for Derrida, the primary onus of forgiveness falls back on the victim.

In Bangladesh and its diasporic contexts in the United Kingdom (Visser, this volume), this onus not to forgive has been taken on by activists. For them, addressing the unaddressed past through the death penalty for those who collaborated with the Pakistani army is of utmost importance. Mala's explanation of the death penalty and the role of law in ensuring this execution is highlighted in her quote:

On the day they executed Quader Mollah, I was thinking, am I cherishing the death of Quader Mollah? No. I was celebrating the justice that the victims got. I never had anything to do with politics, I don't want to kill him, but I don't want anything less punishment for Quader Mollah than that what is in my law (Interview with Mala, 24 September 2017, as cited by Visser, this volume).

Bertelsen (this volume) shows how Mozambique, like Bangladesh, defies the global linear templates of so-called reconciliation processes. By examining how Mozambicans understand and relate to the prevalence of the violence of the civil war and the era of popular justice, he understands it as a form of irreconciliation which is non-chrononormative. Hence, the past and the prospects of a post-war future have been called off. The non-linear and spatiotemporal perpetuity of war has also made it unwitnessable, thereby co-producing the rise of irreconciliation as a result of a postcolonial betrayal (as we see among the Harkis in Crapanzano). This enables critical readings of contemporary war as elite accumulation or rehashes/repurposes notions of popular justice into politics as irreconciliation.

Compared to Bertelsen's 'futureless chronocracy,' Niezen (this volume) shows how in the survivor-centred TRC in Canada, there was no pre-conflict state to be returned to as the harm was ongoing. In Buthpitiya and Clarke's contributions, temporality can be found in the idea of reattribution (Clarke 2019), through which culpability is reassigned using different logics, histories, and tools. Vaisman (this volume) shows how chronological time is skewed as the past might be lurking everywhere with the prospect of finding either a sibling or the body of a disappeared parent. Through films and the everyday, the past is felt in the present, as an ongoing experience which disallows the books to be closed. This itself determines the visions of the future of Argentina. In my essay, the problematic past lurks in the presence of statues of slave owners while the history of slavery continues to be absent in pedagogical texts. The Black Lives Matter movement of 2020-1 has also impacted on the contours of conversation taking place in organizations around various transgressions. Its call for a change is about the vision of the future. In the following section, we unravel irreconciliation's complex relationship with law.

Legal (im)possibilities and irreconciliation

The essays in this special issue seek to make a case for developing irreconciliation through three paradoxical aspirations of justice. First, I explore the practices of sovereign law (Derrida 2001: 59) as enabling and working with the state, leading to judgements which have predominant national support, as in Bangladesh. This enables the wounds of a past to be kept open as irreconciliation. Second, we explore the role of law as disabling, as violence, working with the sovereign (states or organizations mentioned in my essay) to showcase the performance of justice in order to limit and derail truth. Irreconciliation emerges among non-state actors against such sovereign practices to maintain continued vigilance against the reinscription of continued impunity (Canada, Argentina, Sri Lanka, Colombia, the United Kingdom). Third, law is also empowering when it is distinct from executive power, working against the sovereign to demand justice, and can be a protagonist in the claims of irreconciliation (as in contemporary Argentina).

To explore the role of sovereign law as enabling, Derrida's position about the victim's ability to forgive as the test of humanity becomes particularly challenging in various contexts. As a result, in instances of long-term impunities, for victims, 'law's possibilities can be found in emotional aspirations for social change' (Clarke 2019: 264). Visser

(this volume) shows that through the ICT in Bangladesh, the solution to long-term political impunity of collaborators in the Bangladesh War of 1971 can be seen to be a form of retributive violence but is also conscious irreconciliation. This is achieved by Bangladeshi human rights activists in the United Kingdom and Bangladesh through the invocation of global human rights tropes as well as the contradictory demand for the death penalty for wartime collaborators – a demand they would not support in other instances. But this demand redraws the line of ethnic exclusion in Bangladesh by disregarding the role of Bengali chauvinism and its militarized relationship with ethnic minorities (R. Ahmed 2013). It is here that the limitations and exclusions of irreconciliation are worth noting. The coming together of the state and law, victim and executive, results in a regime of extra-judicial repression. Visser (this volume) has shown how the violence of the Bangladesh War of 1971 is addressed in London in the light of increasingly ‘authoritarian victimhood’ (Mookherjee 2020) in Bangladesh and the way the framework of reconciliation and transitional justice is unable to address contestations over the war. Here the colonial legacies and the evocation of ‘territorial integrity’ (as in Sri Lanka)¹⁰ to sustain ‘national reconciliation’ is only possible through state violence seeking to contrive the imaginaries of the nation project.

Second, we explore the disabling and violent capacities of law and irreconciliation. In instances where attempts have been made to put institutions and processes in place, to showcase transitional justice, ‘exclosure’ works ‘by making the violence inherent in these calls for redressal illegible, as it secures and re-establishes the same violence through the process of reconciliation’ (Feldman 2015: 12). Instead of Benjamin’s law-making and law-preserving violence, here Derrida’s commentary on Benjamin’s theorization on violence – that ‘force is essentially implied in the very concept of justice as law (*droit*)’ (Derrida 1992: 5) – helps me to further formulate the violence of this showcasing of justice. The Canadian TRC is a case in point (Niezen 2017 and this volume). In 2015, just after Justin Trudeau came to power, the CIRS TRC released its final report, marking perhaps the culmination of reconciliation talk in the national public sphere. Since then, the federal government has apologized and has claimed that the relationship with the First Nation communities is its cornerstone and will impact on all policy-making. The Canadian TRC, however, decided to focus on the experience of the victims and not on the perpetrators, thereby enabling impunity for the latter. So it gave voice to the marginalized but kept out of focus those who had stolen the lives and dignity of the victims. It is this impunity which is theorized as irreconciliation.

The technicolour absences of the disappeared (Buthpitiya, this volume) are evocatively rendered in each of the essays by Vaisman, Buthpitiya, and Clarke. Vaisman’s essay shows how in Argentina reconciliation was used by the armed forces in the 1980s first through a decree, promptly annulled by the democratically elected government, and, later, through an attempt to fashion a narrative of heroism that ensures closure of the unresolved injustices, enacting a form of ‘exclosure’. In response, human rights organizations established by family members of the disappeared demanded both truth and justice. The trials taking place since the mid-2000s have, in part, answered some of these demands, although, as noted above, their outcome was threatened when the Supreme Court attempted to ‘rehabilitate’ a law that would have released convicted perpetrators of human rights crimes.

In Sri Lanka (Buthpitiya, this volume), the LTTE’s demand for political self-determination, in response to decades of Sinhala systemic discrimination and violence against the minority Tamil community, took the form of an aspirant Tamil homeland.

It has been estimated that from September 2008 to May 2009, between 40,000 and 70,000 civilians were killed, with both the government and the LTTE credibly accused of war crimes and crimes against humanity. There has been a call by the Tamil diaspora to formally recognize the events of 2008-9 as a genocide which has been denied by the Sri Lankan government. Above all, the state has enabled a process of invisibility by concerted 'acts of erasure, silencing, spatial (re)organization, and embellishment that relied on not only infrastructure development, heritage construction, and cultural production, but also state violence, terror, and suppression aimed at contriving a consensus of "peace"'. As international pressure to address wartime atrocities mounted, a conciliatory government inquiry took place in the guise of the 2011 performative (Thiranagama 2013) 'Lessons Learnt and Reconciliation Commission' (LLRC), the recommendations of which have yet to be taken up.

A similar remorse-driven Truth Commission was set up in Colombia (Clarke, this volume) following the peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC). However, with the focus on individual perpetrators, the lack of a commitment to unveiling state complicity¹¹ and the distinction of victimhood made between victims and their surviving families, we see demands for a rethinking of the framework of reconciliation in contexts of mass atrocity. The newly instituted Victims' Law defined judicial and administrative actions aimed at assisting the victims and repairing harm using economic means. Yet many victims refused this overture as they argued that there was no accountability as the implementation of these measures was slow and insufficient due to the lack of political will, limited resources, and legal gaps. Thus, a politics of irreconciliation emerged.

In May 2020, the killing of George Floyd in America by a policeman reignited the Black Lives Matter (BLM) movement. I map a politics of irreconciliation in the call to reckoning on issues of memorialization of slavery, race, and history, along with institutional responses to BLM, bullying, and harassment. While these are not equivalent, the institutional pushback against anti-racist protests, particularly in 2020-1, makes it essential for us to draw the connections between these events and analyse them on the basis of our experiences as ethnographers of memory and post-conflict contexts. This aligns with theorists (e.g. Lu 2017) who are calling for reparative justice for injustices linked to colonialism and slavery as the transitional justice scholarship is focused only on Nuremberg and thereafter. There are similarities between the legal processes through which redress related to genocidal injustices has been stalled and the way in which the debate around statues has been curtailed by law. In January 2021, a new law was passed in the United Kingdom to ensure that historic statues should be 'retained and explained' for future generations. The issue of 'due process' is also invoked in various institutional complaints relating to bullying and harassment.

The rule of law is meant to be present and enforced in all these instances, but is marked by its unofficial, palpable absence-presence, thereby enabling the continuation of status quo and corruption. At the same time, the force of law decides the boundaries of the cases, which, at the outset, shuts down, forecloses, the possibilities of truth and justice. In short, 'the rule of law', the instruments of law, do not always build impunity. There are many instances when they have enabled long-term impunity, sometimes double impunity, for perpetrators in the United Kingdom, Bangladesh, Canada, Sri Lanka, and Colombia. In the United Kingdom (including Northern Ireland), Mozambique, Sri Lanka, Argentina, and Colombia there has been a process of 'equalizing' blame where violence was carried out on both sides, thereby problematically

equating executive powers and victims. In Bangladesh, Argentina, and Canada, the perpetrators are primarily deemed to be on one side, though the violence of the other side is also invoked. In both Bangladesh and Mozambique, there has been no language of reconciliation, but it is this long-term impunity for the perpetrators in Bangladesh that has led to the establishment of the national ICT. To redress past impunities, various investigative committees (as in Argentina and the United Kingdom), presidential commissions of inquiry (like the LLRC in Sri Lanka), and TRCs (as in Canada and Colombia) have been set up, which, as we discussed, have resulted in further institutionalization of impunity and irreconciliation. In thinking through instances when law is empowering, is distinct from executive power, works against the sovereign to demand justice, and can be a protagonist in the claims of irreconciliation, we turn to contemporary Argentina. Here, the amnesties through the presidential decree lasted just over a decade and thereafter the trials have become the forum where information about the newly discovered disappeared is updated. While the debate rages over past and continuing ideologies in Northern Ireland, some structural changes have occurred since the Good Friday Agreement.

In the enabling and disabling processes of law, Bangladesh's rejection of the International Criminal Court (ICC) is also linked to how global powers have not highlighted the genocidal ramifications of the Bangladesh War of 1971, given the subcontinental politics (India and Pakistan engaging with the Bangladesh War as part of its arsenal of propaganda against each other) and Cold War dynamics of the period (with the United States and China supporting West Pakistan and the Soviet Union and India supporting East Pakistan). While Bangladesh has rejected the ICC in the past (as it doesn't trust in getting a fair hearing from it given the Cold War dynamics of 1971), on 14 November 2019 the court's Pre-Trial Chamber III authorized the Prosecutor to initiate an investigation into crimes within the People's Republic of Bangladesh/Republic of the Union of Myanmar (International Criminal Court 2019). The call for accountability and impunity within the rule of law of the human rights framework disregards the need to critique the framework itself, which has been perceived to be skewed by many in the Global South like Bangladesh and the sub-Saharan African states (Clarke 2019). Irreconciliation, in all the instances we have discussed, is linked to the role of Cold War politics, big/regional superpowers, and contemporary geopolitics; a continuation of neo-colonialism by various colonial settler states, like the United Kingdom (Northern Ireland), Russia and China (Mozambique), the United States (Bangladesh, Argentina, Colombia), Canada (First Nations), and India (Sri Lanka). Various forms of irreconciliation are also displayed through different aesthetic manifestations in the next section.

Aesthetic (im)possibilities and irreconciliation

In *The art of forgetting* (1999), Adrian Forty shows how Italy, Greece, France, and Germany have all undergone radical programmes of 'apparent amnesia' for the sake of relative stability. In contrast to Forty's idiom of forgetting, all the cases discussed in this special issue demonstrate how a vibrant memory culture and a strong human rights community supported by grassroots and political mobilization have worked to keep irreconciliation and active remembering present in the public sphere (similar to what Vaisman has portrayed about Argentina in this volume). The role of memorials in each instance demands 'recognition of what was done, to whom, and by whom' (Rowlands 1999: 130), generating ambivalence and/or collective validation of loss, coming together

through loss rather than victory (Renan 1896: 165). This is because these aesthetic structures might be capable of reflecting a nuanced and emotional account of the violent experiences (Mookherjee & Pinney 2011). Martha Minow (2000) highlights the therapeutic dimensions of reconciliation and opposes them to the limitation of legal processes which cannot address the injury of survivors. However, this does not highlight the irreconciliatory functions that aesthetic practices can perform in the face of endemic failure and impunity enabled by these juridical structures.

In Sri Lanka, Colombia, Argentina, Canada, and Bangladesh, the processes of multiple impunities enabled by the legal processes set up to address such impunity make it imperative for the expression of gendered victim visibilizations (Clarke, this volume) in demonstrations and commemoration sites. Through the exhibition and circulation of photographs, silhouettes, children's shoes (in Canada), and other aesthetic artefacts of subversion and surveillance of the disappeared, the past is made present. It enables 'new kinds of juxtaposition and seriality' (Pinney 2015: 28) as irreconciliation. Here, censorship is maintained in the face of state terror while also pointing out the role of the violent sovereign and the positions of discontent and irreconciliation about it. Aesthetics (the original Greek form *aisthetikos* denotes 'perception by feeling') here refers to an affective domain, a sensibility through which various objects and phenomena animate and perform the unresolved genocidal injustices. In post-war Sri Lanka, where 'reconciliation' has been concretized in the form of shiny infrastructure, heroic memorials, and roads, the noticeable sites of civilian protests where the technicolour absences of the disappeared endure as photographs constitute the evocative vision of irreconciliation which counters the state's narrative of 'peace'.

In Argentina, the documentary film *70 y Pico* (2016) (Vaisman, this volume) brings out the complicated history of civilian complicity in supporting state terrorism and its repressive apparatus. Rather than equalizing blame – what is known as the 'two-demon theory' in Argentina – the film shows the multi-layered nature of repression, silence, affect, and complicity. The film becomes an illustration of irreconciliation among many Argentinians in its capacity to keep the past alive and contentious so that these questions can always be asked, even if, and especially because, they are not, and cannot be, resolved. Clarke shows how irreconciliation as an affective sentiment is taking shape in Colombia through *victim visibilizations* of 'false positives': those civilians misrepresented as guerrilla fighters, killed in combat, and reported on from 2000 to 2010. The home galleries and memorializations – '*Memoria en casa*' (Memory at home) – enabled surviving family memories as they feared the state would erase these remembrances through false representations. This extended the memory of the missing into the concerns of the contemporary moment and enabled the material transference of the deceased to the bodies of the living. 'Affective attribution' (Clarke 2019), manifesting through embodied, emotive refusals, is what unfolded as irreconciliation. These gendered, emotive refusals disallowed the obfuscation of the disappeared.

The bringing down of statues linked to slavery and residential schools in Canada is an act of irreconciliation (Mookherjee, this volume) as they 'may be a necessary embodiment of reconciliation in action, beyond intent' (Shneiderman, this volume). These publicly visible acts of defacement are highlighting the obfuscated and public secret of slavery and racial injustice which is foundational to these 'philanthropists', embodied in these statues, towering over cities. Aesthetically, these interventions are highlighting irreconciliation through the felled monuments and graffities. As

Shneiderman puts it powerfully in this volume: '[T]he affective power of publicly visible acts and words may provide political cover of sorts for the mundane everyday work of transforming intent into action within the institutional structures that govern our lives.'

In this context, the genocidal cosmopolitan trope of 'never again' (Mookherjee 2011) emerges in many of the contributions. This global trope and aesthetic artefacts enable a connection to a global, diasporic audience. The 'emancipatory' possibilities of aesthetic registers in representing violent past injustices should not consign to oblivion the processes of standardization therein, particularly when the civil society and sovereign are in congruence. Nations caught in an image of self-certainty can depend on a reiterated aesthetic of performance, only to find themselves incarnated differently, remaining unfulfilled and always questing. In interrogating the production of a national affect (Mookherjee 2011), it is important to remember that the process is neither productive nor straightforward.

Conclusion: The self and irreconciliation

A dominant strand of transitional justice scholarship has considered a lack of reconciliation to be dysfunctional, a rupture which can apparently be addressed by properly designed legal institutions. Irreconciliation is precisely the move away from violence and the inequalities that foster such violence (Wilson, this volume). The various cases discussed in this volume show the lived reality, effects, and limitations of transitional justice through semantics, temporalities, critique of civilizing frameworks, and the juridical and aesthetic (im)possibilities of irreconciliation. To contributors, irreconciliation is accountability and grievance (Josephides); politics (Bertelsen); enforced political accountability (Visser); a conscious irreconciliation (Niezen); an agentive act of social reconstruction, affective ambivalence, a vigilance against impunity (Vaisman); victim visibilization, reattributive irreconciliation from the dead to the living (Clarke); technicolour absence through photographs (Buthpitiya); and an injunction against institutional 'window dressing' (Mookherjee). The volume covers ethnographies from a heterogeneity of fieldsites manifesting irreconciliation which is transitional/restorative, reparative apparatuses of justice and/or governmentality. We are, however, cognizant of the tensions that can exist between local histories of each ethnography, and any attempts to generate a global, comparative, universal language of irreconciliation (Shneiderman, this volume) might reiterate the criticisms we have posed about reconciliation. I agree with Shneiderman's argument in this volume that rather than bestowing subjectivity on the perpetrator through the debate of intentionality, we are also calling into question the structures which enabled such intent – echoing Arendt's (2002) claim that 'this ought never to have happened' (see also Berkowitz 2011: 3). Irreconciliation is a necessary tactic to enable the deep work of addressing impunity; structural transformation embodied in institutional processes (Shneiderman, this volume). As a result, in enabling civic education, vigilance, and action, the everyday meanings of irreconciliation – the mundane practices and experiences of time, embodiment, memory, collective guilt, victimhood, responsibility, and social relations – are crucial. Irreconciliation is thus a vigilance against impunity, against a 'window-dressed', symbolic performance of redress.

Critiques of reconciliation have stopped short at noting the exclusions and compromises within the transitional justice processes. What are the limits of irreconciliation if the sovereign legal and aesthetic registers work together to create admissible memories? Our redoubling of vigilance is also meant for instances when

irreconciliation itself leads to new forms of exclusion, blame, culpability, power, subjectivation, and governmentality on the part of survivors. Theorization of the self and irreconciliation is significant in this context. The essays highlight how survivors are often compelled to inhabit this forgiving, corrosive subjectivity in spite of their vulnerabilities. Following the ethnography among the Kewa (Josephides, this volume), it is worthwhile noting that this critical positionality can emerge outside politics and the state in relationship to one's sense of self. While politicization can generate some redress for the suffering, the position of irreconciliation often emerges outside the realm of the sovereign. Josephides shows the perils of neglecting the self, and suggests that being held accountable is a necessary aspect of a mature, enlightened self.

Scholars have argued for the idea of political reconciliation whereby the self of communities of victims and perpetrators might live through an agnostic clash of worldviews within the context of a community that is 'not yet' (Schaap 2005: 4). Such a political potential based on contestation of views does not, however, address how 'reconciliatory work' involves working on the self and is chronic illness management – one of the poignant points made at the AAA panel in Vancouver in 2019. The long-term physical and psychological impact of fighting against injustice or fighting for the acknowledgement of such injustice is viscerally known by survivors/victims. Derrida's call to recognize humanity through forgiveness has no place for this vulnerability felt by individuals as a consequence of unacknowledged injustice.

Audra Simpson's (2017) idea of 'refusal' (rather than resistance, resilience, revenge) as a generative alternative political and existential practice captures our essence of irreconciliation. The ethnographic realities also reiterate the collectivism of individual refusals, which needs to be harnessed for juridical and social changes. Following Clarke (this volume), we need to rethink the idea of the social itself.

[Irreconciliation] involves moving beyond notions of individual subjectivity and interrogating personhood through a unity of collective being. That unity combines the disappeared and contemporary personhood with the practices of representation. To miss this cycle of interconnection as a progression to retributive justice is to miss the philosophical tenets that undergird the radical aspirations that drive it. For as the argument of the introduction to this special issue suggests, irreconciliation emerges from the lack of recognition and acknowledgement of a harm, the lack of truth telling that allows for the assignment of responsibility for wrongdoing, and the absence of an explanation for that wrongdoing.

Josephides (this volume) has shown us how the concern for humanity (of the one forgiving for Derrida and of the guilty for Ricoeur) is crucial for the development of the self of both the victim and the perpetrator. The self, however, also needs acknowledgement, accountability to flourish as a person in the aftermath of injustice. In such contexts, the continuing demand for accountability, acknowledgement, and truth in post-conflict complexities through social movements is what makes irreconciliation significant.

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NOTES

¹ For discussions on various forms of forgetting, 'remembering to forget', and 'knowing what not to narrate', see Mookherjee (2006; 2019) and Rowlands (1999).

² I have used Bangladesh War of 1971 instead of liberation war or war of independence to avoid semantic and party political attachments.

³ For varied accounts of the Bangladesh War, see Akhtar, Begum, Hossein, Kamal & Guhathakurta (2001); Bass (2013); Mascarenhas (1971); Mookherjee (2015); Muhith (1992).

⁴ See Derrida (2001) and Nobles (2008) for extensive discussion on apologies.

⁵ An opinion poll in Bangladesh by AC Nielsen in April 2013 showed that though nearly two-thirds of respondents said the trials were 'unfair' or 'very unfair', 86 per cent wanted them to proceed regardless. Annual opinion polls show that the war crimes trials ranked among the top three 'positive steps that the government has taken', but they consistently fail to make the top ten list of 'issues that need the greatest attention of the government' (*Economist* 2013).

⁶ Thanks to, Kamran Ali, Sadaf Aziz, Angbeen Atif Mirza, and Ali Usman Qasmi for their advice about the Qisa and Diyat laws (Wasti 2008). See also Kermani (2020) and Khan (2020), who show how in practice the 2016 amendments to bar the inclusion of forgiveness have been unable to stop cases which slip in such pardons. This has occurred through the pleas of sudden and grave provocation which are frequently used as a mitigating circumstance in order to reduce sentences in instances of honour killings, to the disadvantage of victims. When brought under anti-terror legislation, cases, however, cannot be forgiven.

⁷ S. Ahmed (2019: 188).

⁸ Nader (1991) shows that among villagers in southern Mexico, harmony ideology (introduced during Spanish colonialism by missionaries), while being a mode of counter-hegemonic resistance against the government, disallowed weaker members from seeking legal redress. This shows how hierarchies within communities can hamper processes of redress. This ideology manifested in the United States as alternative dispute resolution (ADR).

⁹ I am drawing on Ronald Niezen's translation.

¹⁰ Thanks to Vindhya Buthpitiya for this comment.

¹¹ See Pettigrew, Shneiderman & Harper (2004) for a discussion of complicity in Nepal.

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Introduction : de l'irréconciliation

Résumé

La plupart des exercices de réconciliation engagés à l'issue d'un conflit imposent aux survivants de pardonner et de chercher une manière de résolution pour « aller de l'avant ». Divers anthropologues ont formulé des critiques de la réconciliation et des formes apparentées de « justice alternative », sans sortir du cadre du maintien des liens sociaux et de l'État de droit. Dans cette introduction, l'auteur pose un regard critique sur les travaux interdisciplinaires étudiant la réconciliation, l'excuse et le pardon, et elle théorise un prisme d'analyse moins usité : celui de l'irréconciliation. Au lieu de s'inscrire en opposition à « la paix », l'irréconciliation permet d'interroger le statu quo en refusant le pardon des impunités endémiques, notamment au terme de procédures judiciaires mises en scène et en l'absence-présence de l'État de droit. Dans ce dossier, elle propose une exploration ethnographique des liens entre l'irréconciliation et le droit, l'esthétique, la temporalité, la résistance et le contrôle, afin d'en localiser les multiples manifestations analytiques. L'irréconciliation est un moyen important d'analyse de l'État de droit dans les procédures sur les injustices génocidaires irrésolues et les débats sur l'esclavage, Black Lives Matter et les réponses des institutions.