

Countering Erasure and Invisibilisation:

The Potential of Literature to Open Up the Justice Imagination in the Syrian Context

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**COUNTERING ERASURE AND INVISIBILISATION:
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IMAGINATION IN THE SYRIAN CONTEXT**

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Table of Contents

Acknowledgements	8
I. General Introduction	14
1.1 Background	14
1.2 Opening Up the Justice Imagination	18
1.2.1 Hegemonic Narratives Curtail the Justice Imagination	19
1.2.2 Countering Erasure and Invisibilisation	21
1.2.3 Thicker Understandings of Truth	24
1.3 Methodology	25
1.3.1 Research Questions	25
1.3.2 Underlying assumptions	28
1.3.3 Positioning the Research	29
1.3.4 Multidisciplinary Approach	35
1.3.5 Data Collection and Data Analysis	37
1.3.6 Ethics	38
1.4 Knowledge Production	39
1.5 Positionality	41
1.6 Outline of the Dissertation	44
II. The Syrian Context	48
2.1 Entrenched Authoritarianism	49
2.1.1 The Genesis of the Assad Regime	49
2.1.2 The Centrality of Massacres and the Political Prison	50
2.1.3 Authoritarianism Under the Veneer of Openness	52
2.2 The 2011 Uprising	53
2.2.1 Early Mobilisation	53
2.2.2 An Impossible Revolution?	56
2.2.3 New Opportunity Structures	58
2.3 Transformation to Civil War	60
2.4 International Crimes	63
2.4.1 Attacks on Civilians, Sieges and Displacement	64
2.4.2 Detention, Torture and Disappearances	66
2.5 From International Action to Paralysis	69
2.5.1 Early International Stalemate	70

2.5.2 Mediation Efforts	71
2.5.3 Multilateral Responses	73
2.6 Narrative Warfare	76
2.7 An Ongoing Artistic Revolution	78
2.7.1 Tradition of Dissent	78
2.7.2 The Artistic Revolution	80
III. Theoretical Framework	86
3.1 Transitional Justice	87
3.1.1 Origin of the Field	87
3.1.2 The Transitional Justice Toolkit	92
3.1.3 Expansion of the Transitional Justice Paradigm	105
3.1.4 Understanding Transitional Justice in Ongoing Conflict	109
3.2 The Interplay between Artistic Practices and Justice	113
3.2.1 Transitional Justice and the Arts	114
3.2.2 Functions of Artistic Practices	116
3.2.3 Literature and Injustices	122
IV. Breaking the Justice Impasse in Syria	134
4.1 Contextualisation and Methods	135
4.1.1 Research Gap	135
4.1.2 Methods	137
4.2 The Emergence of Transitional Justice in the Syrian Context	138
4.3.1 Caveats	138
4.3.2 A Paradigmatic Outlook	141
4.3.3 Abandoning Standardised Approaches	145
4.4 Justice Actors Pioneer Justice Landscapes	148
4.4.1 An Ecosystemic Transnational Justice Scene	149
4.4.2 A Nascent Syrian Victim Movement	150
4.5 Concrete Innovations in (Transitional) Justice Efforts in the Syrian Context	153
4.5.1 Documentation	154
4.5.2 Criminal Accountability	157
4.5.3 Truth-seeking	160
4.6 Discussion: Ongoing Erasure and Invisibilisation in the Syrian Context	164
4.7 Conclusion	168

V. Countering Erasure and Invisibilisation in Syrian Literary Writing	172
5.1 Methodology	173
5.2 Contemporary Syrian Literature: Dissident and Transnational	177
5.2.1 The Field of Contemporary Syrian Literature	177
5.2.2 Key Features of Syrian Literature	178
5.3 The Transformation of Literary Writing after 2011	181
5.3.1 Sweeping Changes in Post-2011 Syrian Literature	182
5.3.2 Syrian Literary Writing in the Diaspora	185
5.3.3 Circulation: Between Presence and Visibility	187
5.4 Writers Attempt to Adress Injustices	188
5.4.1 “Presencing” Experiences of Harm	189
5.4.2 Foregrounding Truth Claims	191
5.4.3 Epistemic Resistance	194
5.5 Conclusion	196
VI. Literary Analysis of <i>Planet of Clay</i> and <i>Death Is Hard Work</i>	200
6.1 Theoretical Framework and Corpus	201
6.2 Authors’ Background and Perspectives	202
6.2.1 Samar Yazbek	202
6.2.2 Khaled Khalifa	206
6.3 Close Reading of <i>Planet of Clay</i>	209
6.3.1 Plot Summary	209
6.3.2 “Presencing” Experiences of Harm	212
6.3.3 Multiple Truth Claims	216
6.3.4 Epistemic Resistance	219
6.4 Close Reading of <i>Death Is Hard Work</i>	222
6.4.1 Plot Summary	222
6.4.2 “Presencing” Experiences of Harm	224
6.4.3 Multiple Truths Claims	230
6.3.4 Epistemic Resistance	234
6.5 Conclusion	236
VII. Reader Responses to <i>Planet of Clay</i> and <i>Death Is Hard Work</i>	242
7.1 Methods	243
7.1.1 Reader Response Theory	243
7.1.2 Reader Responses	245
7.1.3 Narrative Empathy: Affect and Cognition	246

7.2 Analysis of Reader Responses to <i>Planet of Clay</i> and <i>Death Is Hard Work</i>	250
7.2.1 <i>Planet of Clay</i>	250
7.2.1 <i>Death Is Hard Work</i>	252
7.2.3 Comparison between the Novels	256
7.3 Readers' Perspectives on Experiences of Harm	257
7.3.1 Victimisation	257
7.3.2 Traumatisation	262
7.4 Discussion: Affective and Cognitive Responses	265
7.4.1 Jumping into the Lives of Syrians	265
7.4.2 Limits to Empathy	266
7.4.3 Learning Experiences	268
7.5 Conclusion	271
VIII. Conclusion	276
8.1 Erasure and Invisibilisation of Crimes in the Syrian Context	277
8.2 The Role of Transitional Justice in the Pursuit of Justice in Syria	279
8.2.1. The Potential of the Transitional Justice Toolkit in the Syrian Justice Impasse	279 283
8.2.2 Innovative Responses to the Justice Impasse	288
8.3 The Potential of Syrian Literary Writing to Foreground Injustices	289
8.3.1 "Presencing" Experiences of Harm	289
8.3.2 Multivocal Truths	292
8.3.2 Epistemic Resistance	294
8.4 Further Pushing the Justice Imagination: The Intersection of Justice Efforts and Artistic Practices	297
8.4.1 The Centrality of Presencing Absences	297
8.4.2 Areas for Future Research	299
List Interviewees	304
Interviews justice actors	304
Writers and Experts on Literature	305
Bibliography	306
Summary	338
Samenvatting	340

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“Even in the darkest of times we have the right to expect some illumination, and that such illumination might well come less from theories and concepts than from the uncertain, flickering, and often weak light that some men and women, in their lives and their works, will kindle under almost all circumstances and shed over the time span that was given to them”

Hannah Arendt,
Men in Dark Times



Syrian victim groups and family members of the missing, Koblenz Court House, The Syria Campaign, 2022. © Paul Wagner

I. General Introduction

This dissertation is situated on the juncture between transitional justice scholarship and literary studies. It examines both the implementation of the transitional justice paradigm in the ongoing Syrian conflict, as well as the potential of narrative artistic practices to visibilise injustices taking place in this context. This introduction elaborates on the rationale behind, and importance of, this dual focus (1.1) and the multi-method approach I have developed to address these questions (1.2), as well as debates related to knowledge production concerning Syria (1.3.) and my own positionality (1.4).

1.1 Background

This research project on justice efforts for victims of the Syrian conflict is rooted in the striking paradox between the scale of atrocities and indiscriminate violence perpetrated against citizens in Syria and the growing invisibility of and disregard (at least in the Global North) for Syrians' lived experiences. This paradox raises important questions: why, in the face of such blatant violations of international human rights law (IHRL) and international humanitarian law (IHL), are international actors and governments in the Global North are staying largely passive? And, what are (mostly non-state) actors doing to push for some modicum of justice? Two noteworthy dynamics inspire this project. First, in the face of the international stalemate, and against all odds of a political transition, many Syrian civil society activists have mobilised, and continue to adopt the concepts and tools of transitional justice. Second, because of historical and cultural reasons, as well as the scarcity of formal justice avenues, artistic practices are crucial in shaping the struggle for justice and garnering attention for the plight of civilians facing violence in Syria. The prominence of both transitional justice initiatives and artistic practices is arguably unexpected, given the context within which these violations of international law are happening and the manner in which they are addressed. International efforts to reach a diplomatic resolution or to address the accountability gap have been unsuccessful. In this context, both transitional justice and artistic practices have become, in several ways, means to resist injustices as well as the international passivity about these injustices.

As the 2011 uprising transformed to a civil war, international actors' belief, as well as the belief of many Syrians, in the possibility of a democratic transition waned. This coincided with dwindling global interest in the Arab revolutions and the demands for justice and human rights that inspired them, as well as in the Syrian regime's effective discrediting of dissidents through massive propaganda campaigns, and the emergence of IS. The declining international interest affected both the understanding of the harm inflicted upon Syrians and the recognition of their ongoing resistance and creativity. In media and policy circles in the Global North, Syrian experiences and perspectives were gradually replaced by clichéd understandings of the conflict. Following a short-lived period of openness and curiosity about Syrian lived experiences sparked by the uprising, media reporting and policy debates largely reverted their focus to violence and extremism. The spaces to circulate hitherto hidden narratives or articulate new cultural expressions did not close, yet the interest of spectators in the Global North evaporated. They proved largely unable to generate new ideas about the pursuit of justice and the ongoing resistance. This observation is fundamental to this project's inception and the notion of the justice imagination, which I elaborate on below. Not only were Syrians facing unimaginable violence and attempts by perpetrators to erase those crimes, they were also confronted with a new form of epistemic violence, namely that of distant spectators who either lost interest, questioned these experiences of harm, or averted their gaze. Over time, the crimes began to fade into invisibility. Syrians started feeling a sense of loss, as if they were being deprived of the opportunity to share their stories of suffering and resistance.

The ensuing narratives in the Global North about the complexity of the Syrian context, and the alleged difficulty to judge who was telling the truth, reminded me of Hannah Arendt's writings about the annihilation of the truth in *Truth and Politics* (1967) and the fate of "superfluous" people in *We Refugees* (2017). The failure of the Arab revolutions seemed to have pushed civilians to the margins of the public and political debate in the Global North once again, casting them as superfluous and discrediting their lived experiences, and even their lives, in a context of complex geopolitical power games and feasibility politics. This led to the realisation that as Syrians, they were not only exposed to policies of annihilation, but they were also increasingly isolated and lacking international protection. Syrians felt that they were falling out of humanity (Ismail, 2018; Al-Haj Saleh, 2017).

Despite the growing international indifference and the increasing misrepresentations of the Syrian conflict, many Syrian dissidents continued their struggle against injustices. The uprising has opened new spaces for debates that have changed shape, but have not stopped since. It is in this context that the reliance on transitional justice initiatives and artistic practices as avenues for resistance can be understood. This resistance against multiple forms of injustice and the ensuing efforts to pursue justice, often led by civilians who became involuntarily involved in the conflict, evoked another reference to Hannah Arendt who lauds the resistance of ordinary people against injustices in *Men in Dark Times* (1970). Without extensive preexisting knowledge, or institutional support, Syrian activists and artists took the lead in justice efforts amidst the devastation of their lives. These types of illumination or innovation have not been adequately examined or theorised in mainstream Global North transitional justice scholarship, or other related disciplines. This dissertation, then, represents a humble endeavour to shed light on Syrian (transitional) justice endeavours and artistic practices, specifically within the domain of literature, and to engage in an in-depth empirical examination of dynamics, motivations and experiences by Syrian justice actors and artists, which allows for theorisation on the visibilisation of experiences of harm in the Syrian context.

Obtaining a better understanding of Syrian justice efforts is important, as these efforts can be understood as meaningful manifestations of resistance and innovation amidst realities of annihilation and international passivity. They point towards opportunities for justice activism even in a context that is everything but conducive to such efforts. Not only did the Syrian crisis expose the shortcomings of the international justice system and the international community's inaction. It also laid bare some alternative and complementary justice avenues and possibilities for innovation. Ill-prepared to address the non-transition, as well as the subsequent commission of atrocity crimes and humanitarian crisis, many states in the Global North resorted to feasibility politics; their course of action reflecting an institutional framework that is pinned on the notion that a revolution is either successful or unsuccessful. From such a perspective, a complete political transition is regarded as a condition for transitional justice efforts. Syrian dissidents and human rights activists reject this binary thinking and refuse to abandon revolutionary ideas and practices despite the revolution's failure. Even in the face of an entrenched non-transition, they persistently seek to develop justice processes. Several of those actors rely on the transitional justice paradigm in their attempts to bring about justice in the Syrian context. This determination to fight impunity has entailed a transnational movement led by Syrian and international

justice entrepreneurs (both in civil society as in institutional settings), whom I refer to as justice actors. Their continuous adaptation to the evolving context is profoundly impressive. Particularly noteworthy are the efforts of victim groups, which have been crucial in driving innovation and disruption within the transitional justice paradigm, showcasing the resourcefulness of victims and survivors, as embodied in their campaign to set up an institution for the search on the forcibly disappeared and the missing.

Furthermore, against this background of international passivity, it is crucial to examine the emerging role of artistic practices within the struggle for justice. The prominence of artistic practices raises the question whether, and if so, how Syrian arts manage to visibilise injustices and touch distant spectators, and what the effect thereof is. Just like Syrian justice actors, artists addressing justice-related issues have continued to narrate, witness, resist, and speak truth to power. Do these practices catch the distant spectator's eye and if so, can they render present, or "presence" injustices? And what does this mean for justice struggles beyond Syria? The Syrian uprising has generated an artistic explosion that has been studied and foregrounded by civil society initiatives such as *The Creative Memory of the Syrian Revolution*, *Co-Culture* and *Ittijahat*, to name but a few. Given my background in modern Arabic literature, I specifically focus on Syrian novels. My investigation attempts to explore how writers engage with literary texts as potential sites of recognition, resistance and memory. Similar to Syrian civil society activism, the literary domain experienced a significant surge following the uprising. Writers received a growing number of invitations to literary festivals and cultural collaborations. Gradually this interest, too, abided as a result of Syria fatigue. Yet, despite this diminishing international attention, writers, and artistic practitioners more generally, continue to seek out avenues to "presence" injustices.

As such, both the proliferation of international crimes in the Syrian context and the various forms of epistemic violence that Syrians are confronted with, as well as their ongoing resistance, are part of the context central to this research. These themes are fundamental in my broader academic and professional background, which has so far largely revolved around violations of international law and erasure in the Israeli-Palestinian context. While the Palestinian question and the Syrian context differ significantly, Palestinian resistance against Israel's narrative suppression has influenced my approach to justice efforts and artistic practices in this project. Moreover, in both conflicts, artistic practices play a vital role in fuelling the resistance

against epistemic violence. In the case of Palestine, narrative erasure and resistance have received extensive scholarly attention (Hochberg, 2015, 2021; Said, 1984; 1979; Said & Barsamian, 2003; Tawil-Souri, 2011). A notable reference is Edward Said, who addresses Israel's attempts at erasing Palestinian narratives in *The Right to Narrate* (1984) and describes how Palestinians aspire to disturb "the status quo, challenging institutional power in all ways possible by making connections that are otherwise silenced and denied" (Said, 1984). The narrative suppression that Palestinians, Syrians, and many people in post-colonial settings face, necessitates complex forms of resistance, which potentially constitute relevant learning experiences for others engaged in similar struggles. As Palestinian poet Mahmoud Darwish argued, the search for the lost voices of those on the losing side of history is essential:

I chose to be a Trojan poet. I'm resolutely in the camp of the losers. The losers who are deprived of the right to leave a trace of their defeat and deprived of the right of proclaiming it. I'm inclined to speak of this defeat, but there is no question of surrender (Darwish et al., 2019, p. 19).

Darwish's reflections on rejecting stereotypical portrayals and his determination to make absence tangible have significantly influenced my perspective on "presencing" Syrian experiences. Additionally, drawing inspiration from the Palestinian experience of grappling with policies of erasure and their resistance through literature, I have established a theoretical foundation for this project, which I elucidate in the following section.

1.2 Opening Up the Justice Imagination

In this section, I establish the conceptual framework through which I grasp the recognition of the injustices and the resistance against their obfuscation. Syrians not only face epistemic violence at the hand of perpetrators, but they are increasingly subjected to such violence by observers of the conflict in the Global North. Hence, I firstly examine hegemonic narratives about the conflict that are far removed from Syrian experiences. By employing the notion of the "justice imagination", I illustrate how the inability to conceive of injustices within both political spheres of the Global North and society as a whole has negatively affected the capacity to identify and acknowledge these injustices. Next, I shed light on the concepts of "erasure" and

“invisibilisation”, and I hone in on the main theoretical insights set forth in the article “Stirring the Justice Imagination: Countering the Invisibilization and Erasure of Syrian Victims’ Justice Narratives” (Herremans & Destrooper, 2021). I argue that a fine-grained understanding of erasure and invisibilisation contributes to the appreciation of the potential of justice efforts and artistic practices to visibilise crimes committed in Syria. Finally, I elucidate the importance of informal truth practices, including artistic practices, that complement forensic understandings of truth and formal truth-seeking avenues.

1.2.1 Hegemonic Narratives Curtail the Justice Imagination

The concept of the justice imagination is seminal for my study of justice efforts and artistic practices in the Syrian context. There are two aspects to this concept that merit to be studied in depth. On the one hand, the justice imagination relates to the ability of observers in the Global North (policy circles, media, global audiences) to broaden their understanding of what is imaginable in terms of justice, even beyond existing mechanisms and the judicial realm. On the other, it relates to the efforts by Syrian actors who rely on their own imagination to overcome the Syria fatigue in the Global North and the prevailing defeatism about the impossibility of justice and accountability. Indeed, I consider the – curbed – justice imagination in the Global North to be a significant feature against which justice activism in the Syrian context has developed.

Political debates in the Global North about justice and international initiatives to pursue justice and accountability are inevitably shaped by political, diplomatic, economic and legal considerations. At the institutional level, imagining a more ambitious understanding of what is possible in terms of justice is not typically central in situations of an entrenched conflict. This inability to think creatively in the face of the proliferation of international crimes and the ramifications of the conflict in the Global North can be considered a failure of the justice imagination, i.e. what is imaginable in terms of justice, beyond existing mechanisms and even beyond the judicial realm. I argue that the limited justice imagination compounds the Syrian justice impasse. In the Global North, political debates have increasingly been contained by feasibility politics, entailing defeatism and a very narrow focus on what is deemed practically attainable in terms of justice and accountability for the crimes of the regime. I contend that the prevalence of feasibility politics can be effectively illustrated by two crucial events: the 2013 compromise on chemical weapons and the

international response following the emergence of IS in 2014 (see chapter 2). The 2013 chemical weapons deal has strengthened the idea in international policy circles that while a laudable goal, accountability for the Assad regime's crimes would be hard to achieve in the face of its intransigence and Russia's influence. Thus, the international community favoured a "pragmatic" over a "legalist" approach regarding justice and accountability (Koblentz, 2019). Moreover, the strong focus on IS' crimes shifted the attention away from the regime. Increasingly, a false dichotomy between the regime on the one hand, and IS on the other, gained ground depicting the regime as the lesser of two evils (Üngör, 2019b). Additionally, the regime's narrative warfare and the climate of uncertainty have fuelled mainstream narratives about an imbroglio populated by a plethora of perpetrators.

Consequently, the transformation of the uprising to a civil war has limited the justice imagination in the Global North. The prevailing perspective regarding justice for Syrians evolved to outright defeatism about the effectiveness of justice efforts in the absence of a peaceful resolution, thereby involuntarily linking the unattainability of justice to the failure of the revolution, the bankruptcy of peace negotiations and the Assad regime's tenacity. This has undermined the openness in policy and media circles and public opinion in the Global North to both imagine and recognise the injustices and the possibility to address these in a meaningful way. Moreover, the limited justice imagination of certain institutionalised actors in the Global North determines which sorts of initiative can be designed and implemented, forcing Syrian justice actors to push back against these limitations, soliciting their own imagination to advance new strategies. With most international and all domestic avenues for justice blocked, and in light of the growing marginalisation of victims' experiences in the Global North, Syrian justice actors seek to stretch the boundaries of what is imaginable in terms of justice and thus to open the justice imagination of policy makers, journalists and wider audiences. In a minimalist sense, they want to resist the erasure or invisibilisation of experiences of harm. In a maximalist sense, they are foraging for more ambitious justice narratives and initiatives that can accommodate victims' lived experiences.

Against this background, it is important to bring the attention back to the notion of resistance, as many Syrian justice actors are looking for ways to advance the revolutionary objectives of the uprising and strive to uproot decades of structural oppression and authoritarian rule (Aboueldahab, 2022). Contrary to established understanding of revolutions – mainly defined in relation to Western experiences

– they tend to understand revolutions as a series of disruptions. In this context, I embrace Charlotte Al-Khalili’s (2021b) definition of a revolution as a “transformative, multi-scalar, and multi-dimensional force; a series of deep transformations over the long-term rather than a violent political rupture”, transcending the simplistic binary view of revolutions as either successes or failures. The prevailing viewpoint in the Global North not only disregards the multitude of experiences within Syria but also establishes a correlation between the uprising’s failure and the perceived impossibility of pursuing justice. I argue that the failure to appreciate the complexity of justice efforts in the Syrian context and their innovative nature has further curbed the justice imagination and overshadowed ongoing resistance. As I demonstrate in chapter 3, Syrian justice actors push back against the restricted justice imagination in the Global North and resist the marginalisation of victims’ experiences and narratives. They refute this limited understanding of a failed revolution that has perpetuated clichés about the impossibility of achieving change and social transformation, generating narratives about injustices that are not situated in the lived experiences of Syrians.

Finally, it is important to highlight the influence of narratives surrounding justice demands and needs, as they play a key role in our conception of what constitutes harm. Justice narratives express a vision about a justice ideal. They can foreground or omit victims’ lived experiences and justice needs. As such, justice narratives have a norm-setting power (Miller, 2008). As Tine Destrooper and I argue elsewhere, narratives shape how justice is understood, which can “(re)affirm or contest existing ideas and categories of justice” (2021, p. 579). This is particularly relevant in ongoing conflicts where the urgency of envisioning the type of justice that can be aspired to is even more pronounced. Additionally, it must be acknowledged that narratives are not neutral or devoid of values. They may render invisible everything that does not fit the “parameters of legibility” or that does not align with the logic of the dominant epistemic territory, as Rolando Vázquez demonstrates. What does not fit existing tropes or scripts, or the existing horizon of intelligibility, can be eclipsed by “the mechanisms of epistemic exclusion and oppression” (2011). These mechanisms play an important role in the obfuscation of crimes, as I demonstrate below.

1.2.2 Countering Erasure and Invisibilisation

The distinction between the phenomena of erasure and invisibilisation aids in enhancing the understanding of why certain crimes are omitted from justice narratives and initiatives. Invisibilisation can be defined as the communicatively or

discursively produced process whereby something (a group of actors, an issue or an affect) comes to be considered irrelevant in public processes of communication and deliberation (Herzog, 2018). It can be seen as an implicit social process, which is to a large extent shaped by discourses and narratives that structure our knowledge and attention. As a result of these implicit social processes, certain issues are not mentioned or seen. Concretely, invisibilisation refers to a dynamic whereby certain voices or issues come to be considered irrelevant, but where no specific actor or act can be identified as the cause of that process. In the context of (transitional) justice narratives, it is more likely that omissions happen through more intangible dynamics of invisibilisation rather than by conscious acts of omissions. Nevertheless, even if these are indirect processes, the direct effect these processes can have on justice entrepreneurs must be acknowledged. Invisibilisation can entail censorship or self-restraint and further obfuscate certain crimes, thus reinforcing the marginalisation of victims' experiences.

Conversely, the term erasure can be employed to describe acts of omission that arise from explicit actions and discernible choices made by identifiable individuals or groups. It is a process in which (a set of) actors silence certain voices, push certain topics off the table, or narrow down justice narratives. In this conceptualisation of erasure, it is the identifiable act and the identifiable actor which are crucial. Thus, the agency of justice actors who may take up certain positions, possess various characteristics, or be organised in epistemic communities of elites with shared ideas, is central (Schmidt, 2010). Within the transitional justice architecture, erasure can occur through the acts of legal practitioners, mediators, advocacy networks of activists, or justice entrepreneurs (Keck & Sikkink, 1998). In each of these capacities these entrepreneurs can serve as catalysts for ideas of epistemic and discursive communities, either in power-affirming or contesting ways, pushing certain perspectives, issues or actors out of justice narratives (Jones, 2020). Thus they can contribute to processes of narrative erasure in a variety of ways, resulting from active ignorance, and testimonial injustice (i.e. calling the epistemic credibility of a speaker into question by diminishing them as a knower) to epistemic objectification (i.e. treating an actor merely as a source of information rather than as an embedded subject) (Medina, 2012, pp. 27, 39, 88, 92).

An examination of the dynamics of invisibilisation and erasure can elucidate what is needed to better foreground victims' lived realities and bring justice initiatives more in line with these, generating a shift away from defining justice efforts in relation to existing formal mechanisms. Moreover, the understanding of the prevalence of

these dynamics of invisibilisation and erasure also highlights the potential of artistic practices to resist various forms of epistemic violence, and to contribute to the recognition of the injustices. Throughout the Syrian uprising and the transformation of the conflict, the arts imposed itself increasingly as a register in its own right in the recognition of and the resistance against policies of oppression (Larzillière, 2022, p. 6). Both in the domain of justice efforts and artistic practices, politics of reception play an important role, with Syrian justice actors and artists challenging prevailing narratives and perceptions of the conflict in the Global North. Despite growing Syria fatigue and declining international political and justice mobilisation, which have led to the increasing invisibility of experiences of harm, Syrian justice actors and artists persistently foreground their perspectives to Western audiences, media, and policy makers. There is a strong inclination within Syrian justice and artistic communities to memorialise injustice and violence in the public sphere, both within Syria and in the diaspora. However, due to the absence of a *res publica* and domestic avenues for justice in Syria, justice actors and artists have been compelled to shift their focus, predominantly directing their efforts towards countries in the Global North, where political and legal institutions equipped to pursue justice are located. Aspiring to open up the justice imagination of Western entrepreneurs, justice actors and artists have gained access to Western political and legal institutions and artistic scenes because of their physical dislocation and through integration into diasporic networks which have notably proliferated in the course of the conflict (Larzillière, 2022, p. 17).

As I demonstrate in chapter 3, examining efforts to overcome the Syrian justice impasse, the entrenched non-transition and the diasporic nature of justice activism has profoundly altered the pursuit of justice, with transitional justice efforts becoming the most effective way to try to advance justice and accountability in the context of an ongoing conflict and dwindling international justice mobilisation. While the application of the transitional justice paradigm in this entrenched non-transition has been challenged by Syrian civil society actors and citizens, it has rendered these policies of erasure and invisibilisation clear and attempted providing an answer to these dynamics. A similar transformation is evident in the artistic realm, where the conflict has had a profound impact on the production, circulation, and reception of artistic practices. Artists addressing justice-related issues in their work equally attempt to resist the dynamics of erasure and invisibilisation.

1.2.3 Thicker Understandings of Truth

In this dissertation, I illustrate that although justice efforts and artistic practices are construed separately and commonly viewed as distinct domains, they share both competing and complementary goals. I argue that, ultimately, these justice efforts and artistic practices reinforce and complement one another, in particular in the domain of truth-seeking and memory. Formal justice avenues are dominated by more legalistic and forensic understandings of truth that are hinged on the singularity of truth. Criminal proceedings typically offer no room for multi-vocal truths and ambiguity. The stable referent offered by forensic truth is of invaluable importance in a generalized climate of uncertainty that characterises conflicts such as the Syrian one. However, the risk needs to be acknowledged that an exclusive reliance on forensic truth can contribute to tendencies of erasure and invisibilisation. Moreover, by marginalising perspectives and voices that do not fit the dominant understanding of truth-seeking. Truth commissions, for example, have often embraced narrow understandings of truth (Rowen, 2017). As such, there is room to foreground more context-sensitive understandings of truth both in the run up to and orbit of formal truth processes (Herremans & Destrooper, 2023).

Situations that are marked by narrative warfare and a climate of uncertainty, such as the Syrian one, make poignantly clear that both modes of truth-seeking that are complementary to forensic truth, as well as those that propose alternative understandings of truth are essential in the pursuit of an encompassing truth that constitutes an integral part of (transitional) justice processes more broadly. The South African Truth and Reconciliation Commission has established that besides forensic or factual truth, narrative, dialogical and restorative truth are salient components of truth-seeking (1998). What these complementary understandings of truth have in common, is that they do not represent or cannot be simplified to a “final point” (Bevernage, 2012). These notions accommodate the idea that truth “implies objective credibility but also requires subjective understanding” (Naqvi, 2006, p. 272). As Tine Destrooper and I argue, these complementary modes of truth-seeking allow for a “thicker” understanding of truth (2023).

What holds particular significance in the context of this dissertation, is the potential of informal truth-seeking initiatives to disrupt some shortcomings of forensic understandings of truth and formal practices. Informal practices, and the arts in

particular, can for example expand the sites of truth-seeking, allowing for factual understanding to take shape at the intersection of various perspectives (Fuller & Weizman, 2021). These multidimensional understandings of truth that informal practices foreground, can better capture the experiences of those affected by violence. For example, victims often welcome the ambiguity that allows for symbolic language and metaphors and can better allow them to convey experiences of harm. Additionally, fictionalised accounts of harm can advance a sense of truth that surpasses reality, and thus offer a perspective that is “truer than truth” (Vorster, 2018). As I demonstrate in chapter 4, literature offers the possibility to embrace that ambiguity in an attempt to trace the horizon of human experience, to create new, unknown spaces (Barnes, 2015), within which we recognise not only ourselves, but also distant others.

1.3 Methodology

1.3.1 Research Questions

The overarching research question guiding this research project has been whether, and if so, how, justice-related narrative artistic practices can counter the erasure and invisibilisation of injustices and further justice processes in the Syrian context. Analysing this question empirically requires addressing two sets of subquestions, organised in two distinct pillars, about a) (transitional) justice efforts in the Syrian context, b) Syrian artistic practices, in this case literary writings as they offer a multifaceted perspective on resistance and truth-seeking.

The first set of questions revolves around the implementation of the concepts and mechanisms of the transitional justice toolkit in the Syrian context – which constitutes an paradigmatic case of transitional justice due to the absence of a political transition and a new regime seeking to ensure accountability for crimes perpetrated by its predecessor. This has challenged the application of standardised and formal forms of transitional justice and has – sometimes inadvertently or unconsciously – entailed innovation and the disruption of existing transitional justice mechanisms, for example in the domain of documentation, criminal accountability and truth-seeking. Whereas justice efforts for Syrians initially focused largely on documentation and criminal accountability, the recent emergence of victim groups and their initiatives aimed at uncovering the truth behind the missing individuals,

meant that truth-seeking gained prominence. Dynamic truth-seeking practices developed that in several ways which challenged some of the understandings and practices in the domain of truth that had been taken for granted. Most of these victim groups engaging in these dynamic forms of truth-seeking are not per se interested in truth-seeking as a particular institutionalised form of justice. Instead, they are developing truth practices in order to address victims' needs, demonstrating a prodigious capacity to advance their own participation in justice processes. This is reflected among others by the establishment of the Truth and Justice Charter by five Syrian victim groups (ADMSP et al., 2021), advancing a range of initiatives that address, among others, the issue of the disappeared and the missing. These informal truth practices are rooted in forensic truth, while also offering broader and thicker understandings of truth that are different from those circulating in formal avenues.

I advance the concept of the “justice imagination” to capture the logic of these kinds of justice efforts that can be understood as attempts to broaden formal mechanisms and mainstream understandings of truth, and justice more broadly. My research on these notions breaks down into three questions:

- Which concrete justice initiatives have developed in the Syrian context under the umbrella of transitional justice (chapter 4)?

This question requires a theoretical study about transitional justice in the Syrian context, as well as interviews with Syrian justice actors (human rights and civil society activists, lawyers and victims) and international entrepreneurs (civil society activists, institutional actors) (see 1.2.4).

- What did the implementation of the transitional justice paradigm in the Syrian context mean in terms of innovation and disruption with regard to the existing justice impasse (chapter 4)?

This question requires an empirical examination of how understandings of non-standardised transitional justice initiatives in the Syrian context have evolved, and which sorts of innovations this has led to in the domain of a) documentation, b) criminal accountability and c) truth-seeking.

- How does truth-seeking take place in the Syrian context (chapter 4)?

This question entails an analysis of informal truth initiatives in the ongoing Syrian conflict, marked by the absence of formal truth

mechanisms. It also builds on interviews with Syrian justice actors about a) truth-seeking and its relation to other transitional justice initiatives, b) their assessment of lacunae in justice efforts, c) possibilities to advance victims' justice needs, and d) their position on the potential of artistic practices in the domain of justice.

The second cluster of questions driving this research project revolves around artistic expressions and focuses on the question of how Syrian literary works can counter the erasure of injustices. More specifically, I examine how literary fiction can foreground injustices and uncover truth claims. While the risk of instrumentalisation needs to be acknowledged, I contend that many Syrian writers whom I interviewed share the goal of overcoming the erasure and invisibilisation of experiences of harm with justice actors. This part of the research breaks down into three subquestions.

- How do Syrian authors relate to “presencing” experiences of harm and the pursuit of justice (chapter 5)?

To answer this question, I develop a mapping of Syrian authors who address experiences of harm in their writing. I also draw on interviews with Syrian authors to understand a) their perspective on injustices, b) their intention in addressing injustices in literary writing and c) their perspective on truth-seeking.

- How are experiences of harm “presenced” in Syrian novels (chapter 6)?

This question is addressed on the basis of a close reading of the novels *Death Is Hard Work* by Khaled Khalifa and *Planet of Clay* by Samar Yazbek, using the methods of narratology for a literary analysis.

- How do audiences respond to these novels (chapter 7)?

This question is answered on the basis of focus group discussions that investigate reader responses to the novels *Death Is Hard Work* and *Planet of Clay*, and that examine whether and, if so, how literary writing generates different perspectives among actual readers on injustices related to the Syrian context.

1.3.2 Underlying assumptions

Both the substantive focus on transitional justice and on narrative artistic practices, as well as the selection of the research questions and the qualitative interpretative approach used to examine these, are rooted in a number of underlying assumptions, which I discuss in this section.

My first assumption is that the pursuit of justice in ongoing conflict is possible and desirable, and can be advanced by the transitional justice paradigm. Transitional justice is typically seen as a field of theory and practice that deals with past rather than ongoing abuses, which makes the focus on transitional justice in the Syrian context atypical. Increasingly, though, the lens of transitional justice has been applied to contexts where abuses are ongoing due to the existence of a violent conflict (Hansen, 2017). It is widely acknowledged that certain elements of the paradigm can be relevant in ongoing conflicts. However, critical reflection is necessary regarding the application and the added value of transitional justice concepts and mechanisms in these contexts. Logics, mechanisms and language cannot be transposed in an uncritical manner to contexts of non-transition, like the Syrian one. These are characterised by fundamentally different dynamics and priorities related to the pursuit of justice and accountability. While criminal proceedings, for example, are crucial in these contexts as well, as they represent the primary formal avenue for seeking accountability, it is imperative to recognise the sheer impossibility of formal domestic processes in a context of ongoing conflict, and, thus, the importance of, documentation, truth-seeking and resistance as complementary justice avenues in contexts such as the Syrian one.

My second and related assumption is that truth-seeking in the Syrian context can contribute significantly to the pursuit of justice. Yet, its importance remains under-explored. Truth-seeking initiatives, primarily led by diasporic Syrian NGOs and victim groups, have predominantly taken place in informal spaces. However, through their relentless efforts to address the crisis of the missing, victim groups have managed to propel truth-seeking to the forefront of justice efforts. For one, truth-seeking initiatives can counter the erasure of violence and crimes. Moreover, they can come to constitute spaces for resistance, allowing for the circulation of counternarratives and giving victims the space to articulate their experiences. Truth-seeking processes also provide opportunities for victims to have their demands and experiences acknowledged. Finally, truth-seeking can be a domain where arts are

most relevant, as creative expressions often also serve as a site of alternative truth-seeking, foregrounding complementary truths to forensic truth, presenting lived realities, and documenting experiences of injustice and aspirations for justice. Artistic practices convey and highlight complementary truths that may not be captured by forensic approaches.

Thirdly, I assume that the engagement with fiction is a dynamic process that has the potential to allow readers to jump into the lives of distant, or faraway, others. I posit that the exposure to literary accounts evokes affective or cognitive responses on the side of the reader. The exposure to literary experiences of harm can potentially influence readers' beliefs, knowledge and behaviour. While I set out from the potential of literary writing (including literary non-fiction) to touch the reader in other ways than non-fictional accounts, I take into account that this does not necessarily entail a beneficial or unequivocal positive response, neither attitudinally nor behaviourally: literary works may elicit empathy with victims and challenge preconceived notions, or may, on the contrary, create discomfort, reinforce existing biases or even cause readerly disengagement. I examine these dynamics in the empirical section on reader responses (chapter 7).

1.3.3 Positioning the Research

A. THE NEXUS BETWEEN JUSTICE AND ARTS

This dissertation centres around justice processes and artistic practices and the way in which they can potentially counter the erasure of experiences of harm in the Syrian context. While acknowledging that justice efforts and artistic practices are two distinct fields, I emphasise their shared potential to foreground and visibilise injustices. Studying the interaction between these two domains is crucial for a number of reasons.

First, as I illustrate in chapters 4 and 5, both the Syrian justice domain and the artistic realm exhibit significant levels of innovation and disruption. Both fields heavily rely on imagination and experimental thinking, albeit in very different ways, to generate new insights and stretch the margins of what is feasible by advancing unexplored possibilities. The work of the arts and justice can be complementary in uncovering injustices. Bearing witness to and foregrounding experiences of harm is a strong feature of contemporary Syrian writing, and artistic efforts more broadly.

While few artists would self-identify as justice actors, many of them share with the justice community the desire to expose injustices. Following the 2011 uprisings, the notion of the engaged artist experienced a resurgence in the wider MENA region, marked by artists distancing themselves from political authority and largely resisting co-optation by regimes (Jacquemond & Lang, 2019; Larzillière, 2022). Moreover, artistic expressions became one of the strongest forms of resistance to political oppression (Abbas, 2005; as cited in Mermier, 2022, p.58).

Literature has been a crucial aspect of this artistic response to injustices, with several writers engaging in practices that could be referred to as truth-telling in novels, testimonials, poems and theatre plays. Therefore I argue that literature has the potential to counter the erasure and invisibilisation of injustices and open up the justice imagination (the subject of chapter 4). The creativity of justice actors and artists has clearly demonstrated that justice also needs to be imagined, and that innovative approaches to kindle that imagination are needed alongside formal tools and legal avenues. This is why I look into the way in which narrative artistic practices can open the justice imagination, pushing the boundaries of what is *imaginable* in terms of justice, not only beyond existing transitional justice mechanisms but also beyond the confines of the judicial realm.

Secondly, studying the interaction between justice and artistic initiatives aligns with the growing scholarly interest in the potential of artistic practices for justice efforts. Artistic practices can create awareness about human rights violations and enrich our understanding of the impact of human rights violations, rendering visible what the dominant consensus tends to obscure and obliterate (Mouffe, 2017). They are an important tool to articulate and communicate experiences of harm. Literary works, argues Mihaela Mihai, “are important, yet unexplored, resources in combating epistemic injustice” (2018). Mihai’s work, like Anne Rigney’s scholarship, strongly inspires my perspectives on the potential of artistic practices to contribute to the pursuit of justice. Another important influence is the work of Matthew Fueller and Eyal Weizman (2021). Their concept of investigative aesthetics, an approach to arts that unites investigation and research with creative practice, is a strong source of inspiration. They demonstrate that the work of aesthetics and the work of imagination are both essential to investigative work, notably because “investigative aesthetics expands the sites of truth telling – from the courtroom, the university and the newspaper, to the gallery, street corner and Internetforum” (2021, p. 17).

Thirdly, studying the connection between justice and artistic practices can generate new perspectives because of their different relations to the notion of truth, as indicated earlier in the introduction to the conceptual framework. In the context of the climate of uncertainty and the representational crisis of the Syrian conflict, I assert that artistic efforts can play an important role which is generally overlooked because arts are hard to reconcile with the singularity of truth that underpins fact-finding endeavours or legal approaches. The arts allow, in the words of Lisa Wedeen, for “ambiguity, contingency, and competing views to thrive”, thereby reopening possibilities for political judgement (2019, p.82). Artistic expressions do not claim to present factual information, or forensic truths; rather they welcome multivocality and even ambiguity. Different modes of truth production are essential when conflicts are waged not only over resources but increasingly over the interpretation of facts (Weizman, 2017, p. 12). This is particularly relevant in a context of narrative warfare in the Syrian context, where artistic practices speak to the paradox that an overflow of information and evidence have not furthered the recognition of injustices. Artistic practices make no claim to be truths, yet they can convey a profound truthfulness.

B. SYRIAN JUSTICE EFFORTS

Justice efforts in the Syrian context have been drawing heavily on the logic and language of transitional justice. However, the concept of transitional justice, referred to as *‘adalah intiqaliyah* in Arabic, is relatively novel in the Syrian context. It was swiftly introduced by international entrepreneurs at the start of the uprising to accommodate the envisioned transition. Despite the situation evolving into a non-transition scenario, many Syrian and international justice actors continue to rely on the transitional justice paradigm. In what follows, I will elaborate on my interest in examining the application of this paradigm, highlight the research gaps, and address adjustments to my initial approach.

Since the paradigm of transitional justice was first mobilised in the Syrian context in 2011, several challenges have occurred, from the absence of a transition and an escalation of atrocities to divergent perspectives among justice actors. The practical implementation of transitional justice tools and concepts have coincided with a situation in which injustices have continued to mount, rendering the notion of justice hypothetical. Another key challenge revolves around the experimental nature of paradigmatic transitional justice initiatives in ongoing conflicts. In these situations a lot of the debates are definitional. It is true that within the Syrian context,

discussions about justice often revolve around criminal prosecutions. However, it is essential to acknowledge that this narrow focus also considerably restricts the concept and broader ideal of justice. By recognising this limited interpretation of justice, it becomes even more crucial to emphasise the importance of exploring creative and innovative approaches.

Although the scholarship on transitional justice in Syria is rapidly growing, it predominantly concentrates on documentation and criminal accountability. Moreover, the theorisation regarding the feasibility of transitional justice initiatives in this non-transitioning context has been lagging behind, and there has not in practice been a genuine re-evaluation of institutional transitional justice programmes and initiatives, which once launched, have taken on a life of their own. Meanwhile, Syrian civil society organisations have insisted on the importance of ensuring that these endeavours reflect victims' needs. Their persistent calls for the development of initiatives that address their concerns have resulted in new justice initiatives being developed, encompassing documentation, criminal accountability, and truth-seeking. These new initiatives, however, continue to be under-theorised, due to the ongoing conflict, which requires justice actors to continuously revise their plans and actions. Additionally, the transitional justice endeavour in the Syrian context is characterised simultaneously by extensive experimentation and resistance against the standardised paradigm.

When I embarked on this dissertation in September 2019, I assumed that this experimentation and resistance constituted one of the main merits of the application of the transitional justice paradigm, in the sense of opening up new avenues for justice in the Syrian context. Those mobilising transitional justice consistently use it to counter the defeatist notion that justice efforts are meaningless or unrealistic in the absence of a transition. These Syrian justice actors emphasise that they cannot afford to wait until the end of the conflict to seek justice, as doing so would require them to forfeit their justice demands and accept the erasure of their experiences. In showing that there are alternatives to passivity, justice actors challenge calls for pragmatism, which often serve as a euphemism for accepting the status quo. In addition to providing tools to pursue a degree of justice and accountability, the transitional justice paradigm also offers them a means to persist in their resistance against the repressive policies that compelled them to defy the regime in 2011. The paradigm is, however, not uncontested, and many justice actors today adopt ambivalent and sometimes seemingly contradictory stances on transitional justice as a tool for justice

and for disrupting the status quo, as I demonstrate in chapter 4. In that chapter, I seek to confront and reflect on this trial-and-error, uncertainty, the temporality of the situation, and the essential need to foreground victims' initiatives. I did, however, continue to focus on transitional justice in the overall research project, as its discourse characterises the initial phase of justice mobilisation (2011-2012), and as such shaped the nature of further activism and of emerging transnational networks. While the current role of transitional justice in the struggle is less dominant, and certainly not of a teleological nature, the existing diversity and complementarity in justice efforts is still shaped by early and ongoing mobilisations of the transitional justice paradigm. This led me to delve deeper into the genealogy of transitional justice initiatives in Syria, and particularly the emerging victim movement in chapter 4. While I continued to monitor international justice efforts, the primary focus of my empirical research morphed into a more concrete focus on one of the pillars of transitional justice, namely efforts in the domain of truth-seeking.

C. SYRIAN ARTISTIC PRACTICES

Before the 2011 uprising, Syria generally did not receive substantive scholarly attention. However, there has been a notable academic interest in Syrian cultural production, which has increased since 2011. Significant scholarly work has been dedicated to the domains of cinema and television drama. (Salti, 2006; Dick, 2007; Boëx, 2011; Salamandra, 2011, 2019; Marks, 2015; Dickinson, 2016; Van de Peer, 2017) and literature (Cooke, 2001, 2011, 2007; Firat, 2015, 2017; Istanbuli, 2021, 2022; Mejcher-Atassi & Myers, 2021; Behar et al., 2022). There has also been a scholarly interest in performing arts (Silverstein, 2012; Ziter, 2013, 2014) and visual arts (Bank, 2016, 2020; Lenssen, 2020). Due to my background in modern Arabic literature and the long-standing tradition of dissent in Syrian literature, I primarily focus on literary writing. This research focus is further motivated by the tradition of dissent observed in Syrian literature, along with the diverse approaches that exist to address state violence, which several scholars have examined in-depth (Cooke, 2011; Weiss, 2013; Taleghani, 2017; Mejcher-Atassi & Myers, 2021). This trend of engagement with state violence reached its peak after 2011, giving rise to new and diverse forms of writing that encompass a wide range of content and styles. Although it would be valuable to delve into a more extensive examination of artistic practices, specifically focusing on cinema and its unique dynamics, this exploration proved to fall beyond the scope of this dissertation. However, I do acknowledge the potential insights that a broader analysis of art expressions could offer.¹

This dissertation seeks to explore the degree to which Syrian literature can visibilise experiences of harm that are frequently overlooked in the Global North. Specifically, I am intrigued by the potential of artistic practices, and literary texts in particular, to generate new insights by their ability to invite audiences to engage with unsettling narratives and embrace ambivalence. First and foremost, I am concerned with art's agency and potential to shape the world, rather than merely representing it. The concept of the imagination has largely been associated with intuition, personal feelings and emotion, and has sometimes been cast beyond the limits of rational argumentation or justice processes (Meskimmon, 2010, p. 121). Yet, the potential of the imagination to conceive of injustices and to shed light on experiences of harm has been under-explored. Artistic expressions have the potential to make us jump into the lives of others, or to shift the imagined boundary between "us" and the "other" (Rigney, 2018). In my examination of Syrian literary writing, I want to explore the potential of fiction to immerse readers in the lives of others. In essence, I intend to scrutinise whether fiction can have a role in overcoming the Syria fatigue in the Global North, and in constructing spaces for the recognition and the memorialisation of these injustices.

While I offer a mapping of Syrian literary production and a literary analysis of the novels *Death Is Hard Work* by Khaled Khalifa and *Planet of Clay* by Samar Yazbek, my actor-oriented approach pushes me to engage with the actors that are involved in Syrian literary production. In order to gain a comprehensive understanding of artists' perspectives on addressing injustices, I have interviewed writers and examined their perspectives on addressing injustices and carried out focus groups to gauge reader responses. The interviews have not been limited to novelists, but include poets, playwrights and short story writers. This three-pronged approach (mapping, interviews, analysis) has enabled me to gain a deeper understanding of literature's capacity to open up the justice imagination. In the next section I zoom in on these methods.

¹Originally, I did intend to examine the way in which contemporary Syrian documentary and fiction films foreground experiences of harm. To that end, I have interviewed 15 Syrian filmmakers and conducted interviews with 33 spectators of the documentary *For Sama*. However, it turned out to be too ambitious to extend the research project to a second artistic practice.

1.3.4 Multidisciplinary Approach

Given the multidimensional and multi-disciplinary nature of my research questions, I adopt both social science and literary methods. Crossing the boundaries between disciplines and undertaking these two forms of research is the sole way to scrutinise the relationship between justice efforts and artistic practices. This section provides an overview of the overarching methodology. A detailed section on methodology can be found in each empirical chapter (5-7).

A. GROUNDED THEORY

I understand reality as a social construct, accessible to us via language and representation, necessitating a critical attitude toward our taken-for-granted ways of understanding the world. The world is not just there to be discovered by empirical research. Rather, knowledge is filtered through the theory the researcher adopts and subjective meaning lies at the core of this knowledge (Della Porta & Keating, 2008, p. 24). Hence, I have relied heavily on the constructivist version of grounded theory as elaborated by Kathy Charmaz (2008, 2009, 2014). The foundation of this perspective is that researchers construct both the studied phenomenon and the research process through their actions. This approach recognises how historical, social, and situational conditions affect these actions and acknowledges researchers' active role in shaping the data and analysis (Denzin & Lincoln, 2011, p. 721). Charmaz brings an explicitly interpretive perspective to grounded theory and analyses dynamic relationships between meaning and action. According to Charmaz, constructivism is useful in social justice inquiry because it (1) rejects claims of objectivity; (2) locates researchers' generalisations; (3) considers researchers' and participants' relative positions and standpoints; (4) emphasises reflexivity; (5) adopts sensitising concepts such as inequality, privilege, equity, and oppression; and (6) remains alert to variation and difference (Bryant & Charmaz, 2007). Constructivist grounded theory acknowledges the standpoints and starting points of the researcher, the influence of the research situation, and controversies about the representation of research participants, and it emphasises engaging in reflexivity (Charmaz, 2014). Charmaz brings an explicitly interpretive perspective to grounded theory and analyses dynamic relationships between meaning and action.

B. PUZZLING THROUGH ABDUCTIVE REASONING

Throughout the entire research project, I follow a process of puzzling that is guided by abductive reasoning, rather than advancing one stable hypothesis that I test. The term abductive reasoning, as coined by Charles Sanders Peirce, denotes a type of non-deductive inference different from induction, relating it to explanatory hypotheses. According to Gerhard Schurz, the crucial function of a pattern of abduction, “consists in its function as a search strategy which leads us, for a given kind of scenario, in a reasonable time to a most promising explanatory conjecture which is then subject to further test” (2008, p. 205). Peregrine Schwartz-Shea and Dvora Yanow describe this puzzling-out inquiry as a process in which the researcher goes continuously back-and forth in an iterative-recursive fashion between what is puzzling and the possible explanations, directing the thinking in an inferential process between the surprise and the explanations, following a circular-spiral pattern in which the puzzling requires engagement with several pieces (2013, p. 27-28). In practical terms, the application of abductive reasoning has enabled me to approach the research project as a puzzle, leading me to formulate hypotheses regarding for both the evolution of transitional justice initiatives in the Syrian context and the visibilisation of experiences of harm through literary writing. Through iterative processes and maintaining an open-minded perspective on the data, I have strived to comprehend the phenomena under study, steering clear of confirmation bias and refraining from exclusively seeking what I had initially anticipated.

In looking for answers, I adhere to a bottom-up approach, relying on local knowledge and the participants’ expertise, examining their language, reasoning, with an open-ended attention. I start from the premise of reciprocity and mutual learning. Participants are recognised to have the power to affect the original research design (Schwartz-Shea & Yanow, 2013). In fact, the evolution of my research plan and the research questions was heavily influenced by my rapport with justice actors and artists, allowing me to refine my original research project. Concretely, the participants have guided me in foregrounding the centrality of resistance and truth-seeking in justice efforts and understanding their shared potential to foreground and visibilise injustices. As such, I see myself a researcher who is a sense-maker, interacting with the participants and research topics (Schwartz-Shea & Yanow, 2013, p. 9). This involves interpreting the events and phenomena under study and demonstrating the significance of these events to various stakeholders, underscoring the importance of expanding our conceptualisations of justice, or opening up the justice imagination.

C. ELABORATE BRICOLAGE

As a new-paradigm inquirer who conducts interdisciplinary research, I integrate methods from social sciences and literary studies, acknowledging that borders and boundaries between disciplines and perspectives are not always strict, but blurred (Geertz, 1973). Through my methodological approach, I explore the potential for interweaving viewpoints, incorporating multiple perspectives, and borrowing, or engaging in elaborate bricolage, where borrowing enhances richness (Lincoln & Guba, 1985, p. 219). As this investigation starts from an ongoing problem that is hard to capture, I argue that combining different approaches and methods is the only avenue for examining my research questions. However, throughout the research project I have taken methodological choices that reflect the logic of constructivism (Della Porta & Keating, 2008, p. 32). Constructivism's focus on social actors and how they create, interpret, and negotiate meaning, knowledge, and reality aligns with the actor-oriented approach that lies at the basis of this dissertation and the methods it applies, described in detail in the empirical chapters.

1.3.5 Data Collection and Data Analysis

The empirical research on justice efforts (chapter 4) and literary writing (chapters 5-7) consists of different datasets, which have been analysed with distinct social science or literary study methods. I provide detailed explanations of the data collection and data analysis processes in distinct sections within each chapter. At this point, it is enough to state that the interviews with justice actors (32), writers (15), and experts on Syrian literature (4) were all conducted in the same way. The interviews were audio recorded, when needed to be translated from Arabic and French to English, and transcribed, in order to thematically code and analyse the data. I have applied grounded theory coding, doing an initial open coding and then proceeding to axial coding to discern patterns and to derive the main concepts. After completing the analysis, I have relied on ChatGPT for text correction whenever I had doubts.

The original plan was to conduct fieldwork in the main centres of the Syrian diasporic justice and artistic communities, as well as in Berlin, Paris, Istanbul, Gaziantep and London. Because of the COVID-pandemic I was compelled to revise this plan and conducted all the interviews online. First, I identified potential respondents through purposive sampling, selecting respondents in both the civil society and artistic realm engaging with justice issues. Second, I applied snowball sampling until data saturation

was reached.

I refrained from providing monetary compensation to participants. Instead, I attempted to give results back to Syrian CSOs and artistic communities in a vernacular form and to disseminate their work to larger audiences. To that end I have written several blog posts (Opinio Juris, Leuven TJ Blog) and essays (Goethe Institute, al-Jumhuriya). Additionally, I have provided expert advice to several NGOs, journalists and policymakers. Lastly, I have developed a joint Justice Visions podcast series on transitional justice in the Syrian context with the NGO Impunity Watch.

1.3.6 Ethics

This dissertation follows the ethics protocols developed iteratively and in a participatory way for the project ‘Righting Victim Participation in Transitional Justice’, which are approved by the ethics committee of Ghent University’s Faculty of Law and Criminology. However, conducting research about Syria in general and justice efforts in particular is inherently a difficult endeavour, involving some important ethical concerns, including experiences of victimisation among the research participants and the risk of extractivist research practices.

While most Syrian justice actors and artists in the diaspora no longer face the acute danger of persecution, their lives have been deeply affected by the conflict. As the experiences of harm were not the primary focus of my research, I did not address those directly in the interviews. Yet, I did address the experiences of harm in the outreach materials such as blogposts, and constructed those strongly around the lived experiences of Syrians. While undertaking this task, I kept in mind the challenge of addressing experiences of harm, acknowledging the delicate balance between truthfully depicting injustices and avoiding the instrumentalisation of suffering.

Furthermore, the Syrian conflict has garnered significant attention from scholars, particularly in the field of counterterrorism and violent extremism. This generated intense debates among Syrian communities, as well as in the justice community and the artistic realm, about perpetuating hegemonic understandings of the conflict and reinforcing existing structures of inequality. A key concern is the involvement of Syrian stakeholders and the recognition of their work and perspectives in research efforts. This research project is based on the knowledge and expertise within Syrian civil society and artistic communities and centres around Syrian perspectives on foregrounding injustices.

1.4 Knowledge Production

Before the 2011 uprising, the country was relatively under-researched compared to other countries in the region. Academic research on Syria focused strongly on authoritarianism (Heydemann, 2013; Hinnebusch, 2008, 1993; Perthes, 2004; Seale, 1989). The uprising and the ensuing civil war have spurred a surge in research on Syria. As I elaborate in the contextual chapter (2), significant research has been conducted in the domain of civil society and artistic practices since 2011. However, a notable limitation is that much of this research has primarily focused on the civil war and Jihadism, with considerably less emphasis on the lived experiences of Syrians. This skewed focus can be criticised as some of the research appears to be driven more by a desire to contribute to a growing field rather than a genuine interest in the experiences of Syrians and the transformation of the country.

Moreover, conducting research and contributing to knowledge about Syria is inherently a difficult endeavour for a number of reasons, including, a) the ongoing conflict, b) the climate of uncertainty and c) the lack of recognition of the magnitude of Syrian experiences of harm. I discuss each of these in turn.

The ongoing nature of the conflict poses significant challenges to conducting research on the Syrian conflict, extending far beyond the impossibility of carrying out fieldwork. First and foremost, the conflict in Syria has brought about fundamental, irreversible transformations, turning the country into a devastated and scattered nation. Thus, the question arises: What and where is Syria today? In *War-torn: The Unmaking of Syria (2011-2021)*, Layla Vignal points out how over the course of 10 years Syria has changed forever. The state as a cohesive territorial actor has vanished, while its social fabric has unravelled due to extensive destruction and displacement, affecting the human, economic, and political geography (2021, p. 244). The regime has emerged as a dominant force both politically and militarily, consolidating its power and stepping up its strategies of oppression and persecution of dissidents. As a result, Syrian political and cultural life has, to a significant extent, become diasporic, with many Syrian dissidents and human rights activists pursuing their struggle for basic rights outside of their country. This diasporic activism, along with the collapse of the country and the development of Kurdish autonomy in the north-east, have reconfigured the political and the cultural domain, to the extent that it is even problematic to talk of a national Syrian political or cultural field (Mermier, 2022, p. 37). In summary, undertaking research on Syria requires manoeuvring through

these intricate political circumstances while navigating the immense human toll of the conflict, as many research participants have experienced its profound impact. Researchers conducting qualitative research on Syria encounter significant challenges in acquiring precise information due to restricted access to the field, ongoing violations of human rights, and the erosion of data, whether through the destruction of archives, infrastructure, or displacement of individuals. These factors compound the difficulty of establishing an accurate and comprehensive understanding of the situation. Hence, researchers need to develop strategies to mitigate these formidable challenges, such as establishing contacts and relying extensively on the work of Syrian civil society actors (mostly in the diaspora), international NGOs and institutional actors working on Syria such as the IIM and the COI.

The narrative warfare and the climate of uncertainty that characterises the Syrian context has contributed to a hegemonic framing of the conflict in the Global North that does not match the lived realities of Syrian citizens. Their suffering and their resistance have been largely ignored, misunderstood or deliberately misrepresented in different epistemic communities, ranging from conservative to progressive circles. The deliberate misrepresentation or dissemination of disinformation regarding verifiable facts, such as evidence of crimes, has further contributed to the epistemic uncertainty surrounding the Syrian conflict, including within academic circles. To illustrate this point, it is worth examining how certain “anti-imperialist” academics and intellectuals have simplified the Syrian struggle to conform to their ideological framework. A notable example is Noam Chomsky, who has downplayed the Assad regime’s violations of international law, justified Russia’s military operations, and extensively focused on the transgressions of the United States, without acknowledging the complex situation. In his work, Chomsky fails to represent the perspectives of Syrians, disregarding their experiences and even denying the existence of an uprising (Al-Haj Saleh, 2022). This tendency not only contributes to the erasure and invisibilisation of crimes, but it also hampers knowledge production on Syria.

Besides the misrepresentation, there is the lack of recognition or the indifference towards Syrian lived experiences, that stems from the generalised Syria fatigue in the Global North. Syrians increasingly feel that they slip out of humanity, or that they are not recognised as worthy of rights. This problem is connected to Hannah Arendt’s critique of the nation-state as the protector of human rights, while also being the greatest threat to human rights (1973). As argued by Shareah Taleghani, the fundamental dependence on particular modes of political recognition within

rights regimes limits the efficacy of human rights (2021, p. 43). This limitation is apparent in the Syrian context, where the state is the primary perpetrator of human rights violations, and where the international human rights regime has utterly failed. This has also entailed a lack of the recognition of the vulnerability and the suffering of Syrians. In *Precarious Life*, Judith Butler points to the far-reaching consequences when vulnerability is not recognised or deemed “unrecognisable” (2004). An evident manifestation of this failure to acknowledge the vulnerability of Syrian lives is the idea that is gaining currency, particularly in Denmark and neighbouring countries such as Turkey, and Lebanon, that there exist “safe zones” to which Syrians can return. “To which Syria? To whose Syria?”, would they return, Vignal questions (2021, p. 247). And in whose clutches will they fall? At a fundamental level, the failure to acknowledge the magnitude of the suffering of individuals in Syria carries significant consequences. It hinders the pursuit of justice and accountability, perpetuating international passivity. Additionally, it sustains hegemonic (mis)understandings and reductive perspectives on the conflict, preventing a deeper understanding of its complexities. As a result, valuable insights from justice actors and scholars remain untapped, impeding the advancement of knowledge.

1.5 Positionality

This dissertation centres around the nexus between justice processes and artistic practices and the way in which they can potentially counter the erasure of experiences of harm in the Syrian context. This interest in the complementarity between justice and the arts grew out of my long time academic and professional interest in the Middle East. It stems from a deep interest in the everyday experiences of ordinary individuals, as revealed through the lens of literary works and personal encounters. This drove me to study Arabic literature, to write my Master’s thesis in International Relations on human rights in Egypt, to work for over 16 years as a policy officer on the Israeli-Palestinian conflict and to showcase arts from the MENA as the coordinator of the Darwish Chair at the Centre for Fine Arts, BOZAR, in Brussels. Central in these endeavours stood the attempt to understand the region, building mainly on local knowledge, and the desire to deconstruct some of the clichéd understandings on the Middle East that keep resurfacing in public debates and media reporting in the Global North. Stories guided me all along the way, allowing me to delve into the lives of people far away in time or place, rendering the “faraway nearby”, in the words of Rebecca Solnit (2014, p. 194). Stories allowed me to familiarise myself with

the experiences of faraway others and unlocked my imagination to enter into new territories and to discover new registers. This interest also encouraged me to write an essay about the potential of stories to contribute to the struggle for human rights (Herremans, 2019).

When the Arab revolutions broke out in 2011, I hoped that the public debate on the MENA in the Global North would be revived, that counter-stories would subvert preconceived ideas on the region as a place immune to democracy, and therefore human rights. I was touched by the eagerness with which these uprisings were received, the willingness to cast aside normative schemes to accommodate new perspectives on agency, social movements and human rights. During the short-lived zeal about the Arab revolutions in the Global North, hegemonic and state-centred discourses about security and stability in political and media circles made room for an interest in citizens' lived experiences and their narratives. The flare-up of interest in the people of the region, their ailments and hopes, seemed to render the faraway suddenly nearby. This change seemed to introduce a rupture with the period of Othering, portraying the other as essentially different, and translating this difference to inferiority, that reached its nadir after the September 11 attacks. More strikingly, the stories of people, often referred to as "the street", who had fallen between the cracks of history, resonated in mainstream media outlets. They were given a face and a voice; it seemed as if they were being heard.

However, this active listening, hearing people on their own terms, proved to be challenging. Ultimately, old schemes prevailed, reinforcing pre-existing dynamics of Othering and discourses of stability versus democracy, notably the framing of the MENA as a region plagued mainly by sectarianism and radicalisation. I found myself perplexed by the rapid resurgence of dominant discourses within political and media circles as it became evident that the uprisings would be no quick-win. It was disheartening to witness the reemergence of narratives about terrorism and fundamentalism which once again became the predominant lens through which the region was viewed. Preconceived ideas that inhibit the cultivation of responsiveness to the fate of – distant – others turned out to be resilient. However, my belief in the transformative power of stories remained steadfast. I was resolved to study their potential in changing the way how outsiders conceive of the post-revolutionary MENA, to unravel entrenched opinions, or to create affect.

Since the start of the uprising I have invested myself deeply in the Syrian conflict and I have been struck by the same remarks that have recurred during many lectures and public debates: “Is this the freedom that Syrians want? If Assad were to leave, who do you think would fill the vacuum? In Syria, the devil we know, Assad, is preferable over the Islamic State.” The striking certainty and dichotomic perspectives displayed by many individuals, despite their lack of familiarity with the situation, made me understand the harmful nature of the “frames of war” identified by Judith Butler (2016). The lack of consideration for the vulnerability and grievability of Syrian lives is evident, as reflected in the absence of widespread outcry over hospital bombings and the general proliferation of violations of international humanitarian law, as if the principle of the immunity of civilians is no longer sacrosanct in this context. Furthermore, I was astonished to see how some people within progressive, anti-imperialist circles did not oppose the disinformation campaigns by the Syrian regime and Russia, and even turned a blind eye to certain crimes such as the use of chemical weapons, resulting in the selective defence of human rights for a certain set of victims, but withholding the application of these rights for other victims, who do not suit their ideological schemes.

The staleness of the public debate on Syria and the obliviousness to the agency of Syrians, contrasts strongly with the intellectual diversity and cognitive freedom that I observed among Syrian human rights activists, scholars and artists. More importantly, I was deeply troubled by the disconnection between the scope of the Syrian conflict and the international passivity or the supremacy of feasibility politics that is often depicted as pragmatism in the light of the international deadlock over the solution of the conflict. While I make the case that feasibility politics have aggravated and perpetuated the conflict, more importantly, I try to move beyond that obvious critique and examine how this rupture in the modern international order has led both justice actors and artists to counter this obliviousness to agency and suffering and to render Syrians, and most notably victims visible.

1.6 Outline of the Dissertation

This dissertation is structured around justice efforts and narrative artistic expressions in the Syrian context, and it can be divided into three main parts. Firstly, I establish the background of the thesis, and I provide the contextual and theoretical framework. Secondly, I depict the genealogy and the evolution of (transitional) justice efforts in the Syrian context. Thirdly, I examine the potential of narrative artistic practices to visibilise experiences of harm.

In this introductory chapter, I have provided an overview of the general context within which justice actors and artists aim to bring to the fore experiences of harm. Their objective is to counter the erasure and invisibilisation of these experiences, striving to open up the justice imagination of entrepreneurs in the Global North to create new spaces for recognition, justice and accountability. Chapter 2 provides the contextual background to the Syrian conflict, establishing the foundation upon which the pursuit of justice within the Syrian context can be comprehended. I take the establishment of the Assad regime as the starting point and ground my analysis in the context of enduring authoritarianism and the long-standing tradition of dissent and resistance against political oppression. In chapter 3, I examine the dual theoretical framework against which justice efforts and narrative artistic practices can be understood. Firstly, I elaborate on the evolution and the relevance of the transitional justice paradigm in the context of ongoing conflicts (3.1). Secondly, I zoom in on the ability of artistic practices, and literary writings in particular, to visibilise injustices (3.2). In doing so, I advance a theoretical framework that underlies the analysis of Syrian literary writings in chapters 5-7, looking into the potential of artistic practices to a) “presence” experiences of harm, b) foreground multiple truths and c) generate epistemic resistance.

The application of the transitional justice toolkit in the Syrian context is studied in depth in chapter 4. This chapter aims to address this knowledge gap about (transitional) justice initiatives, by pursuing two main objectives. It sets out to examine the introduction of the transitional justice paradigm within the context of a hoped-for transition in the aftermath of the 2011 uprising. Then, it investigates the subsequent shift towards experimentation driven by the unfeasibility of standardised approaches in the context of an entrenched non-transition. This compelled Syrian justice actors to adapt and transform the transitional justice paradigm in the absence of formal avenues to pursue justice for past and ongoing crimes. The chapter includes

an overview of scholarly research on justice efforts in the Syrian context, innovations in the domain of documentation, accountability, and truth-seeking, and a discussion on dynamics of erasure and invisibilisation in the pursuit of justice in the Syrian context.

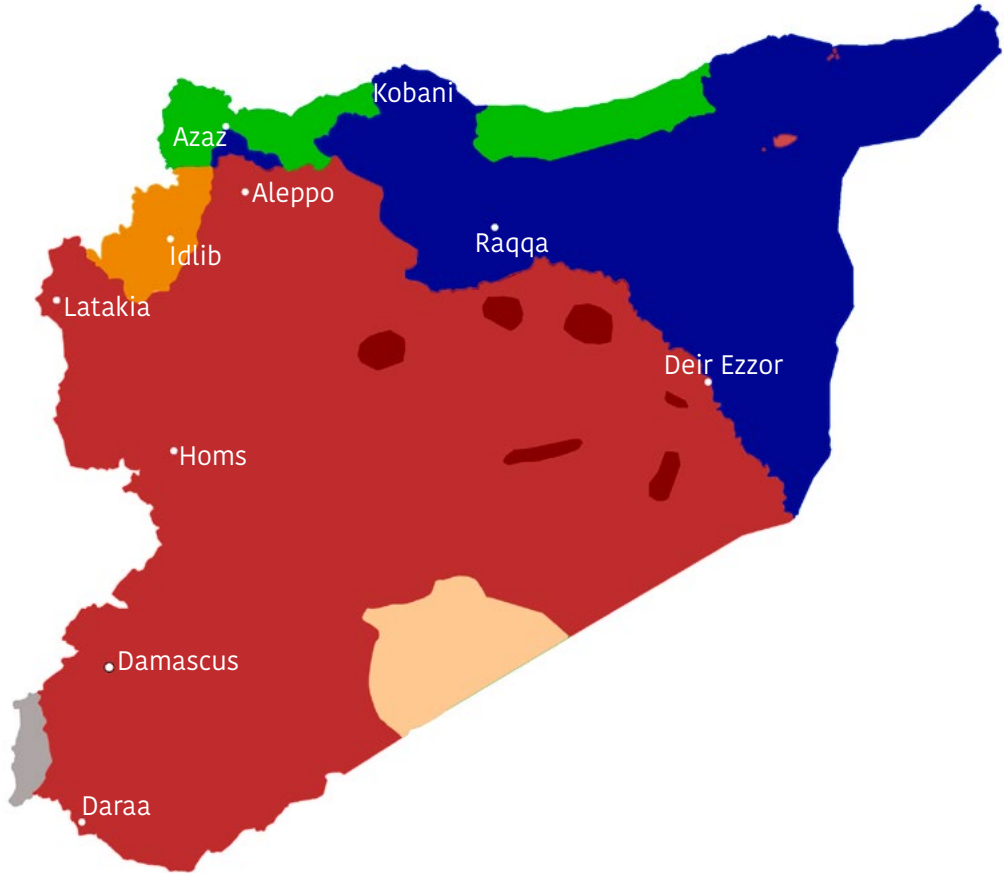
Chapters 5-7 are dedicated to the potential of literary writings to counter erasure and invisibilisation. In chapter 5, I discuss the way in which Syrian literary writing is a conduit for political articulation and resistance. On the basis of qualitative interviews with a wide array of writers I examine how writers a) “presence” experiences of harm, b) foreground truth claims and c) further epistemic resistance. In chapter 6, I conduct a close reading of the novels *Death Is Hard Work* by Khaled Khalifa and *Planet of Clay* by Samar Yazbek. Both are renowned writers whose literary work has gained international recognition and has been widely translated. With Khalifa writing from within Syria and Yazbek from the diaspora, they explicitly denounce injustices in their work. I argue that these fictional accounts contribute to truth-seeking and memorialisation efforts while simultaneously offering counter-narratives to dominant understandings of victimisation. In chapter 6, I look into reader responses to these novels, examining whether and, if so, how literary writing generates different perspectives among actual readers on injustices in the Syrian context. Building upon the previous chapters’ findings, this chapter on the one hand examines the world-making power of these literary texts and on the other explores whether readers respond to the texts in line with the authors’ intentions.

In the concluding chapter 8, I reflect on the overarching research question how literature can counter the invisibilisation and erasure of experiences of harm in the Syrian context. I highlight that the domains of justice efforts and literature share an ability to signal absences, “presence” lived experiences and ascertain that they are not obfuscated. I first consider the problem of the invisibilisation and erasure of crimes and provide a succinct summary of the main research findings related to (transitional) justice efforts. This paves the way for a discussion about literature’s potential to complement justice efforts, by “presencing” experiences of harm, foregrounding multiple truth claims, and furthering epistemic resistance. On the basis of empirical research on contemporary Syrian literature, I discuss the findings of my close reading of *Planet of Clay* and *Death Is Hard Work*, and empirical reader response research. Finally, I reflect on avenues for further research.

“The practices and objectives of the political prison in Syria should not be considered as marginal to the body politic and to political life in that country. This is so, not only because incarceration of the political opposition was and continues to be far-reaching, but also because it has been formative of the citizenry’s understanding of government and its affective relations with it.”

Salwa Ismail,
The Rule of Violence: Subjectivity, Memory and Government in Syria

Map of Syria: Areas of Influence



- Government & pro-government forces
- Areas under control of Turkey and non-state armed groups
- Kurdisch People's Protection Units (YPG) and Syrian Democratic Forces (SDF)
- Other non-state armed groups
- Islamic State presence
- Golan Heights occupied by Israel
- US declared deconfliction zone

II. The Syrian Context

Given the ongoing nature of the Syrian conflict, extensive scholarly debates exist regarding its fundamental characteristics. Due to the scope of this dissertation, it is not feasible to offer a comprehensive overview of these debates. Instead, I anchor the pursuit of justice within the context of resilient authoritarianism and the tradition of dissent. The main aim of this chapter is to give the background against which the justice efforts and artistic practices, the central topic of this dissertation, need to be understood. To discuss the main areas described above, this chapter is organised into seven sections, looking into 1) the origins of authoritarianism and the centrality of violence in the Syrian polity (Hinnebusch, 1993, 2004, 2008; Heydemann, 1999; Ismail, 2018); 2) dissidence, the uprising and social movements (Al-Haj Saleh, 2017, 2022; Leenders, 2012, 2013, 2016; Ruiz de Elvira, 2019; Salamandra & Stenberg, 2015; Wedeen, 2019); 3) the transformation of the uprising to a civil war (Baczko et al., 2018; Pierret, 2018; Rabinovich & Valensi, 2021; Richani, 2016; Van Dam, 2017; Wimmen, 2016); 4) international crimes and the conflict's human toll (Koblentz, 2019; Schneider & Lütkefend, 2019; Üngör, 2020b, 2021; Van Schaack, 2016); 5) the international community's role (Bellamy, 2022; Hokayem, 2017; Lundgren, 2016, 2019; Sosnowski, 2020); 6) the framing of the conflict (Üngör, 2019; Yassin-Kassab & Al-Shami, 2018); and 7) the creative revolution (Cooke, 2007, 2011, 2017; Halasa et al., 2014; Taleghani, 2021).

Given the limitations of space and focus, my dissertation does not provide in-depth coverage of the civil war or an extensive exploration of the research on topics such as sectarianism, jihadism, conflict mediation, political economy, local governance, and humanitarianism. However, it is crucial to acknowledge the abundance of compelling scholarly work in these domains. Additionally, this chapter is complemented by my observations of debates on the conflict in policy circles, media, civil society and academia in the Global North, notably that the strong attention for its sectarian dimension entrenched hegemonic narratives, nurturing defeatism about the possibility of change. I was struck by these narratives, which generally portray the uprising as a failed event that inevitably led to a civil war marginalise lived experiences. It struck me that these narratives also circulate in critical, progressive circles. Hence, this chapter also aims to shed light on the diverse and contingent dynamics of past and ongoing resistance against the background of entrenched authoritarianism and clichéd narratives about the conflict.

2.1 Entrenched Authoritarianism

2.1.1 The Genesis of the Assad Regime

Struggles over political domination have marred the history of Syria after its independence from France in 1946. The new nation comprised the territory of current Syria, Lebanon, Jordan, and historical Palestine. During the 1950s and 1960s, Syria experienced significant political turmoil characterised by a series of military coups, as well as intense regional and international rivalries and power struggles. Syria lay at the centre of strategic competition among countries such as Turkey, Iran, Egypt, Saudi Arabia, and Israel (Seale, 1989; Zisser, 2012; Hinnebusch & Rifai, 2017; Saouli, 2018). In 1963, military officers of the Ba‘th party grabbed power, installing a state of emergency, and promoting an ideology of egalitarianism and Arab nationalism to fill the post-Ottoman identity vacuum. This ideology reached out to minorities, most significantly the Alawites and Christians, excluding non-Arabs such as the Kurds (Hinnebusch, 2008, p. 264). The Ba‘th party aimed to establish a state identity grounded in Arab nationalism through a “revolution from above” (Hinnebusch, 2004). However, state-building was challenging because of the diverse sources of sub-state identities, encompassing religious (Muslim and Christian), sectarian (Sunni, Alawi, Druze), and ethnic (Arab, Kurdish, and Turkman) affiliations (Saouli, 2018, p. 13). The Ba‘th party’s post-independence regimes combined the threat of coercion with the establishment of “social pacts” and patronage relations to appeal to a broad constituency with the population, promising economic development and relative equality (Heydemann, 1999; Perthes, 2014; Hinnebusch, 2021).

In 1970, Minister of Defence Hafiz al-Assad, who belonged to the Alawite community, took advantage of an internal conflict within the Ba‘th party to carry out a coup, labelled as the “Corrective Movement”, to restore its allegedly proper path (Dawisha, 1978, p. 341). Assuming the role of the first non-Sunni president, Hafiz al-Assad exerted control over the interpretation of Ba‘thist ideology, socio-economic, defence, and foreign policies through his monopoly over coercion. As president, he endeavoured to shape a Syrian, secular identity and foster national membership through an ideology of nationalism and Arabism (Hinnebusch & Rifai, 2017, p. 113). He established an authoritarian regime by co-opting socio-political forces and leveraging his influence within the military. His control was partly achieved through utilising patronage networks based on family, tribal, confessional, and regional ties (Perthes, 2004, p. 11). The concentration of power around the president’s sect and

family, granted Alawites dominant roles in army and security posts (Pierret, 2018, p. 50). Michel Seurat's seminal book *Syrie, l'État de barbarie* (1985) provides an insight into Assad's transformation of the Alawi community from a religious minority into the primary political group. This fuelled sectarianism, as key players within the military, police and security services were drawn almost exclusively from the Alawite community (Reilly, 2018, p. 156). Moreover, a new alliance arose between the Alawite elite and Sunni merchants, forming strong mercantile ties and generating a new bourgeoisie (Said, 2018, p. 60). In essence, the Syrian state evolved into a patronage system, allowing elites to amass wealth while simultaneously co-opting and appeasing certain groups (Perthes, 2014).

Assad's ability to monopolise coercive force played a vital role in consolidating control. Violence and the threat of violence lie at the centre of the Assad regime, constituting the way in which the system functions (Seurat, 1985). The conflict with Israel, and the associated insecurity (especially after the 1967 June war) legitimated the creation of an authoritarian national security state (Hinnebusch & Imady, 2018, p. 6). The use of violence by the army and multiple intelligence and security agencies, allowed the regime to shape its relations with its subjects. By eliminating threats from the military and effectively dividing and controlling competing security and intelligence agencies, which formed the backbone of his rule, the president was able to construct a tenacious regime (Pierret, 2018; Saouli, 2018, p. 22). In order to enforce his dominance, Hafiz al-Assad also established a personality cult, issuing guidelines for acceptable speech and behaviour that resulted in a politics of public dissimulation in which citizens act, in the words of Lisa Wedeen, "as if" they revere the leader (2019, p. 20). Despite harbouring disbelief, citizens behave as though they conform to a narrative that affirms state dominance and national belonging.

2.1.2 The Centrality of Massacres and the Political Prison

Despite its coercion, the regime faced the growing popular appeal of political Islam. In the late 1970s, the Muslim Brotherhood started mobilising, benefiting both from increased popular resentment against the regime's corruption and its sectarianism and the international ascendancy of political Islam (Sadowski, 1987). The Muslim Brotherhood challenged the regime's monopoly over coercion and the ideational sphere, questioning its legitimacy as an Arab nationalist and secular regime (Hinnebusch & Rifai, 2017, p. 22). It created a militant movement that revolted

against the regime between 1978 and 1982 (Batatu, 1982). In 1979, the proto-Jihadi group Fighting Vanguard initiated an armed insurgency that pulled more mainstream Islamic groups, such as the Muslim Brotherhood, into a deadly confrontation with the regime (Pierret, 2018). Then, in 1981, an assassination attempt against Hafiz al-Assad by a member of the presidential guard triggered an unprecedented wave of regime violence. This violence initially led to the killing of political prisoners, predominantly associated with the Muslim Brotherhood, in the infamous Palmyra prison.

Moreover, in 1982, security forces besieged and pounded Hama, committing a massacre with an estimated number of casualties ranging from 15.000 to 30.000 (Conduit, 2016; Reilly, 2018). The regime destroyed the Muslim Brotherhood and eradicated Islamist networks through mass executions, internment in Palmyra prison, and exile (Pierret, 2018). After crushing the revolt, the regime expanded the large network of security services and crushed dissent through mass surveillance, censorship, intimidation and arbitrary arrests. While citizens lived with the fear that this sort of violence could recur, the Hama massacre was left unspoken, referred to mostly as “the events” (Ismail, 2018, p. 2). Many Syrians lived with the knowledge of the crimes, yet were denied the right to narrate, as the regime obscured its crimes and used the threat of violence to enforce silence, thus claiming the monopoly over the narration of reality (Majed, 2018). The Hama massacre, as I will elaborate further, not only deepened existing grievances but also instilled a profound sense of fear within society. It illustrates how the relations between the regime and Syrian denizens should be understood. Violence is not only meant to perpetuate the act of killing but also to be remembered as a lesson for the public (Eddin, 2022, p. 372).

Political imprisonment became another signature element of Assad’s rule. It serves to discourage citizens from dissenting and plays a formative role in shaping Syrians’ perception and attitude towards the regime. As Salwa Ismail argues:

Rather than being merely the negation of political life, the political prison/ internment camp developed as a space for the undoing of the political subject and as a referent for the general population’s understanding of the terms of rule. Structurally and operationally, the political prison is continuous with the polity: disciplining and remaking recalcitrant subjects while being a spectre for the purposes of instruction of the wider population (2018, p. 4).

In their study of the Syrian prison system *The Syrian Gulag, Assad's Prisons 1970-2020*, Uğur Ümit Üngör and Jaber Baker (2022) examine the “archipelago of prisons” spread all over the country. They demonstrate how the system is a core defining feature of the regime. It affects the entire society, even those who have not experienced it directly, transforming cultural and intellectual life (2022; Weiss, 2022). In sum, Hafiz al-Assad developed a totalitarian system, cunningly invoking socialism and other ideologies to establish a regime that has a known point of beginning but an unknown end, constructing the basis for an eternal reign, or *al-Abad* (eternity, forever) (Coquio, 2022, p. 27; Badr Eddin, 2022, p. 372).

2.1.3 Authoritarianism Under the Veneer of Openness

Upon Hafiz al-Assad's sudden death in July 2000, his son Bashar inherited the presidency, thereby turning Syria into a *jumlukiyya*, an Arabic portmanteau for “republic” and “monarchy” (Pierret, 2018). Upon assuming power, he allowed a degree of openness in the public political debate and the encouragement of the domestic opposition that instilled hopes for a democratic transition through a range of political and economic reforms (Hokayem, 2017, p. 16). Thus, the early phase of Bashar's presidency saw the emergence of the phenomena of salons, civil society meetings and discussion groups (Al-Om, 2018, p. 160). This led to the “Damascus Spring” of 2000–2001 with dissidents and artists calling for political reforms (Lesch, 2005, p. 83). One of the most emblematic documents was the Statement of 99, issued in September 2000 by leading intellectuals, academics, and artists calling for an end to the national state of emergency, the release of political prisoners, and greater freedoms of speech, public assembly, and movement. Cultural producers also seized the opportunity of the brief relaxed controls on freedom of expression to advance plans to build a civil society movement. A larger coalition of artists, academics, and intellectuals launched the subsequent “Statement of the Thousand” in January 2001 (Stenberg & Salamandra, 2015, p. 6).

Nevertheless, the new president promptly put an end to this brief period of openness, firmly declaring that any discussions on national unity, the role of the Ba'ath party and armed forces, as well as the legacy of his father, were strictly off-limits. Continuing to deploy the old mechanisms of rule, Bashar al-Assad modernised his father's authoritarian framework through the combination of repression with co-optation (Perthes, 2004; Hinnebusch et al., 2010; Ismail, 2011). He solidified his control over crucial instruments of regime authority and shifted from state-based to market-

based cronyism, generating what can be described as an “authoritarian upgrading” (Heydemann & Leenders, 2014). The reorientation of the political economy towards a neoliberal autocracy enabled the ruling class to exploit the economy through privatization, while reconfiguring their networks of patronage and clientelism. This allowed them to conceal economic injustices by making promises of upward social mobility (Donati, 2013; Wedeen, 2019, p. 27). In practice, liberalisation policies mainly benefited elite groups, some estranged rural communities and the middle class, adding to the popular resentment against the regime (Hinnebusch & Rifai, 2017, p. 11).

The initial brief period of openness has been understood by many Syrians as an attempt to gauge the opposition’s strength (Stenberg & Salamandra, 2015, p. 6). Prominent political activists including Riyad Seif, Riyad al-Turk, Michel Kilo, and Mamun al-Humsi were re-imprisoned for varying periods of time (Sakr, 2013, p. 75). In order to stymie independent forms of engagement in public life, the regime created the façade of a civil society through the establishment of governmentally controlled organisations. Consequently, autonomous associations were forced to operate in a grey zone of restrictive legislation and ambiguous legal standing (Donati, 2013, p. 44). In addition to repressing civil society activism, the regime persisted in its persecution of dissidents. Following the Syrian withdrawal from Lebanon in 2005, activists associated with the Damascus Spring movement called for democratic transition in the “Damascus Declaration”. Interpreting these calls as a threat, the regime targeted its signatories. Yet, they persisted formulating demands for social justice, political participation and dignity, with intellectuals engaging in debates to “enlighten” society, while primarily addressing the regime (Kassab, 2019, p. 155-156). These activist demands played a vital role in initiating the revolutionary process that led to the 2011 uprising. It is important to keep the tradition of dissidence in mind when studying the uprising: continuity has been as significant as rupture (Salamandra & Stenberg, 2015, p. 1).

2.2 The 2011 Uprising

2.2.1 Early Mobilisation

Protests started to appear across Syria as of March 2011, challenging the widespread belief that Syria was immune to large scale protests. The initial impetus came from abroad, with the protest movements in Tunisia and Egypt changing political

opportunity structures. Nonetheless, mass mobilisation in Syria was not an inevitable consequence of the regional demonstrations (Leenders & Heydemann, 2012, p. 143). The continuity of dissent, unexpected mobilisation and revolutionary bricolage also played a role in the outbreak of nation-wide protests in 2011 (Leenders, 2013). While the start of the uprising boosted scholarship on Syria, theorisation of the uprising remains a challenging endeavour, with scholars offering different explanations about the same events (Hinnebusch & Imady, 2018, p. 334).

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Compared to other authoritarian states a strong opportunity structure for an uprising was absent in Syria due to the strict control exerted over civil society, the absence of a robust opposition and the low penetration of information technology (Hinnebusch & Imady, 2018, p. 7). The president stated in an interview in the *Wall Street Journal* in January 2011 that an uprising in Syria was unlikely to happen. At the same time, he expressed awareness of the need for political and social reform (Solomon & Spindle, 2011). Initially, calls on social media in February 2011 to organise a “Day of Rage” across Syrian cities received only modest responses. In Damascus, candlelight vigils and gatherings were held as acts of solidarity with the Tunisian and Egyptian people. These acts provoked repression, with many demonstrators being monitored or detained by security forces (Al-Om, 2018, p. 163). The shift towards a larger protest movement was initiated by violence against schoolchildren who sprayed anti-regime slogans in the peripheral southern city of Dar‘a in mid-March 2011. When relatives implored officials to release the children, the chief of regional police told them: “Forget your children. Go home to your wives and make more children. And if you do not know how, bring your wives to us and we will show you” (Pearlman, 2018). This cruelty provoked a protest in a neighbourhood mosque. Another impetus was the torture, mutilation and murder of Hamza al-Khateeb, a thirteen-year-old boy who was picked up by security forces during a demonstration.

While it was surprising that protests started in provincial Dar‘a, both threats and opportunities made the town conducive to early mobilisation. Spaces for informal dissent could arise there, as the town was not initially expected to be the starting point of mobilisation (Leenders, 2012). In these first protests, citizens evoked and asserted dignity, a concept that would become key in the growing protest movement

² A growing body of research offers insights into social movement dynamics (Leenders, 2012; Ruiz de Elvira, 2019, Pearlman, 2016, 2019; Al-Om, 2018) entrenched authoritarianism and state violence (Al-Haj Saleh, 2017; Heydemann, 2013; Majed, 2018), political Islam (Pierret, 2013), political economy (Donati, 2013; Darwisheh, 2013), media and citizen journalism (Boëx, 2013; Wessels, 2016; Ratta, 2018; Badran, 2021; De Angelis & Badran, 2020) and artistic practices (Cooke, 2017, 2019; Halasa et al., 2014). All of these scholars offer, often complementary, explanations about the evolution of the uprising.

(Harkin, 2018, p. 177). The accumulation of state brutality and the impunity of the security forces inflamed rural areas in March (Hokayem, 2017, p. 10). The protests soon grew in size and spread, spurring demonstrations in most of Syria's cities with hundreds of thousands mobilising on Fridays. While online mobilisation played a role, traditional, religious bases of association also constituted important resources of the uprising (Ismail, 2011). The early risers encouraged bystanders to participate, emboldening citizens across the country to exercise their political voice (Pearlman, 2016). The slogans and songs reflected the desire for political change and dignity, insisting on anti-sectarianism and unity.

The protests allowed citizens for the first time to take part in public life, dismantling the pervasive fear that had shaped the Syrian polity (Pearlman, 2016). The protests can be viewed as a way to reclaim the nation, contesting the idea of the Syrian nation as the possession of the “eternal leader” (Ismail, 2011). Initially, protestors focused on political rights and civil liberties, imagining a different political community, reflected in the slogans and banners of the demonstrations. To exemplify this, I zoom in on a specific protest action that took place in November 2012. Dissidents Rima Dali, Rowa Jafar, Kenda and Lobna Zaour staged a sit-in wearing traditional white bridal dresses and holding banners denouncing the regime's violence (Barnard, 2015). The sit-in lasted twenty minutes, before security forces arrested the women. Videos of the sit-in and the arrest were immediately shared on social media, inspiring activists and artists to create graffiti, designs and paintings dedicated to the “brides” (Activists, 2012).³ The regime's security-heavy response to the protests resulted in massive arrests and imprisonment (Hokayem, 2017, p. 10). Despite his acknowledgement of the need for reforms, Bashar al-Assad propagated a conspiracy-laden narrative, exploiting sectarian sentiments (Hinnebusch & Imady, 2018, p. 5; Ismail, 2011). Regime cronies made their unwillingness to compromise clear from the outset. Rami Makhlouf, a cousin of the President, stated in an interview: “What I'm saying is don't let us suffer, don't put a lot of pressure on the president, don't push Syria to do anything it is not happy to do ... We will not go out, leave on our boat, go gambling, you know. We will sit here. We call it a fight until the end ... They should know when we suffer, we will not suffer alone” (Shadid, 2011). The regime signalled that it would unleash extreme violence to perpetuate its reign (Mazur, 2021, p. 246).

³Kenda Zaour testified about her carceral experiences along with five other former detainees who were held in custody in prisons such as Adra in the theatre performance *X-Adra* (Mena Prison Forum, 2017).

2.2.2 An Impossible Revolution?

The regime's excessively violent response to what began as a peaceful movement advocating for democratic change and reforms undermined the protest movement and formed the foundation of what Yassin al-Haj Saleh refers to as an "impossible revolution" (2017). Yet, in order to accommodate the hoped-for political change, the opposition mobilised itself militarily and politically. In June 2011, Syrian army officers founded the Free Syrian Army (FSA). Although small in numbers and poorly equipped, military defectors grew increasingly successful in the last months of 2011. Moreover, the regime lacked manpower to durably pacify rebel strongholds (Pierret, 2018). The FSA continued to expand in the first half of 2012, after which its influence declined due to financial shortages, organisational problems, and personal rivalries. Consequently, it transformed into more of a label that local groups utilised to express their identity (non-Islamist, national and military focus). These groups received support from the U.S. and the Gulf states, mainly Saudi Arabia. Since late 2011, more autonomous groups openly identifying as Islamist groups started to emerge, receiving support from Saudi Arabia, Qatar, and Turkey (Schwab, 2023).

In July 2012, the regime seemed on the verge of collapse as rebels seized most of the province of Aleppo, including half of its capital, as well as the main border crossings with Turkey and Iraq. Large areas were now administered by committees and local councils. In the north, the Democratic Union Party, the main political party among Syrian Kurds, established the so-called Autonomous Administration of Rojava and battled anti-Assad insurgents over oil fields and border crossings after the regime's abandoned most Kurdish-majority areas (Pierret, 2018). Yet, the military opposition was unable to build a cohesive structure, lacking pre-existing bases for organisation, and divided by competing external patrons. Some rebel groups sought more explicit, religious regulation of public life and rejected the political opposition based in Turkey. At the same time, transnational jihadist groups found the space to grow and began operating openly (Mazur, 2021, p. 248). The al-Qaeda-linked Nusra Front announced its formation in January 2012 and the Islamic State of Iraq and Greater Syria (ISIS) did likewise in April 2013 (Pearlman, 2019, p. 43). By mid-2013, these and other rebel groups pushed the regime from approximately 60 percent of the country's territory (Bakkour & Sahtout, 2023).

In this juncture, dozens of civic groups emerged to coordinate dissent and lay the foundations for the new Syrian polity. Spearheading this civilian-led dissent in many

areas that came under oppositional control during the first year of the uprising, were the Local Co-ordination Committees (LCC). These grass-roots *tansiqiyat*, or coordination committees, built on the experience of underground local dissidence and demonstrated the importance of coordination in enhancing the impact of civil action. Besides organizing protests, LCCs focused initially on media work, with activists becoming citizen journalists, facilitating the flow of resources and information between localities, and aggregate information about human rights violations that regime forces were committing (Yassin-Kassab & Al-Shami, 2018, p. 58). Within a year, several hundred such units were active around the country, increasing in importance as regime forces withdrew from a growing number of areas in the north and northwest. Thus, the LCCs started to evolve into ad hoc structures of local government (Khoury, 2013). As a result, the subsequent local councils became de facto authorities, assuming administrative responsibilities (Pearlman, 2019, p. 45).

Besides the LCCs and the local councils, other governance structures have emerged, ranging from civil society, sharia courts, warlords, armed and political groups, to international organisations. Because of the political fragmentation, the growing militarization, sectarianism and the rise of jihadi groups, the LCCs could not sustain their cohesive structure. Consequently, extremist groups filled the governance vacuum (Khalaf, 2015). Moreover, at a broader political level, the opposition failed to establish a unified and coherent structure. Most importantly, the uprising lacked a unified leadership. Four main secular opposition groups emerged: the National Democratic Gathering, the Damascus Declaration Group, the National Co-ordination Committee for Democratic Change, and the Syrian National Council. Each of these groups included several political parties and movements, as well as independent actors. However, they failed to formulate a common front as they were divided, politically inexperienced, and weak (Khatib, 2018, p. 102). These pluralistic oppositional groups were quickly marginalised and had to rely on alliances with Islamists.

As for the regime's broader strategy of mobilising violence, two phases can be identified: the so-called "security solution" and the "military solution". In April 2011, the regime activated the security solution, with the deployment of the security services and *shabbiha*, or paramilitary forces militias that consist mainly of Alawites (Üngör, 2020). This effective militarised response, reflecting the regime's ambition to violently crush the uprising, turned more and more Syrians against the regime. When protesters marched in squares of cities like Hama and Homs while chanting

anti-Assad slogans, the regime shifted to a full “military solution” in February 2012. It started heavy shelling of rebel regions and towns, targeting Sunni areas (Rifai, 2018, p. 246). In 2013, regime forces stabilised their defence lines, secured strategic roads along the Damascus-Aleppo axis, and encircled the military opposition in Aleppo and Damascus. Due to the lack of international reaction, the regime could implement a strategy aimed at emptying rebel-held areas (Pierret, 2018). Through the use of artillery, missiles, airpower, sieges, barrel bombs, and chemical weapons, the regime reconquered territory. Besides the support of Iran and Hezbollah, the assistance of Russia as of 2015, was key for the regime to reconsolidate its control. It not only managed to crush the protests by force and undo their peaceful character, but also succeeded in further strengthening its authoritarian rule (Leenders & Heydeman, 2012).

2.2.3 New Opportunity Structures

The collapse of the wall of fear opened new opportunities for civil society activism and media. Despite the escalating violence, grassroots dynamics persisted and transformed civil society activism, shaping subsequent justice activism. The uprising witnessed a prominent display of nonviolent opposition, which sparked an unparalleled growth in civil society activism. Wendy Pearlman describes how civil action evolved across two general phases of conflict activism (2019, p. 35). In the first phase, local committees, citizen journalists, grassroots activists, health workers and artists organised demonstrations, assisted communities under siege and sustained the largely unarmed popular uprising. The nonviolent movement’s work persisted, and even intensified, in the face of extreme violence, disappearances, arrest and killings (Al-Om, 2018, p. 164). The second phase started as the opposition militarised and the conflict escalated to a civil war with international dimensions. As protests declined, activists adapted to the new context of state withdrawal and humanitarian crisis, creating institutions of self-government in swaths of the country under rebel control and investing in relief efforts to bombarded and forcibly displaced communities (Pearlman, 2019, p. 36). I discern a third phase, namely the shift towards more transnational activism. As the conflict forced many Syrians into exile, activists and civil society networks were compelled to operate from the diaspora. As such, diasporic activism started to play a huge role in supporting and shaping communities both in Syria and outside of the country. For Syrian activists, many of whom participated in the uprising, engaging in humanitarian or justice-related activities serves as a means to further their activism and resistance. However, as Laura Ruiz de Elvira points out,

their freedom of action is constrained by conflicting dynamics, such as the policies of host countries, pressures from foreign donors, Syrian oppositional and political dynamics, and the responses of beneficiaries, all of which shape their narratives, practices, and strategies (2019, p. 37).

In tandem with the transformation of the conflict, oppositional civil society activism transformed. Activities of Syrian civil society activists centred around two large axes: human rights and justice activism on the one hand and humanitarian and relief efforts on the other. However, these domains frequently intersect, as they are driven by revolutionary fervour and the spirit of resistance. One organisation that draws strong international attention is the Syrian Civil Defence, also called the White Helmets, active in northern Syria. This group of civilians started to spontaneously set up post-attack rescue operations to salvage neighbours from under the rubble of collapsed buildings after bombardments. These efforts formalized in 2013 after some volunteers received technical training from Turkish earthquake rescue workers. By 2016, the White Helmets claimed to have saved 41,000 lives (Dagher, 2019). With time, the organisation expanded its service delivery to other sectors, such as management of emergency shelters, decontamination, and repair of public utilities (Pearlman, 2019, p. 46). While the White Helmets earned local trust and international acclaim, they faced a vicious international disinformation campaign (Lingsma & Nijhuis, 2021). The Syrian state violence compelled activists to adopt new strategies and areas of focus in response to changing realities paving the way for the emergence of new forms of civic engagement (Pearlman, 2019, p. 36).

The emergence of citizen-journalists, following the expulsion of foreign correspondents and news agencies from the country, enabled an unrivalled access to and dissemination of photographic images and video footage. The establishment of informal news agencies and of opposition media outlets was key in circumventing regime censorship (Al-Om, 2018, p. 165). In this context, the role and development of new media in Syria can be seen as a revolution within a revolution (Brownlee, 2018, p. 201). Three evolutions are key in this respect: the emergence of alternative sources of information through the digital space that amplified the capacity of the protest movement to reach out, the emergence of a new type of more vivid and crude “citizen journalism”, and the professionalisation and diversification of the media sphere. However, while the mediatized uprising and the circulation of images encouraged grass roots activism and initially shaped the world’s understanding of the repression, media also negatively impacted the conflict (Al-Ghazzi, 2014). Besides

being a tool to inform, media became a weapon to attack, with electronic armies fighting over the control of space, power and language (Brownlee, 2018, p. 202).

The experiences of Syrian image-makers became crucial in shaping one of the central aspects of justice activism: documentation. However, the proliferation of images and videos did not have the desired effect. Motivated by the conviction, primarily prevalent in the Global North, that transparency, citizen journalism, and civil society activism could facilitate the downfall of authoritarian regimes, Syrian citizen journalists gradually became disheartened (Al-Ghazzi, 2014). Image-makers forcibly altered their perspectives on the use of digital content. They started investing in the documentation of crimes, hoping that grass-roots images and video footage would be used to document war crimes and the destruction of war and contribute to a body of evidence of war crimes. As Josepha Wessels argues, the vast quantity of YouTube videos originating from Syria and the circulation of Syrian documentary films transformed the way in which contemporary wars are observed and documented and inspired creative resistance. Yet, Wessels warns, there is a darker side to the Syrian audiovisual archive, that is related to “the political economy behind the images of the Syrian Revolution that has led rather to an industry of death than to a revolution to establish democracy” (2019, p. 309).

2.3 Transformation to Civil War

In this section, I analyse how the transformation to a civil war led to a division of the country, with competing exclusivist governance structures. This is key to understand the diminishing international mobilisation for accountability for the regime’s international crimes. There is speculation on the question whether the transformation of the uprising into a civil war was inevitable, or if a transition to democracy would have been conceivable (Hinnebusch & Imady, 2018, p. 334). These debates are beyond the scope of this thesis. Likewise, it is not relevant in this context to analyse the numerous Syrian rebel groups, their strategic decisions, or the mobilisation of jihadist groups. These have been extensively studied and examined elsewhere (Lund, 2012; Gerges, 2014; Lister, 2016; Mishali-Ram, 2018; Schwab, 2023).

The 2011 uprising spiralled into a civil war that gradually escalated and within a decade killed over half a million people, displaced half the country’s prewar population, devastated the economy, and destabilised the entire region. The civil war

split the country into four warring factions: the Assad regime, various rebel groups, the Kurds, and the Islamic State of Iraq and Syria (ISIS) that have continuously been in conflict, with intermittent, unstable ceasefires (Üngör, 2020a). The escalation of violence was incremental and mostly subject to dynamics beyond one single actor's control, increasingly involving regional and international actors. The intensity of the civil war dynamics and the balance of power ushered in a "comfortable impasse" for the regime, enabling it to reconsolidate its military control and establish an exploitative economy (Richani, 2016).

The first characteristic of the civil war is the regime's reconsolidation of the vast majority of the country, with the exception of the northwestern province of Idlib. Two strategies have been essential to end the challenge to the regime's hold on the capital, the state apparatus, and large swathes of Syrian territory. First and foremost, the regime regained control through the earlier mentioned shift to a so-called "military" strategy, bombarding entire cities. Another factor contributing to its success, is the fragmentation of the military opposition consisting of groups such as the Free Syrian Army, Al-Nusra Front, Islamic Army, Islamic Brigades, Ahrar al-Sham, and dozens of smaller groups that vied for military control. An important aspect of this fragmentation was the regime's strategic isolation of Kurdish areas. This became more evident in July 2012 when regime forces withdrew from nearly all Kurdish areas in the northeast. This facilitated the political and military domination of the Democratic Union Party (PYD), enabling the regime to refocus on the northwest (Mazur, 2021, p. 248). Importantly, the emergence of IS had a significant impact on the international perspective on the conflict, increasingly letting the regime off the hook. By gradually ousting local rebel groups, IS removed the most significant threat to the regime. As a result, clashes among oppositional forces allowed the regime to reclaim territory.

The rise of IS constitutes the second key characteristic, marking a new phase in the civil war. This emergence occurred even after the regime, aided by Hezbollah, recaptured areas previously held by the Al-Nusra Front. In 2014, following IS' declaration of the caliphate in the wake of its blitzkrieg in Iraq and looting of Mosul, an internecine conflict ensued between IS and the Al-Nusra Front, resulting in the ascendancy of IS as the dominant force (Richani, 2016). This allowed IS to monopolize eastern Syria, and expel locally rooted Islamist factions. As it attempted to build a state, IS focused its early effort in eastern and northern Syria and began to attack and occupy Kurdish areas (Rabinovich & Valensi, 2021, p. 106). The rapid ascendance of IS and the

emergence of foreign fighters joining IS strengthened the international involvement, as it involved European nationals, entailing a US-led, international coalition against IS in Iraq and Syria (Doctor & Willingham, 2020). To halt IS' assault and siege of the town of Kobane on the Turkish border in 2014, the coalition started providing air support to the Kurdish People's Protection Forces (YPG). Subsequently, the YPG led "Syrian Democratic Forces" (SDF), a military coalition that expanded southward, ultimately seizing Raqqa in October 2017. The conquest of the eastern bank of the Euphrates was complete with the defeat of IS in Baghuz in March 2019, ending its territorial control (Hokayem, 2014; Pierret, 2018).

A third characteristic is the growing internationalisation of the conflict. As the hostilities evolved, a variety of regional and international actors attempted to advance their own dominance (Yassin-Kassab & Al-Shami, 2018). Russia's military involvement in the Syrian civil war began in September 2015. To withstand a series of military defeats by the armed opposition, the regime sought military assistance from Russia. Russia's involvement proved effective in altering the war's military and political dynamics. One significant outcome was the regime's recapturing of Aleppo in 2016. This was a pivotal military event, achieved through Russia's assistance, that shaped the negotiations' configuration (Sosnowski, 2020). A second significant intervention was carried out by Turkey after the battle of Kobane. Turkey was alarmed by the Kurds' military success and their partnership with the United States in the fight against IS (Rabinovich & Valensi, 2021, p. 106-107). Moreover, it opposed Russia's intervention, causing major frictions when Turkey shut down a Russian fighter jet in 2015. This entailed a turning point in Turkish-Russian relations, leading to the establishment of a mechanism for coordination between the two air forces. This made Turkey come to terms with Russia's military presence and Russia consent to Turkish operations (Rabinovich & Valensi, 2021, p. 135; Pierret, 2018). In 2016, Turkey has launched "Operation Euphrates Shield" extended its military presence, resulting into the division of the border into three sections. The western part, along the Syrian side, is controlled by Syrian rebel groups. The middle section is occupied by Turkey, stretching between Afrin and the Euphrates. Finally, the section under the control of the SDF, forms the eastern part (Hale, 2019).

Besides Russia and Turkey, other countries and actors have been involved militarily in the Syrian civil war. The involvement of Iran, Saudi Arabia, Qatar and the United Arab Emirates has been important, with Iran providing multifaceted assistance to the

regime, and the Gulf states to the rebel groups. More committed and coherent than its rivals, Iran facilitated Assad's recovery from initial setbacks. Throughout the conflict, Iran – the patron of Hezbollah – remained actively involved, deploying militias, special advisors, and constructing offensive military infrastructure (Hokayem, 2014). While Iran and the Gulf states do not neighbour Syria, and do not feel the direct repercussions of the hostilities, Israel does. Initially, it did not interfere. Yet, when Russia's and Iran's interventions resuscitated the regime, it started targeting military installations and shipments of weapons between Iran and Hezbollah (Rabinovich & Valensi, 2021, p. 135).

Finally, a fourth feature of the evolving civil war is the phenomenon of pacification that has not ended the war but created an impression of quiet. In 2016 and 2017, the regime, opposition, local village notables and armed groups concluded local agreements. Thus, through military and political pressure, the regime attempted to reclaim control over oppositional areas, forcing rebel enclaves to surrender. Since 2016, Russia promoted local agreements as an instrument for stabilisation and pacification. These agreements decrease the incentives of warring factions to either negotiate or fight an all-out war (Richani, 2016). Yet, they neither address civilians' grievances, nor offer a framework for security or reconstruction. Local agreements align with a strategy to push the rebellion away from urban centres into rural areas. Fadi Adleh and Agnes Favier see them as “a tactical tool of the Syrian regime first to reconquer strategic zones for its survival, and then to allow Damascus, Moscow and Teheran to secure territories of influence within Central Syria” (2017, p. 3). They have also created new grievances such as mass displacement and forced recruitment into the army. As the regime held onto power, it could engage in demographic engineering, restricting citizens' return and resolving land-tenure questions in its favour (Mazur, 2021, p. 250).

2.4 International Crimes

Since 2011, almost every imaginable international crime has been committed by parties to the armed conflict in Syria, in violation of international humanitarian and human rights law. The regime and other actors have used a variety of illegal tactics, resulting in massive human rights abuses against civilians who are often perceived as opponents (COI, 2020). The most important crimes include indiscriminate military attacks on civilians and the siege of civilian areas, the use of human shields and illegal weapons such as barrel bombs and chemical weapons, torture, enforced

disappearances, sexual violence, the recruitment of child soldiers (Van Schaack, 2016; COI, 2020) In this section, I offer a brief overview of the most important crimes, particularly those related to justice efforts. First, I focus on crimes related to the conduct of hostilities, mostly looking at violations of international humanitarian law (IHL). The second cluster that I examine pertains to crimes related to detention, enforced disappearances and sexual and gender-based violence. It is important to note that my selection results in certain omissions, as the scope of these crimes extends beyond what is covered below.

2.4.1 Attacks on Civilians, Sieges and Displacement

The Syrian regime and its allies have carried out deliberate, indiscriminate and disproportionate attacks on civilians and civilian objects (Van Schaack, 2016). Starting in 2012, the systematic, widespread use of air force against civilians, resulted in a huge number of casualties (Ziadeh, 2020a, p. 12). By the summer of 2012, the government's assaults followed a consistent pattern: preceding an attack, its forces besieged the restive area. With dwindling supplies and medical care, encircling forces shelled and fired rockets and surface-to-surface missiles into the localities. Increasingly, they relied on aerial assaults, using jets and helicopter gunships that would fire or drop a variety of weapons including missiles, cluster munitions, thermobaric bombs, incendiary weapons, and barrel bombs, rudimentary incendiary weapons (Khen et al., 2020 Ashraph, p. 88-89). Barrel bombs would become the most widespread and systematic weapon used against its population (Ziadeh, 2020b, p. 3). Anti-government armed groups also engaged in indiscriminate attacks, including routine firing of improvised rockets and mortars into neighbourhoods, villages, and towns under government control (Khen et al., 2020, Ashraph, p. 92). In 2017, the regime, Russia and Iran agreed to establish "de-escalation" zones, clarifying that these were not safe zones for civilians, but rather areas where the intensity of fighting would be reduced. Yet, there is no legal definition of "de-escalation" zones, a legal ambiguity that served to continue attacks against civilians in these zones (Ziadeh, 2020b, p. 3).

In July 2012, the Syrian government acknowledged that it possessed chemical weapons, stating that these would never be used (Khen et al., 2020; Ashraph, p. 93-94). Yet, on the 21st of August 2013 it launched a massive chemical attack against Ghouta.⁴ Thousands of people were rushed to hospital with symptoms such as convulsions,

⁴This was not the first chemical weapon attack committed by the regime. The first allegation of chemical weapons use was reported in December 2012 (Arms Control Association, 2021).

suffocation, coughing up blood, and foaming at the mouth. The number of people killed, with estimations ranging from 281 to 1,729, has never been confirmed (Khen et al., 2020; Ashraph, p. 96). Following the Ghouta attack, and the threat of the use of violence by the Obama administration (discussed in the next section), Syria became a member of the Chemical Weapons Convention (CWC). This meant that subsequent allegations of chemical weapon use would fall under the jurisdiction of the Organisation for the Prohibition of Chemical Weapons (OPCW). Between 2013 and 2020, there have been at least 336 chemical weapons attacks. Around 98 percent of these attacks can be attributed to the Assad regime, with IS responsible for the rest (Schneider & Lütkefend, 2019).

Since the beginning of the uprising, different parties in the conflict, but in particular the Syrian government and allies, used sieges to punish towns, neighbourhoods, and cities (Siege Watch, 2019). This collective punishment of civilians served to weaken the opposition and force communities to surrender (Ziadeh, 2020a, p. 13). The term “siege” is not defined in IHL treaties. In its broadest terms, the UN Human Rights Office understands a siege as “the military encirclement of an area with the imposition of restrictions on the entry and exit of essential goods with the aim of forcing its surrender” (OHCHR, 2017). The use of sieges as a tactic of war is not prohibited under IHL if directed solely at a military objective and is in conformity with relevant IHL rules. Along with sieges, the regime used starvation as a weapon of war by blocking or denying humanitarian aid to populations in hard-to-reach areas such as the city of Madaya, where civilians were compelled to eat grass for several months (Van Schaack, 2016). Sieges allowed the Syrian army to contain rebellious areas and drain them of resources, and ultimately displacing much of the unwanted population. Russia’s military intervention in 2015 enabled the Syrian army to capture besieged areas (Siege Watch, 2019). One of the most devastating sieges was of eastern Aleppo by pro-government forces in July-December 2016 (Al-Kahwati & Mannergren Selimovic, 2021).

Relatedly, as of 2016, the regime embarked on the displacement of large parts of its population. The first city that was subjected to the transfer of part of its population was Homs (Ziadeh, 2020b, p. 3). Areas that were besieged between 2013 until 2017-2018 were exposed to either forcible displacement or reconciliation (Ziadeh, 2020a, p.18). Forcible displacement as a deliberate strategy was manifested in Daraya and East Aleppo in August and December 2016 (Nahlawi, 2018). The displacement resulting from so-called “evacuation deals” enhanced the policy of sectarian and

demographic change (El-Sadany, 2020, p. 87). Moreover, displaced communities face violations of Housing, Land and Property (HLP) rights, committed by various parties to the conflict. Yet, the regime issued a series of laws to deny civilians the right to return to their properties. It has also rendered their return impossible through the partial or complete destruction of property (Ziadeh, 2020a, p. 27). Human Rights Watch posits that the demolitions either served no necessary military purpose or caused disproportionate harm to civilians (2014). Millions of refugees, internally displaced persons, detainees, and missing persons, along with their family members, are adversely impacted by measures that violate their HLP rights. Furthermore, specific groups with a history of discrimination in property rights, such as women, Palestinian refugees, and Kurds, are at a higher risk (Impunity Watch & PAX, 2020).

2.4.2 Detention, Torture and Disappearances

Another defining aspect of the conflict are detention, torture and enforced disappearances.⁵ I treat those violations in one cluster as they pertain to the continuity of the Syrian “gulag”, the prison system consisting of central, civil, secret, and intelligence agency prisons (Üngör & Baker, 2022). Analysing the dreaded intelligence agencies’ prisons, Üngör compares them to a vacuum cleaner: “They clean the society they enter, penetrate into Syrian society and extract people from it. They then process them – to use a factory term – they process these human beings by subjecting them to violent treatment and to torture and other forms of interrogation, they keep them in these prisons for a while” (cited in Destrooper & Herremans, 2022). Since 2011, tens of thousands of people have been detained, the majority by government forces. Amnesty International documented the deaths of over 17,000 people in custody between 2011 and 2016 (2016). The most notorious is the Saydnaya Military Prison, where regime forces committed crimes involving extrajudicial executions, torture, brutal treatment and murder, as well as rape and other sexual offences.⁶ Amnesty International revealed a routine of mass extrajudicial executions by hanging inside

⁵ These violations have been well documented. In addition to records kept by official mechanisms such as the COI, IIM and OHCHR, Syrian groups like the Violations Documentation Centre, the Syria Justice and Accountability Centre, the Syrian Network for Human Rights, the Syrian Archive, the Association of the Detainees and Missing in Sednaya Prison; and international NGOs such as ECCHR, Trial, FIDH, Amnesty International and Human Rights Watch, document these crimes.

⁶ Various transliterations are in use. Following the International Journal of Middle East Studies transliteration system, I use “Saydnaya”. Nevertheless, when mentioning the Association of the Detainees and Missing in Sednaya Prison, I adhere to their transliteration.

Saydnaya prison in place between 2011 and 2015, resulting in the death of 13,000 additional prisoners, concluding that these policies are tantamount to extermination (2017).

The Commission of Inquiry (COI) underscores that there is a consistent pattern of abuse in the arbitrarily or unlawful detention of tens of thousands of individuals in official and makeshift detention centres throughout the country.

The vast majority are being held without due process and are not allowed access to legal representation or to their families. They endure various forms of brutal torture and subsist in severely inhumane conditions. Many have died in detention, while others have been summarily executed. The bodies of those who have died as a result of torture, neglect, inhumane conditions, or from executions are rarely returned to their families, who are also not notified about burials. As the number of detainees has grown, so too have the unofficial and secret places of detention these individuals are held in (2018).

Detention is closely related to the practice of enforced disappearances. Since 2011, tens of thousands of Syrians have been forcibly disappeared by the Syrian government or have been abducted by armed groups. The Syrian government is responsible for disappearing large numbers of opponents, including demonstrators, political activists, human rights defenders, media workers, doctors and humanitarian aid workers, and also began forcibly disappearing family members of wanted individuals (Amnesty International, 2015). The lack of access to the country and detention facilities make it difficult to determine the exact number of missing people (OHCHR, 2021). According to the Syrian Network for Human Rights, at least 100,000 Syrians out of a pre-war population of 22 million are registered as disappeared (2020). The Assad regime is responsible for the vast majority of those disappearances, which frequently result in deaths in custody and extrajudicial executions. Non-state actors, such as IS, Hay'at Tahrir Al-Sham (previously Jabhat Al-Nusra), DYP/PYG and the Syrian National Army, are responsible for 15 percent of the cases, resulting from the abduction of civilians (ADMSP, 2020). Prior to its military defeat, IS abducted thousands of people. Dozens of mass graves have been found in areas under its control (HRW, 2020).

For the Syrian regime, enforced disappearances are a tool of intimidation, aimed at terrorising and fragmenting society, causing severe trauma for victims and their

family members and impinging on their human rights. Families are unable to get information about the whereabouts of their loved ones or what happened to them, as the regime and other perpetrators refuse to reveal the details of the whereabouts of the disappeared and the missing (SNHR, 2020). In 2018, the Syrian government registered hundreds of disappeared and detained people as dead and released their death certificates without notifying the families (Amnesty International, 2019; COI, 2018a). Some deaths have been proven incorrect as people who had been certified dead were later found to be alive. For others, no reliable evidence of death was given, and human remains are rarely returned. As the majority of victims of disappearances are men, this impacts livelihoods. Women face practical, financial, legal and emotional challenges and often take on the responsibility of searching for the missing relative (OHCHR, 2021). Those searching for disappeared family members have been forced to pay bribes to officials or been faced with extortion (Al-Hallaq, cited in Destrooper & Herremans, 2021). The Association for the Detained and Missing Persons in Sednaya Prison notes that enforced disappearance is also a means of financing the state and its repressive apparatus through financial extortion of the families (2020).

Lastly, sexual and gender-based violence (SGBV) against women, girls, men, and boys has been persistent since 2011. According to the definition of the International Criminal Court, sexual violence covers both physical and non-physical acts with a sexual element (2014). As per the COI, “parties to the conflict resort to sexual violence as a tool to instil fear, humiliate and punish or, in the case of terrorist groups, as part of their enforced social order” (COI, 2018). Government forces and associated militias have perpetrated sexual violence during ground operations, house raids, and at checkpoints. The UN and various international and Syrian NGOs have documented the systematic and widespread commission of SGBV in detention facilities against adults as well as children, amongst which grave incidents of rape, verbal threat of rape, sexual harassment, genital mutilation, electric shocks directed against the detainee’s breast or genital area, intimate searches, forced abortion, forced nudity and sexualized language. These crimes are often committed in conjunction and as integral parts to other crimes, such as torture and deprivation of liberty (ECCHR, 2020). While SGBV by government forces is more prevalent, it is also perpetrated by non-state actors. IS, as a matter of policy, practised discrimination against women, girls, and sexual minorities. The forms of such violence committed by the various perpetrators have shifted along with the course of the conflict, as have the purposes for its commission. Yet, perpetrators share commonalities in extreme brutality and

in the intention to terrorise and humiliate (Chinkin & Rees, 2018). In conjunction with the COI, the IIM takes a comprehensive approach that encompasses a broader understanding of SGBV in conflict. IHL has consistently linked the crime of rape with women, sexual violence against men and boys goes underreported or unaddressed (IIM, 2022). As such, the IIM diverges from prevailing approaches to SGBV in conflict, surpassing binary perspectives by considering the full scope of the crimes and the experiences of survivors.

To conclude, peremptory norms and rules of international law have been undermined, to the point where international law can be considered the “latest victim” of the conflict (Miliband, 2014). Perpetrators resort to unlawful attacks using various strategies to punish civilians, crush dissent, and instil fear. The regime selectively targets segments of society associated with the uprising, while also resorting to indiscriminate attacks, including assaults on densely populated areas and the use of unconventional weapons. These massive and extensively documented violations of international law have presented an unseen challenge to the international justice community. This situation has revealed a paradox where the abundance of evidence documenting international crimes does not necessarily lead to increased accountability. Consequently, it can be asked whether the Syrian conflict represents a nadir in the international community’s response to massive violations of international law. While Syria has not ratified the 1998 Rome Statute, and consequently does not fall under the jurisdiction of the International Criminal Court, international efforts for justice and accountability have been insufficient, as I discuss in chapter 4. To comprehend this failure, it is essential to examine the role of the international community in addressing this conflict.

2.5 From International Action to Paralysis

The current international passivity sharply contrasts with the initial international efforts to support the hoped-for change. Early into the conflict, significant disagreements arose on the international level, generating an international paralysis. Russia’s use of its veto power to shield the Assad regime has effectively paralyzed the UN Security Council, progressively sidelining the role of the international community and impeding efforts to reach a diplomatic resolution. In this section, I first examine the early international response, zooming in particularly on the use

of chemical weapons as an illustration of the international community's inability to halt international crimes and effectively address the accountability gap. Following that, I discuss the mediation efforts and multilateral initiatives to pursue justice and accountability.

2.5.1 Early International Stalemate

The early international response to the uprising and subsequent conflict in Syria, was already marked by divergent approaches. The EU and the US welcomed the uprising, and adopted a policy framework that emphasised the establishment of a transitional governing body with full executive authority. Russia's initial response was characterised by support for the regime, and it aligned early on with Damascus (Allison, 2013). The assumption was that the president could be persuaded or coerced into negotiating a political settlement, ignoring Assad's insistence that he would not be coerced (Bellamy, 2022, p. 388). Yet, Western states were adamant that Assad must go, and took a series of measures aimed at isolating the government, such as sanctions. Anticipating the regime's downfall and a democratic transition, some states initially provided assistance to both civilian and armed opposition groups. The Obama administration cautiously committed itself to supporting rebel groups, first through nonlethal aid and through the limited transfer of arms to vetted fighters (Pearlman, 2020). However, the US was not willing to fully commit to expectations it had generated via its rhetoric of regime change and ultimately proved reluctant to supply arms and funding, thus revealing an ambiguity over its intended strategy of regime change (Gani, 2019, p. 217). Generally, Western states failed to foresee the full extent of the war's deadly nature and its far-reaching impact. Moreover, there was an underestimation of the regime's determination to resort to violence, and a failure to anticipate a scenario where the regime would ultimately prevail, with the assistance of Russia (Haugbolle, 2019, p. 231).

The international community's inability to halt violations of international law and, along with the incoherence of the US Syria policy, became most evident following the chemical weapons attack in August 2013. In August 2012, President Obama had declared that the transfer of use of chemical weapons would be a red line for the US. Nonetheless, it was clear that the government did not want to engage in "game-changing" military intervention, as Jasmin Gani argues. "Even in a vacuum of leadership, it was clear that the US could not command international or domestic legitimacy for any decisive military action against a Syrian regime that

had transgressed clear boundaries of international law” (2019). After the Ghouta attack and the confirmation by US intelligence of the Assad regime’s responsibility, President Obama sought authorisation from Congress for a limited military strike “to deter further chemical weapons use and uphold international norms” (Washington Post, 2013). US and British warships and French fighter jets were deployed, planning to fire missiles at some fifty targets (Pearlman, 2020). However, the British parliament voted against participation in this operation. In September, US Secretary of State John Kerry remarked that strikes could be averted if the regime admitted that it possessed chemical weapons and surrendered them (Gani, 2019). Shortly after, Russia communicated to Kerry that the Syrian government proposed to place its chemical weapons stockpile under international control and dismantle it under the supervision of the Organisation for the Prohibition of Chemical Weapons (OPCW) (Pearlman, 2020). In September 2013, representatives of the US and Russia reached an agreement, approved by the Security Council (Khen et al., 2020; UNSC, 2013). The UN-OPCW Mission announced completing the destruction of Syria’s declared stockpile in August 2014. Nonetheless, the use of chemical weapons continued, creating a situation where a state party to the Chemical Weapons Convention violates the treaty with impunity (Koblentz, 2019).

Russia’s role was devastating, initially acting as a mediator to prevent international action and later obstructing efforts to curb the use of chemical weapons. Furthermore, Russia has repeatedly used its veto power in the Security Council to shield Syria. Since Syria is not a signatory to the 1998 Rome Statute, the only way for the court to gain jurisdiction would be through a referral by the UN Security Council. In 2014, Russia and China vetoed a Security Council resolution to refer the situation in Syria to the prosecutor in order to open an investigation (UN News, 2014). Russia has systematically vetoed resolutions containing condemnation of human rights violations or calls for accountability for crimes by the Syrian government forces or its allies.

2.5.2 Mediation Efforts

Different actors have invested in efforts to reach a negotiated political solution. These endeavours have included processes under the auspices of the Arab League, the United States, and the United Nations (the Geneva peace process) on the one hand and Russia (the Astana–Sochi peace process) on the other hand (Sosnowski, 2020). In the winter of 2011-2012, the Arab League sent observers. Consequently, a joint

mission of the UN and Arab League was established under the aegis of former UN Secretary-General Kofi Annan, resulting in the deployment of unarmed observers. In June 2012, Annan organised the Geneva I conference. The ensuing Geneva communiqué called for a transitional governing body with full executive powers, stressing the need for accountability. However, this did not translate into pressure on the regime because Russia refused to interpret it as a call for Assad's resignation (Lund, 2018). The Annan mission came to an end a few weeks later following rebel advancements. After the 2013 agreement on Syrian chemical weapons, diplomatic efforts were rekindled. This paved the way for the January 2014 Geneva II conference, under the supervision of Lakhdar Brahimi. Like his predecessor, he encountered difficulties in convincing the warring factions to implement the Geneva Communiqué (Lund, 2018). Whereas Geneva I was attended only by non-Syrian state parties, Geneva II witnessed the first direct negotiations between regime officials and the opposition, the Syrian National Coalition. Talks rapidly stalled as the regime rejected requests for power-sharing (Pierret, 2018). Having survived the "red line" threat, the regime had no incentive to compromise. Following the failure of Geneva II, Staffan de Mistura replaced Brahimi and adopted a strategy of encouraging local ceasefires, a strategy rejected by the opposition as it was beneficial to the regime (Bellamy, 2022, p. 149).

As battlefield dynamics began to favour the Syrian government, following Russia's intervention in 2015, the diplomatic process further stalled (Sosnowski, 2020). Nevertheless, negotiations continued, resulting in UN Security Council Resolution 2254 in December 2015. The resolution called for a political transition within six months, a process for drafting a new non-sectarian constitution, and free and fair elections within 18 months under the auspices of the UN, in which the diaspora would be included (2015). This resolution formed the focus of intra-Syrian talks between 2016 and 2018. Yet, these talks achieved limited success (Lund, 2018). In 2019, UN special envoy de Mistura was replaced by Geir Pedersen. The revived Geneva process reflects the altered military balance, with the focus shifting towards constitutional reform (Pierret, 2018). While Western states publicly remained committed to transition, some diplomats advised the opposition in private to accept an ongoing role for the president or close associates (Bellamy, 2022, p. 160). The altered military balance provoked a departure from the UN's Geneva process, underscoring changes in geopolitical power and solidifying the regime's control. Russia initiated peace talks in Astana with Iran, Turkey, and members of government and the armed opposition to manage the conflict and negotiate a post-conflict transition. The

ensuing cease-fire agreement resulted in the earlier mentioned “de-escalation zones”. However, government forces’ attacks quickly resumed attacks and re-gained control over three zones, except for Idlib (Pierret, 2018). The legal ambiguity surrounding the de-escalation zones provided an opportunity for Russia to undermine UN efforts and selectively engage with opposition groups of its choice (Ziadeh, 2020b, p. 5).

According to Samer Abboud, the Astana process represents a shift from viewing the role of states as guarantors that monitor ceasefires and ensure a liberal post-conflict transition, to becoming active guides and promoters of illiberal principles (2021). Effectively, the Astana process advanced illiberal norms and practices and sanctions continuing violence (Abboud, 2021). Furthermore, the establishment of the four ceasefire zones enhanced the influence of external actors, particularly solidifying Russia’s control. It also reinforced Turkish authority over northern Syria and aligned with the local reconciliation agreements (Sosnowski, 2020). The hesitating involvement of the United States, the primary backer of the Geneva process, also determined the mediation efforts. Both the Obama and Trump administration prioritised the fight against IS, shifting their focus away from supporting the Syrian opposition movement to fighting IS. This has allowed Russia to assert control over both the military dynamics and the political negotiations (Sosnowski, 2020).

Despite the lack of success in the negotiations, the UN persisted with a “zombified peace process” – to borrow a term of Alex Bellamy – that continued without yielding any tangible outcomes (2022, p. 389). Additionally, the UN inadequately considered the repercussions of its ongoing operations in Syria and failed to effectively prevent further harm. Firstly, when government forces began pushing besieged areas into submission, the UN facilitated their surrender, effectively facilitating the displacement of civilians. It consistently failed to stand up against regime sieges (Alaa Ghanem, 2020, p. 99). Secondly, the UN inadvertently channelled millions of dollars into the hands of Assad’s family members and supporters and funded rebuilding activities in regime-controlled areas (Bellamy, 2022, p. 389).

2.5.3 Multilateral Responses

States and international institutions have heavily invested in transitional justice initiatives, as discussed in chapter 4. Initially, these efforts were intended to accompany the desired transition and lay the groundwork for accountability measures. However, as the prospects of a transition diminished, in a subsequent phase the focus shifted

towards mitigating the consequences of the failed international response. The transformation of the uprising, the emergence of IS, and the involvement of third states, who were simultaneously allies (against IS) and adversaries (vis-à-vis the regime), significantly dampened international interest in accountability efforts related to the regime's crimes (Van Schaack, 2020b). However, three important international initiatives need to be highlighted, namely the establishment of the Commission of Inquiry, the IIIM and accountability mechanisms for the use of chemical weapons.

In April 2011, the UN Human Rights Council (HRC) called upon the High Commissioner for Human Rights to dispatch a fact-finding mission (FFM). In September 2011, the FFM issued a report detailing the deterioration of the situation in Syria from the early protests through the commission of systematic disappearances, deprivations of liberty, murder, and torture. As a result of the increasing lethal violence, the HRC established the International Independent Commission of Inquiry on Syria (COI) in August 2011. Its mandate has been renewed annually and continues to operate. The COI had only minimal access to Syrian territory and relied upon calls into Syria and interviews with human rights activists, defectors, and other Syrian citizens in the diaspora to conduct more far-reaching inquiries (Van Schaack, 2020).

Additionally, the UN General Assembly intended to create the groundwork for international criminal accountability, as vetoes in the UN Security Council prevented the referral of the Syrian situation to the International Criminal Court. This resulted in the establishment of the “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011” in December 2016 (Whiting, 2017). The IIIM sees its mandate as that of a justice facilitator working towards accountability for core international crimes, particularly war crimes, crimes against humanity and genocide. The mechanism does not have prosecutorial powers but acts as “a legal assistant that bridges the gap between fact-finders and prosecutors”. Its powers have been described as “quasi-prosecutorial” (UNGA, 2017). Since it became operational in 2018, it assists jurisdictions which are leading investigations and prosecutions against suspected perpetrators of crimes in Syria (Elliott, 2017). Originally, there was confusion over its mandate and the complementarity with the Commission of Inquiry, making it challenging for CSOs to hand over files. This hurdle was overcome, as the IIIM invested strongly in outreach with CSOs, even if it mainly pursues a unilateral

approach of receiving information. Without the powers of a prosecutor or court orders, the mechanism entirely depends on the cooperation with Syrian CSOs since only Syrian investigators and documenters can work inside Syria. Despite its limited mandate, the IIIM reinforces existing documentation efforts through the creation of a repository of the evidence and its promotion of the use of that evidence in prosecutions under universal jurisdiction laws in national jurisdictions (Wenaweser & Cockayne, 2017). As discussed in chapter 4, the IIIM is a key site for documentation and truth-seeking efforts.

Other important demarches are related to the attribution of accountability for the use of Chemical Weapons. Despite the OPCW's operations inside Syria, continuing reports of chemical weapons use emerged from Syria. As a result, the OPCW launched a Fact-Finding Mission (FFM) to establish the facts surrounding allegations of the use of toxic chemicals, reportedly chlorine (OPCW, 2014). In August 2015, as a result of the FFM's findings that "chlorine has been used repeatedly and systematically as a weapon in Syria", the UNSC voted in August 2015 a resolution to create the UN-OPCW Joint Investigative Mechanism (JIM) to "identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons" (UNSC, 2015a). The JIM investigated nine incidents and found the regime responsible for four attacks, including the use of chlorine-filled barrel bombs in three incidents in 2014 and 2015 and the use of sarin in Khan Shaykhun in April 2017 (JIM). While the UNSC required the JIM to retain evidence and reiterated that those responsible must be held accountable, it was silent in terms of any prosecution or adjudication mechanism (Elliott, 2017). In 2019, OPCW member states established the Investigation and Identification Team (IIT) after Russia had used its veto three times in 2017 to prevent the extension of JIM's mandate. On 8 April 2020, the IIT released a report attributing three instances of chemical weapons use to the Assad regime, attributing responsibility for the first time (Koblentz, 2019).

As the conflict transformed following the emergence of IS and Russia's intervention, the international focus has increasingly shifted towards feasibility politics. Consequently, the mobilisation for international justice has diminished, and accountability efforts have primarily centred around the crimes of violent jihadi groups, aligning with security concerns of states in the Global North. One notable exception is the international mobilisation for the search of the missing – largely inspired by the relentless efforts of Syrian CSOs – that led the UN General Assembly

to adopt a resolution in June 2023 to establish an Independent Institution on Missing Persons in the Syrian Arab Republic (UNGA, 2023). However, on the whole, the Assad regime has managed to withstand international pressure. Additionally, it has effectively improved its international position in 2023 as a result of its capacity to create problems for its neighbouring countries and the region more broadly, having to deal with the burden of migration, the destabilizing effects of the trade in Captagon, a highly addictive amphetamine, and the aftermath of the devastating earthquake (Ghattas, in Rachman, 2023).

2.6 Narrative Warfare

Although the beginning of the uprising was initially embraced in the Global North, the enthusiasm was short-lived due to the swift emergence of IS, which reinstated hegemonic narratives about Syria and the broader region. The regime's longstanding control over the narrative of violence and the absence of formal justice mechanisms for Syrians played a significant role in perpetuating clichéd perceptions of injustices and the pursuit of justice. In this section, I shed light on the production and the reception of these narratives.

In her seminal book *Authoritarian Apprehensions, Ideology, Judgment, and Mourning in Syria* (2019), Lisa Wedeen observes that there is an “annihilation of truth” in the Syrian context, despite the excessive documentation of the conflict and the abundance of evidence of war crimes. The Assad regime and Russia have effectively engaged in narrative warfare, disseminating disinformation via media outlets and social media in order to depict the protest movement as sectarian and dominated by Salafist, jihadi groups to justify its violence as counterterrorism. This narrative warfare has fed hegemonic narratives, contributing to a binary representation of the conflict with the regime and IS as the main protagonists (Üngör, 2019). The way in which the regime has worked to maintain the monopoly of the discourse on violence, and fed dichotomic narratives about a complex conflict marked by the perpetration of crimes by all parties, strongly affected the debate about justice for Syrians. The more information that emerged, the more doubt it seemed to generate both in and outside Syria, Lisa Wedeen observes, entailing a general climate of uncertainty (2019, p. 88). The opposing claims of the regime and opposition activists have compounded the confusion over the possibility to judge evidence or ascertain the nature of truth claims circulating in the Syrian conflict (Wedeen, 2019, p. 68).

From the outset of the uprising, the Syrian regime was all too aware of the prevailing climate of doubt, and the potential for disinformation. It skilfully utilised the influential impact of images and exploited their gaps and ambiguities to its advantage. In the beginning of the uprising, the political relevance of photography and image-making emerged, combined with the availability of cheap digital devices (De Angelis, 2019). Early on in the uprising, Bashar al-Assad indicated that he viewed cameras as a weapon the opposition used against him, mentioning in a meeting with students that it was not the demonstrators that bothered him so much as the people who filmed them and transmitted the images to the media (Haid, 2014). For the authorities, the threat posed by cameras was not merely symbolic. They undermined the system of coercive compliance as the dictatorship was openly contested domestically for the first time. The regime acknowledged that images can be “agents of political power rather than second-order representations of it”, according to Elias Chad (2017). In a parallel move, the Syrian state media apparatus invalidated images that protestors circulated through online channels by exploiting the uncertainty surrounding digital documents that circulate without any clear or identifiable provenance. This digital uncertainty and the fact that digital tools are not necessarily transparent conduits for political ends, but can also be involved in the production of selective truth, has been taken insufficiently into account on the side of the opposition (Elias, 2017; Mroué & Martin, 2012; Steyerl, 2009).

The regime began circulating disinformation, a practice that soon defined coverage of the Syrian conflict (Matar, 2019). This should be recognised as part of our political reality, as it influences the choices of political players involved in Syria. On Syrian official media, such stories served as a pillar of a strategy to cast doubt on media representations of the conflict and enable the dissemination of outlandish claims about a universal conspiracy against the country (Al-Ghazzi, 2017, p. 13). Various individual bloggers abroad supported these efforts and strongly influenced the framing of the Syrian conflict. One of the tactics deployed was the circulation of misinformation about major events in the civil war, such as the chemical attacks. Another tactic was to discredit oppositional narratives and to launch smear campaigns against oppositional groups, journalists and NGOs. A case in point is that of the White Helmets, a volunteer rescue organisation twice nominated for a Nobel Peace Prize accused by the regime of being a “facelift” for a jihadi group (Matar, 2019). The defamation campaigns had a profound impact on the perception of the opposition in the Global North, contributing to the general climate of uncertainty and Syria fatigue. The prevailing atmosphere of uncertainty provided a fertile

ground for the spread of doubts regarding civil society activism. This led to a general lack of recognition and appreciation for the important work carried out by Syria's non-violent movement (Al-Om, 2018). However, as I show in the final section of this chapter, despite the failure of the revolution, revolutionary dissent persists and continues until today. This can be observed both in civil society circles and in artistic avenues.

2.7 An Ongoing Artistic Revolution

The absence of freedom in Syria since the establishment of the Assad regime has not prevented the development of dissent and artistic practices that challenge the state's monopoly on politics and culture in symbolic and indirect ways. Existing scholarship examines how dissent against authoritarianism has characterised many Syrian cultural practices since the eighties, burgeoning since 2000 (Cooke, 2011, 2007; Firat, 2015; Haugbolle, 2008; Sakr, 2013; Wedeen, 2013, 2019). What can be gleaned from this scholarship is that dissent against authoritarianism and injustices is ingrained in Syrian cultural production. The 2011 uprising should be seen as a furtherance of the tradition of dissent. In this final section, I first briefly touch on the tradition of dissent in Syrian cultural production, zooming in on literature and cinema. Then, I foreground significant developments following the uprising.

2.7.1 Tradition of Dissent

Resistance against authoritarianism has shaped Syrian cultural production. Challenging dominant narratives and the state's suppression of contestation, Syrian artists tested the limits of what can be said and developed through aesthetic creations, often reverting to symbolic language. Since the launch of Hafiz al-Assad's "corrective movement", the regime attempted to render its narratives hegemonic through an aesthetics of power or a "cultural revolution", in the words of Max Weis (2022, p. 320). The state attempted to bind cultural producers, carefully treading to co-opt artists to neutralise dissent. As miriam cooke demonstrates in *Dissident Syria: Making Oppositional Arts Official*, this resulted in a bond that kept state powers and cultural producers in a permanent state of mutual dependence, which has pushed the latter to fight for wider margins of freedom, and shaped a generation of intellectuals torn between the desire to criticise the regime and the obligation to compromise with it

(2007). Cooke coins this “commissioned criticism” (2007, p. 27). Some artists also actively participated in the project aimed at “enlightening” the perceived backward population (Kassab, 2019). As a result, they established robust connections with the centres of power within the regime (Bank, 2020). On the other hand, the regime’s attempted cultural revolution also sparked a stark counter-reaction, compelling artists to engage with the political and social context, often in a direct mimetic engagement, through aesthetics of solidarity and resistance (Weiss, 2022, p. 320).

Despite the regime’s imposition of important obstacles, the artistic realm remained a key opportunity for transgressive practices and for political articulation (Bank, 2020). This was reflected in a variety of artistic disciplines, with among others cartoonists, writers and filmmakers denouncing authoritarianism in covert ways. Syrian cinema has touched upon thwarted national aspirations and citizenship with filmmakers such as Usama Muhammad, Nabil al-Malih, Umar Amiralay and Hala Abdallah (Boëx, 2011b; Dickinson, 2016; Salti, 2006). In his documentary *Everyday Life in a Syrian Village* (1974), Amiralay criticised the government’s failure to provide basic amenities to poor communities. Despite the ban imposed by the regime on his film, the filmmaker continued in the same critical vein (Wessels, 2019). Likewise, Syrian playwrights, poets and novelists such as Sa’dallah Wannous, Mamdouh ‘Adwan and Muhammad al-Maghout engaged in a continuous struggle to widen the red lines around the permissible discourse (Mejcher-Atassi, 2019; Albers et al., 2015).

Since the 1990s, writers of so-called “prison literature” genre have addressed the traumas of imprisonment and torture (Taleghani, 2021). Bashar al-Assad’s accession to power in 2000 led to an increase in the production of fiction and films on imprisonment as his presidency rekindled hopes of a political liberalisation (Cooke, 2011). Many of these works were banned as they undermined the legitimacy of the regime and established a link between past and present state violence. Yet, artists continued to push the boundaries and address the nature of authoritarianism, widening the range of public discourse along with human rights activists and dissidents (Stenberg & Salamandra, 2015). Auteur cinema became an important site to articulate dissent that could not be expressed in the public space, often using visual language that was veiled and thereby quite inaccessible to ordinary Syrians (Bank, 2020; Boëx, 2011b). Criticisms were also conveyed in popular culture such as tv shows and series (Salti, 2006). In this period, seminal artworks such as the novel *In Praise of Hatred* by Khaled Khalifa and the film *A Flood in Ba’ath Country* by Omar Amiralay appeared. Even though both were banned upon release, they provided

what Alexa Firat calls “a framework for reading creative dissent” (2019). In these works, artists invite readers/spectators to revisit experiences of harm that haunt society and examine their impact.

2.7.2 The Artistic Revolution

The uprising generated a flare-up of artistic expressions, in parallel with the surge of civil society activism and the pursuit of justice. The demonstrations and the ensuing newly acquired freedom reconstructed the rules of engagement of dissident art (Firat, 2019). This transformed the dynamics of the cultural field with many post-2011 artistic practices furthering the tradition of dissent. They abandoned indirect criticism, opened new spaces for narratives and different forms of self-expression (Al-Haj Saleh, 2017; Halasa et al., 2014). Charlotte Bank argues that the critical potential of art in a context like that of Syria lies in “creating moments for a rethinking of the status quo and reimagining the world” (2020, p. 5). In chapter 5, I discuss the way in which this has happened in the realm of Syrian literary writing. In this section, I want to highlight how artistic expressions continue to be a conduit for transgressive practices and for political articulation.

The uprising entailed an explosion of creative works, including filmmaking, painting, graffiti, banners, caricature, song, theatre, dance, satire, and writing, engaged social and political themes previously considered off limits (Halasa et al., 2014; Cooke, 2017). Some expressive works acquired an important significance in the context of dissent and resistance. The group Masasit Mati created *Top Goon: Diaries of a Little Dictator*, a YouTube finger-puppet show that criticised both Bashar al-Assad and the revolution’s turn to arms (Halasa et al., 2014). Music became essential, inspiring protesters during the mass demonstrations in 2011 to sing songs like *Yalla Irhal Ya Bashar* (Come on, Bashar, Leave). The rapid transformation of the conflict prevented people from taking to the streets, yet the songs did not vanish. A decade into the conflict, musicians sing about the hardships of civilians and the pain of thwarted aspirations. As an example, in his song *On All Fronts*, rapper Amir Almuarri sheds light on the victims of the hostilities in Idlib and condemns violence from all sides (Chehayeb, 2019).

Cinema and photography occupy a central space because of their visual impact and the way in which these disciplines cross the boundaries of art and documentation. Citizens engaged in artistic expressions took control of the imagery, creating their

own images that they shared with the world mainly through Facebook groups and YouTube (Ratta, 2018). Citizen activists and filmmakers emerged, cooperating and establishing collectives such as the video art collective Abounaddara providing a platform for anonymous filmmakers to post short films reflecting on life in Syria (Wessels, 2019). Abounadara sees itself involved in a twofold fight: against the regime propaganda and against the outside framing of the situation as a conflict between the regime and extremist groups. It is particularly critical of the tendency to show graphic footage of Syrians victims: “To prevent the poor Syrians from dying in complete silence, it is thought reasonable that their maltreated, dignity-robbed bodies are put on display”(2016).

The revolution and conflict gave unprecedented impetus to Syrian independent video content and cinematography. According to Josepha Wessels, the emergence of Syrian-made documentary films in global markets and festivals, along with the vast number of YouTube videos from Syria since the start of the uprising, represents a revolutionary development in its own right (2016). Syrian feature documentary films firmly arrived on the international stage in 2014 and since then blazed a trail at the international film festivals, culminating with three Oscar nominations for feature documentary for *Last Men in Aleppo* (2018) and *The Cave* (2020) by Firas Fayyad, and *For Sama* (2020) by Wa‘ad Al-Kataeb. Most of these documentaries focused on increasingly sidelined stories of the victims of the war, countering simplistic narratives of a failed revolution. This desire to tell the tale of the impossible revolution is poignantly clear in the documentary *Our Terrible Country* (2013) by Mohammed Ali Atassi and Ziad al-Homsi. Homsi followed the iconic dissident Yassin al-Haj Saleh, firstly during a dangerous trip to Raqqa, under control of IS, and later into his forced exile in Istanbul.

The transformation of the conflict and the establishment of new communities in exile have affected the Syrian cultural scene and artistic production. There is a growing body of artworks created by Syrian writers, filmmakers, performing and visual artists, who have mostly mobilised outside of the country, resulting in a transnational community of new cultural praxis (Cusenza, 2019; Griswold, 2019). The relocation of artists also reconfigured existing ties, altering relations between cultural producers and institutions (Lang, 2021, p. 23). This entails the risk of politicisation, essentialising artists as “Syrian” and commodifying their artworks in the global art market (Cooke, 2017; Cusenza, 2019). There is a danger of using the label “revolutionary arts” to increase the symbolic capital of artworks, reducing arts

to fixed generalities of current events: violence, displacement, political persecution and issues of human rights (Behar & Firat, 2022).

The transformation of the conflict and the ensuing fragmentation and destruction have highlighted the importance of archiving and spurred a shift towards memorialisation. Ensuring that the creative production is not lost and that experiences of harm are not erased, is a concern shared by many artists and civil society activists. Berlin-based visual artist and cultural activist Khaled Barakeh is devoted to connecting Syria's social and cultural fabric through his online platform titled the Syria Cultural Index (SCI). Graphic designer Sana Yazigi set up the project *Creative Memory of the Syrian Revolution* in 2011, aiming to preserve the richness of Syrian artistic expressions. She was astonished by the enormous creativity that Syrians displayed: both established artists and citizens who experimented with artistic expressions (Naddaff, 2017). Yazigi wanted to pay tribute to this richness and started building an online archive of artistic revolutionary expressions from 2011 onwards. *Creative Memory* has archived more than 25,000 expressions including the significance of memorialisation, truth-telling and ongoing resistance. As discussed in chapter 4, many Syrian artistic practices share these characteristics with justice efforts.

“Referring to transitional justice as a movement emphasises that the idea is in movement, meaning that it is fluid and understandings of it change depending on who has appropriated it, how, and why they have done so.”

Jamie Rowen,
Searching for Truth in the Transitional Justice Movement

“Human capacities for identification are linked to our faculty of imagination, which enables us to project ourselves into others’ lives and worlds and to see themselves as part of ours”

Mihaela Mihai,
Epistemic Marginalisation and the Seductive Power of Art



War Child by Fares Cachoux

III. Theoretical Framework

This theoretical chapter consists of two sections that lie at the basis of the theoretical framework on justice efforts in the Syrian context on the one hand and the potential of literary writing to foreground injustices on the other. The section focusing on transitional justice (3.1) is organised around three primary objectives. Firstly, it illustrates the origins of the field and its development from a theoretical concept and practical application drawing on the script of transitions towards democracy. In contemporary times, the realm of transitional justice encompasses a broad spectrum of both judicial and non-judicial measures that can be implemented across diverse contexts, including post-conflict situations, ongoing conflicts, and established democracies. Secondly, it aims to demonstrate that there is no-one-size-fits-all approach, emphasising the inherent malleability of the field, which offers both benefits and risks of overstretching. Thirdly, this section examines the potential of the transitional justice paradigm in paradigmatic cases. In doing so, I elucidate my approach, which draws inspiration from critical scholars who question the prevailing theories of transitional justice and make a case for its malleability. This aligns with one of the central research questions of this dissertation, which scrutinises why justice actors appropriate the paradigm in the Syrian context.

The second section of this chapter (3.2) examines the ability of artistic practices, and literary writings in particular, to advance injustices. Premised on the idea that justice processes and artistic practices are mutually enriching, it seeks to advance a theoretical framework that underlies the analysis of Syrian literary writings in chapters 5-7, looking into the potential of artistic practices to a) “presence” experiences of harm, b) foreground multiple truths and c) generate epistemic resistance. Moreover, I elaborate on the scholarship on literature and human rights, memory studies and trauma theory that inspired my perspectives on literature and responsiveness. Finally, I look into the potential of literary texts to influence readers’ beliefs, knowledge and behaviour.

3.1 Transitional Justice

3.1.1 Origin of the Field

A. GENEALOGY

The concept of transitional justice was originally used to describe transitions from authoritarian regimes to democracy (Kritz, 1995). It is articulated as a theoretical and normative framework to address histories of authoritarianism or conflict, and pursue justice in the wake of political transition. Ruti Teitel defines “transitional justice as the conception of justice associated with periods of political change characterised by legal responses to confront the wrongdoings of repressive predecessor regimes” (2003). The initial conceptual framework of transitional justice was altered in 2004, upon the publication of a report on the rule of law and transitional justice by United Nations Secretary General Kofi Annan to the Security Council. It described transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (UNSG, 2004). This definition substituted the idea of political transitions and regime changes with the notion of large-scale abuses in different contexts (Parmentier, 2016). Today, transitional justice is largely understood as a field of theory and practice that seeks to unpack what it takes for societies to deal with legacies of human rights abuses and develop a set of judicial and non-judicial measures used to address those.

In her genealogy of transitional justice, Teitel discerns three phases. It is interesting to critically look at her typology that was dominant in the early transitional justice scholarship but has been challenged by scholars such as Paige Arthur (2009). While its origins can be traced to World War I, Teitel argues, transitional justice becomes understood as both extraordinary and international in the period after World War II, when tribunals were established to try the leaders of Nazi Germany and Japan. Arthur criticises the way in which this new concept is applied retro-actively, and argues that Teitel imputes “ideas about “transitional justice” to actors who, presumably, were unlikely to have held them” (2009). The second, or post-Cold War, phase is associated with the wave of liberal, democratic transitions that began in 1989 and took place in Latin American and other parts of the world. While these transitions emerged on account of popular and disruptive protests against military dictatorships, this led to state-centred responses for accountability, truth-seeking and other ways

of addressing human rights violations (Hansen, 2013). The third, or steady-state, phase of transitional justice is associated with contemporary conditions of persistent conflict which normalise the use of violence (Teitel, 2003).

The term “transitional justice” was properly coined in the nineties, with several scholars claiming ownership (Parmentier, 2016). The proliferation of this typology was facilitated by the publication of the compendium *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* by Neil Kritz (1995). Before the common use of the term from the mid-nineties onwards, Joanna Quinn notes that scholars used to describe work in this domain as “justice after atrocity” or “retroactive justice” (2017). The appearance and acceptance of the term “transitional justice” can be understood as a response to a set of new problems and a way to legitimize the approaches taken (Arthur, 2009). The interest by a variety of actors in “a self-conscious construction of a distinctive conception of justice associated with periods of radical political change”, suggests Ruti Teitel, have globalised the concept and the field (2000, p. 1). Processes of legalisation, internationalisation, and professionalisation consolidated the field over the course of the 1990s and 2000s. The paradigmatic cases that transitional justice scholarship foregrounds, “involve a *transitional state*, where either power-sharing regimes or successor governments struggle to consolidate their new politics,” argue Tine Destrooper et al. “These transitional states became conceptualised as a partner in the transition, no longer its adversary” (2023). Besides the emergence of transitional states, there are two other decisive factors for the proliferation of transitional justice strategies. One is the enhanced role played by international actors, such as UN agencies, international development partners, international NGOs, and institutions such as the International Centre for Transitional Justice (ICTJ). Another factor is the strong involvement of diaspora communities in the pursuit of justice in their countries of origin, leading Naomi Roht-Arriaza to speak of the “Pinochet effect” in the quest for justice and accountability in Chile (2005, p. 208-24).

As transitional justice became largely state-centred, the focus shifted from popular, disruptive movements towards the transitioning state. This also entailed a shift in focus to (criminal) accountability for crimes by state officials through the increased involvement of state institutions and the recourse to criminal proceedings (Destrooper et al., 2023). Given this dissertation’s interest in accountability, it is important to mention the concept of the “justice cascade” that Kathryn Sikkink describes as a “rapid and dramatic shift in the legitimacy of the norms of individual accountability for human rights violations and an increase in actions (such as trials) on behalf of

those norms” (2011, p. 11-12, p. 247). Yet, this notion has been contested by several scholars who believe it eclipses transitional justice’s ideological origins and normative assumptions (Hinton, 2018; Sharp, 2019; Hansen, 2013, p. 111). The widely accepted idea of the globalisation of transitional justice is problematised in what follows.

B. EXPLORING THE BOUNDARIES OF THE FIELD

Firstly, it is important to underscore the lack of clarity or consensus over what the field of transitional justice refers to. In fact, some scholars even do not consider it a distinct field. Joanna Quinn points out that the field of transitional justice, is “in fact only a web of tangentially connected practices and philosophies” (2014). To comprehend the discussions surrounding the field, it is imperative to explore how its historical and ideological origins have shaped the initial conceptual boundaries (Teitel, 2000; Arthur, 2009). In this dissertation focused on justice efforts within a non-transitional context, it is crucial to bear in mind that early scholarship centralised the notion of a transition, establishing it as the primary lens for interpreting political change (Arthur, 2009). Based on the Latin American model, the understanding was that justice contributes to the consolidation of a liberal democratic order, entailing a dominant script (Albon, 1995, as cited in Hansen, 2013, p. 109). Put simply, Thomas Obel Hansen argues, “the field of transitional justice made the question of justice central to democratic transitions, but also made the question of political transformation central to the agenda of justice” (2013, p. 109). In sum, the field’s expansion presents challenges that require attention to ensure its continued relevance. The fact that ideas about transition are in transition, as demonstrated in the Syrian case, adds to the uncertainty about the primary objectives and actors involved in transitional justice (Hansen, 2013, p. 120).

Critical scholars raise concerns about how linking the origins of the field of transitional justice to liberal democracy, has led to assumptions that strongly influenced transitional justice theory, policy, and practice (Arthur, 2009; Sharp, 2019). This narrow understanding leaves key questions unaddressed. Can political change only occur if a transition takes place? How to address the legacies of colonial injustices? What about democratic societies that have not yet dealt with the legacy of past human rights abuses? Alexander Hinton speaks of an imaginary in which “transitional justice is envisioned as a teleological transformation from a state of authoritarianism to one of liberal democratic being” (2018, p. 6). He posits that this imaginary can divert attention away “from geopolitical interest, domestic

manipulations, and structural violence. In addition, it has effects, asserting particular forms of subjectivity and ways of being in the world while obscuring others.” Challenging the notion of a justice cascade, Hinton suggests the idea of a “justice facade”, emphasising that this imaginary provides a surface-level view that masks power and the complexities of everyday experience (2018, p. 7). Drawing on his work, I argue that transitional justice is best viewed as a way to offer new possibilities to kindle the justice imagination, and look for avenues within and beyond existing avenues to advance justice.

Furthermore, there exist various definitions and characterisations of the nature of transitional justice and its potential contributions (Rowen, 2017). Paige Arthur understands transitional justice as a field, “an international web of individuals and institutions whose internal coherence is held together by common concepts, practical aims, and distinctive claims for legitimacy (2009). Challenging the idea that transitional justice is a field, Christine Bell suggests it is a “label or cloak that aims to rationalize a set of diverse bargains in relation to the past as an integrated endeavour, so as to obscure the quite different normative, moral and political implications of the bargains” (2009). Understanding transitions as a way to justify and establish new public norms, according to David Gray, requires adopting a coordinative orientation hinging on an excuse-centred approach that discards criminal liability (2005). This conception of transitional justice goes against the mainstream scholarship that sees criminal accountability as a cornerstone, spurring criticism by scholars such as Kieran McEvoy who contend that the field has been dominated by legalistic approaches (2017). Scholarly debates about transitional justice as a field coexist with a strong attention for concrete judicial and non-judicial mechanisms, or the transitional justice toolkit.

Possibly there is a better understanding of the pillars of transitional justice than of the field as a whole. Assuming transitional justice is a unified field, Maya Davidovic identifies two main features (2022). Firstly, it is rapidly proliferating in terms of scholarship, practice and policies. “Transitional justice has well and truly arrived,” observes Paul Gready. “Its success raises questions such as whether effectiveness claims are backed up by evidence, and about whether transitional justice is now led by an epistemic community (an international, knowledge-based, elite professional and donor network) rather than locally rooted victim–survivor or social movements” (2010b). Secondly, the field is marked by under-theorisation and conceptual confusion. Davidovic argues that this confusion primarily stems from divergences in academic

circles concerning the potential normative expansions of the field:

The disagreement, which one may even call a crisis, occurs in the light of two notable currents in TJ literature: the mainstream, more policy-oriented stream of scholarship that has excelled in empirical evidence and genuinely lacked theorisation, and the emerging group of critics advocating for transformative TJ conceived as a process and not a project, which thus far has done more theorizing than empiricism (2022, p. 31).

Although Davidovic recognises that this analysis may be somewhat simplistic, it proves valuable within the framework of this dissertation. As demonstrated in chapter 4 on transitional justice in the Syrian context, its malleability has allowed for expansions in paradigmatic cases. However, its conceptual and normative fluidity have entailed confusion.

Taking issue with Sikkink's widely circulating idea notion of the justice cascade and other progressivist narratives about global justice, Alexander Hinton advances the notion of justice façade: “an exteriorization of the transitional justice imaginary that masks as much as—or more than—it reveals” (2018, p. 14). Hinton argues that instead of a utopian “better future”:

Transitional justice might be best viewed as providing new possibilities to spark the imagination and social relations in societies emerging from difficult experience—near perspective that is grounded in the semiotic systems and discursive regimes mediating lived experience (2018, p. 18).

Hinton pleads for a phenomenological approach to transitional justice that refocuses attention on lived experience. This would allow a shift from grand, universal promises of justice cascades to the “interstitial spaces in which “justice” is “translated,” and the on-the-ground understandings and practices in which it is enacted” (2018, p. 248).

In sum, when considering the emergence of transitional justice, the question of its *fieldhood* and the emanation of various epistemic communities, all require consideration of the diverse approaches, instruments, and actors involved in transitional justice. This entails adopting various premises, although most transitional justice approaches share a normative foundation rooted in the international law paradigm (UNSG, 2004). My approach hinges on the malleability of the transitional justice paradigm

and builds on the work of critical scholars who challenge mainstream transitional justice theory, as I elucidate below. To conceive of the practice of transitional justice, I build in particular on the work of Jamie Rowen who conceives of transitional justice as a transnational movement. Foregrounding the notion of mobilisation – structured in different ways in different places – helps to understand “how the movement’s distinct blend of scholarship, policy making, and advocacy keeps the idea malleable and therefore useful to a variety of actors” (2017, p. 7). Rowen uses the broader category of a movement to highlight the complex shared identity and loosely structured collective action (2017, p. 7). The appeal of transitional justice does not lie as much in its universality, as is widely believed, but in its malleability. Hence, scholarly attention should be less concerned with the conceptualisation of transitional justice, than with its instrumentalisation.

3.1.2 The Transitional Justice Toolkit

In my investigation of the implementation of transitional justice concepts and initiatives in Syrian context, Jamie Rowen’s analysis of transitional justice holds significant importance. However, this investigation also necessitates an examination of the practical aspects of judicial and non-judicial mechanisms within the transitional justice toolkit. In the Syrian context, an ecosystemic approach developed, consisting of informal spaces created by civil society organisations to formulate concrete interventions for transitional justice. Through the notion of “ecosystem” Kora Andrieu et al. describe how victims’ own understanding of their participation in transitional justice initiatives goes beyond formal moments and mechanisms, and includes engagement in informal initiatives and support structures (Andrieu et al., 2015; cited in Evrard et al., 2021).

Transitional justice is predicated on the notion that the meaning of justice in times of political transition must be more expansive than retributive justice (Rowen, 2017). Teitel explores a number of crucial legal mechanisms: criminal justice, historical justice, reparatory justice, administrative justice, and constitutional justice, contending that there is “no single correct response” (Teitel 2000, p. 219). Yet, accountability and recognition are often considered the central aims of transitional justice (Quinn, 2014, as cited in Destrooper et al., 2023, p. 4). From its inception, transitional justice was associated with efforts against impunity, with calls to end impunity often synonymous with calls for prosecutions. Nevertheless, it is widely agreed that accountability cannot be reduced to criminal accountability. This

should be complemented by historical and political accountability. In addition to prosecutions, other accountability mechanisms such as truth commissions lustration/ vetting mechanisms, civil remedies and reparations play a key role (Bassiouni, 2002).⁷

In their analysis of the aims of transitional justice, Destrooper et al. highlight that accountability and recognition are aims and potential effects of the interventions. Besides accountability and recognition, they identify disruption as a third potential aim or effect as transitional justice processes often seek to disrupt repressive practices and institutions (2023). However, it is important to note that transitional justice initiatives are not always explicitly designed to disrupt, as many of them have been co-opted by states. Consequently, contrary to recognition and accountability, disruption is not always identified as a key aim objective of transitional justice, even if there is always some sort of (claim of) disruption. To encourage theorisation, Destrooper et al. suggest to see disruption – both in traditional and aparadigmatic transitional contexts – as “a disturbance that interrupts a process or practice and a radical change to an existing industry or institution” (2023, p.4). Their analysis is a key contribution to the traditional understanding of the paradigm. While the classical typology highlights the diversity of approaches, instruments and agents, it is hinged on a state-centred understanding, making it hard to appreciate the importance of unruly justice efforts and the function of resistance in transitional justice practices. Yet, protest and resistance lie at the basis of the mobilisation around transitional justice concepts and tools (Aboueldahab, 2022).

Classically, the transitional justice paradigm is seen as a type of toolkit for transitioning societies, proposing a number of instruments to deal with past crimes (Iverson, 2013). These instruments are used by a variety of actors in the mobilisation around transitional justice. The International Centre for Transitional Justice defines the idea of transitional justice as the set of judicial and non-judicial measures implemented to redress legacies of human rights abuses, including “criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms” (ICTJ, n.d.). It refers to these four measures as “pillars”, thus shaping the standardised model (Rowen, 2017, p. 38). The problem is that initiatives that do not easily fit the four-pillar model such as lustration and amnesties, can be marginalised (Destrooper

⁷ Kent Roach identifies accountability as operating on three levels: literal accountability (where individuals account for their actions); organisational accountability (where organisations are called to account for events and policy failures); and social accountability (a process that depends on social recognition of the problem being investigated and subsequent demands by the interested public that individuals, organisations, and society account for their action or inaction) (1995, as cited in Valiñas & Vanspauwen, 2009).

et al., 2023; McAuliffe, 2021). The same goes for memorialisation or artistic forms of engaging with a legacy of violence (Cohen, 2020; Destrooper et al., 2023, p. 7; Rush & Simic, 2014). Before addressing critiques of the standardised model and the expansion of transitional justice, I explore each of the four pillars. Furthermore, I examine memorialisation as a fifth pillar because of its increasing importance, also in the Syrian context. In doing so, I pay special attention to criminal accountability and truth-seeking, looking both into the rationale and its aims as these pillars are central in the pursuit of justice in the Syrian context.

A. CRIMINAL PROCEEDINGS

Despite the expanding critique of transitional justice's original legalistic approach, there remains a strong emphasis on criminal accountability within transitional justice practices. This is evident in the Syrian context, where the investigation and prosecution of international crimes play a first step in advancing accountability or, at the very least, addressing impunity. The normative assumption in the transitional justice movement that accountability for human rights violations is needed, resulted in a centralisation of criminal accountability (Rowen, 2017, p. 34). In the fight against impunity, trials have gained strong visibility because of the human rights movement's focus on accountability. Laurel Fletcher and Harvey Weinstein posit that the quest for "justice" displaced the traditional pursuit for "truth" as the rallying cry of the human rights movement. Individual criminal trials became the benchmark of accountability (2002). Criminal prosecutions rest on three bodies of law: international humanitarian law, international human rights law, and international criminal law (Parmentier, 2016, p. 58). Trials can be pursued through domestic courts, international tribunals, hybrid courts, or transnational approaches.

A first milestone in international criminal justice was the establishment of international tribunals by allied powers in Germany: the International Military Tribunal and The International Military Tribunal for the Far East and Japan. Even if both tribunals made legal advancements, the forward momentum of international criminal justice stopped. This changed in 1993, when the International Criminal Tribunal for the Former Yugoslavia was established, followed by a similar tribunal in the aftermath of the 1994 Rwanda genocide, the International Criminal Tribunal for Rwanda (Quinn, 2017, p. 16). Another important breakthrough was the ratification of the Rome Statute of the International Criminal Court in 1998, followed by a permanent International Criminal Court (ICC) in 2002. Besides international tribunals, there

are hybrid courts, ad hoc bodies in the country where violations occurred (Quinn, 2017, p. 18).

Another important strategy is the use of universal jurisdiction legislation. This allows third countries to prosecute and to try international crimes without the existence of a link between the third country and the place where the crimes have been committed, the nationality of the offender, or the nationality of the victim. The logic is that the crimes involved are of concern to all states and transcend territorial sovereignty (Roht-Arriaza, 2004). As Naomi Roht-Arriaza demonstrates in her book *The Pinochet Effect: Transnational Justice in the Age of Human Rights*, bringing Augusto Pinochet to justice set a precedent preventing leaders who committed crimes to shield from prosecution behind the protection of sovereign immunity. The Pinochet case effectively promoted the legitimacy of prosecutions based on universal jurisdiction and passive personality jurisdiction (2005, p. 197). Yet, these prosecutions remain limited as most countries require at least one link between the perpetrator or the victim and the crime (Parmentier, 2016, p. 57). Nevertheless, the number and frequency of trials and the geographical scope of universal jurisdiction litigation increased over the last decade. This expansion can be linked to the adoption of implementing statutes of the ICC, the creation of international crimes units by states, institutional learning and dynamism by states and NGOs, technological changes and migration (Langer & Eason, 2019).

While trials centre around retributive justice, or punishment, they have multiple goals, including truth, reconciliation, reparation, promotion of the rule of law and deterrence. Trial advocates believe criminal punishment serves the needs of victims, reinforces social norms, removes political threats to the new regime, and deters future abusers. Moreover, as Carsten Stahn argues, criminal proceedings serve a significant expressive purpose. Beyond their legal function, trials have a broader impact as they can convey messages and values, contribute to collective memory and the understanding of historical events (2020). Criminal sanctions can draw a line with past wrongdoings and instantiate normative change (Teitel, 2000, p. 67). Nonetheless, expectations about the outcomes of criminal accountability should be realistic (Roht-Arriaza, 2005). Firstly, there is scant empirical evidence about the impact of judicial truth-making and its potential to contribute to an authoritative record of past crimes. Secondly, while they foreground victims' experiences, trials are not the best way to remedy victimisation. They are mostly focused on the offenders, reducing the role of victims often to that of witnesses (Fletcher & Weinstein, 2002; Parmentier, 2016, p.

59). In conclusion, while criminal accountability offers no panacea for justice, it can be a crucial avenue to advance the fight against impunity, as can be gleaned from the Syrian context.

B. TRUTH

Uncovering the truth about abuses has become particularly crucial in the realm of transitional justice (Bickford, 2007). However, it must be acknowledged that the concept of truth is complex and hard to pin down. As Yasmin Naqvi argues: “It implies objective credibility but also requires subjective understanding. It suggests agreement about factual reality but also space for differing interpretations” (2006). While the notion of an agreed form of an absolute and objective truth remains the object of debates, truth-seeking became prominent in transitional justice strategies.⁸ Victims and their families have frequently been at the core of initiatives to uncover the truth about abuses and identifying perpetrators. The “right to the truth” is an enforceable – albeit elusive – right in international law, recognised in domestic and international judicial institutions, often as part of, or corollary to, the right to a remedy or the right to due process (Bassiouni, 2009; Naqvi, 2006; Sweeney, 2018). Regional human rights groups and bodies (especially the Inter-American system) also established the right of relatives to be informed of the whereabouts of victims of enforced disappearance (Werle & Vormbaum, 2022). As such, various formal mechanisms like trials, truth commissions, commissions of inquiry, and commemoration initiatives have been established. First and foremost, individuals need to know what happened to their loved ones, making the right to truth essential in holding those responsible accountable. Additionally, truth-seeking efforts are interconnected with individuals’ need for recognition of their victimisation. At the societal level, truth-seeking measures aim to building a “shared truth” about the past, also to prevent the reoccurrence of abuses (Valiñas & Vanspauwen, 2009). As non-retributive truth-seeking mechanisms are essential in the Syrian context, these are explored in more detail below.

Truth commissions emerged as the right to truth was extended in response to the crime of enforced disappearance, occurring on a large scale in the South American military dictatorships in the 1970s and 1980s. The first truth commissions were

⁸ Truth-seeking and truth-telling are closely related, yet distinct, concepts that are often used interchangeably. The goal of truth-seeking is to reveal facts and to establish a historical record of past crimes. Truth-telling aspires to the public recognition and acknowledgement of past abuses (Mendeloff, 2004). In the context of this dissertation, I focus mainly on truth-seeking.

created in the 1980s, initially as an alternative method of dealing with the past when the prosecution of crimes was not possible (Quinn, 2017). The term emerged in the aftermath of the National Commission on Truth and Reconciliation in Chile (1990) and the Commission on the Truth in El Salvador (1992). Despite its proliferation, there is no single, broadly accepted definition of what constitutes a truth commission (Rowen, 2017 p. 10). It is commonly accepted that it is an ad hoc institution, mostly established by states or the international community, allowing for the formulation for a new narrative about the past, and ideally laying the foundation of the new political order aiming (Werle & Vormbaum, 2022; Fletcher & Weinstein, 2002b; Hayner, 2002, p. 69). In this context it is interesting to mention Priscilla Hayner's (revised) definition:

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (2002, p. 11).

The South-African Truth and Reconciliation Commission (SATRC) is generally acknowledged as laying at the basis of the global proliferation of truth commissions, initiating according to Paul Gready “the era of transitional justice” (2010, p. 4). In this respect, is worthwhile to discuss briefly the four kinds of truth the SATRC examines, as this taxonomy is relevant to truth-seeking in the Syrian context. The first is objective, factual or forensic truth, based on “factual and objective information and evidence collected or received”, as set out by Promotion of National Unity and Reconciliation Act, which governed the work of the TRC. The second is personal or narrative truth, through the telling of stories by victims and perpetrators. The third is social or dialogical truth, what judge Albie Sachs defines as “the truth of experience that is established through interaction, discussion and debate”. The fourth is healing and restorative truth, contributing to the reparation of the damage inflicted in the past and to the prevention of it happening again (Boraine, 2017). What was most significant about the SATRC, according to Hayner, was that it introduced the idea that truth (even in exchange for amnesty) “could be a means of achieving justice

⁹ In the nineties, Priscilla Hayner used a broad definition of truth commissions. It was as a generic term for a variety of commissions, or “official bodies set up to investigate a past period of human rights abuses or violations of international law” (1994). This foregrounded commonalities between what are now known as formal (government-sponsored) and informal commissions. In *Unspeakable Truths* Hayner narrowed down this definition.

rather than sacrificing it” (2002, p. 37). This led to the understanding the idea that justice can be achieved by pursuing the “truth”, and that an agreed form of truth can emerge that transcends established narratives of blame.

Besides truth commissions, there are other truth-seeking mechanisms: state investigative commissions, fact-finding missions by human rights groups or the UN that operate parallel to, prior to, or as a follow up to truth commissions. In this context, the emergence of transitional justice initiatives driven by civic actors is also significant. Public awareness-raising and political activism play a crucial role in these initiatives, as exemplified by notable instances such as the Greensboro Truth and Reconciliation Commission in the US (2004-2006) looking into the murder of labour and civil rights activists in 1979 by members of the Ku Klux Klan and Canada’s Truth and Reconciliation Commission on Indian residential schools (2008-2015) (Fox & Cunningham, 2022; Niezen, 2016). Generally, war crimes investigations are distinguished from truth commissions, as these bodies are set up by the United Nations to evaluate evidence of criminal wrongdoing and violations of international law available for possible international prosecutions (Rowen, 2017, p. 16). These commissions can also lie at the basis and provide input for criminal investigations. I contend that in situations where establishing a truth commission is not feasible, the role of UN bodies as truth-seeking entities becomes crucial. As I illustrate in chapter 4, these bodies are integral components of a recently established framework that document crimes for different transitional justice strategies (Matelski et al., 2022).

In parallel with formal truth-seeking mechanisms, “there has been a proliferation of coordinated efforts by civil society actors that seem to replicate the goals, and often the form and content, of formal truth commissions,” observes Louis Bickford (2007). He defines this category of transitional justice strategies as unofficial truth projects. These initiatives (1) are geared towards revealing the truth about crimes committed in the past as a component of a broader strategy of accountability and justice; (2) resemble official truth commissions; and (3) are rooted in civil society-hosted and driven by human rights NGOs, victim groups, universities, and other societal organisations (2007). Artistic practices, memorials, museums or exhibitions are other examples of informal truth practices. In contexts where a formal mechanism is precluded, unofficial projects can serve as replacements, precursors or complementary efforts to official initiatives. While they are unofficial, their bottom-up conception can have advantages in terms of grassroots participation. At the same time, their legitimacy can be questioned: how objective are they perceived to

be and how much influence can they wield in providing some form of recognition concerning past abuses? Undoubtedly, unofficial truth projects have less weight and resources for the production of official history. As Bickford shows, the initiatives are context-driven, there is no formula or “one-size-fits all” format (2007). Again, victims play a central role in spearheading these kind of projects as they demand to know the truth, setting up truth-seeking initiatives while simultaneously, or sequentially, calling for trials (Leyh, 2017). As such, these projects are spaces that victims claim and initiate.

The discussion of the purported benefits of truth-seeking and the lack of evidence thereof goes beyond the scope of this chapter. However, it is important to look into some potential benefits and critiques about truth commissions, and truth-seeking more broadly. Some of those debates relate to the Syrian context and highlight the need for a comprehensive understanding of truth-seeking. Proponents of truth commissions contend that they enjoy a moral authority and political legitimacy. For one, they offer a platform for victims to have their suffering officially acknowledged and they offer perspectives on causes and patterns of violence (Wiebelhaus-Brahm, 2009). Their quasi-judicial nature render them the legitimacy of state law, and specifically law’s power to sanction wrongdoing (Hayner, 2002, p.12). Conventional wisdom holds that they can ultimately promote reconciliation and conflict resolution. Dealing with “the past” will enable the achievement of a positive future which is deemed morally acceptable, producing a coherent and linear narrative (Lawther et al., 2017). Critical observers suggest that truth-seeking is imbued with ambitious goals, and that truth commissions may not be able to deliver on their grand aspirations (Mendeloff, 2004; Daly, 2008). First, they highlight that the truth is not monolithic, objective or verifiable. Teitel conceives of truth as a political construction shaping the direction of the transition (2000, p. 91). In her study of truth commissions, Teresa Godwin Phelps make the case for ambivalence, “to trust stories to be tools of disruption. We must allow reports to be incomplete, multivalent, heteroglossic” (2004). Second, there is no evidence that producing a historical account will constitute objective truths from which to draw single clear lessons (Teitel, 2000, p. 117). There is also scant empirical evidence about the relationship between truth-seeking and peace-building or reconciliation or between truth and justice (Mendeloff, 2004; Rowen, 2017, p. 109). A third critique pertains to the sharing of victims’ experiences, and the unreflective use of these stories in truth commissions. While sharing experiences helps victims to break the silence, the utilisation of images and stories of pain has also resulted in what Veena Das et al. call “the mediatization of suffering” (2000).

Moreover, victims' voices can also be reappropriated or modelled to fit certain frames or intended outcomes such as reconciliation (Moon, 2008, p. 113). Even if it can counter the "conspiracy of silence" that often surround violence, remembering and telling the truth can be re-traumatizing (Hayner, 2002, p. 146).

To conclude, it needs to be sufficiently acknowledged that truth-seeking is an intricate process, prompting the question of whether the various functions of truth-seeking are adequately appreciated. Truth-seeking cannot per se be conceived of as a form of a closure for victims. To enhance the empowering and reparative effect of truth-seeking, other measures such as reparations or prosecutions are required, confirming the recognition of harm (Lawry-White, 2015).

C. REPARATIONS

As part of dealing with the legacy of human rights violations, this transitional justice strategy is aimed at recognition of harm and assisting victims in overcoming those. Reparations can have many facets. Measures include the return of real estate and other property confiscated in violation of human rights norms, as well as all forms of material reparation, and numerous forms of legal and moral rehabilitation for injustices suffered. In a broader sense, reparations also include measures taken to acknowledge suffering of victims and prevent renewed violations of human rights, including memorials and commemorative events (Werle & Vormbaum, 2022, p. 94).

The legal basis is a "right to reparations" under international law, with numerous international and regional treaties including provisions on reparations (Werle & Vormbaum, 2022). Reparations in transitional justice have emerged through top-down and bottom-up processes. International legal norms recognise reparations as a way to address breaches of international law.¹⁰ The right to reparations was strengthened with the establishment of a legal framework in 2006, based on recommendations by Special Rapporteurs Theo van Boven and Cherif Bassiouni, contained "basic principles and guidelines" that provided for extensive reparations measures for victims of gross violations of human rights (UNGA, 2005). Under these principles, there categories are defined as follows:

¹⁰ In post-conflict scenarios, reparations have been used by victors to claim war spoils, exemplified by the Treaty of Versailles. Human rights law has increasingly emphasized individual rights to reparations, leading to a broader role for reparations in redressing mass atrocities, supported by international judicial bodies, treaties, and state practices (Moffett, 2017).

- Restitution: restoring the original status. This includes, for example, returning land and freeing political prisoners. Returning looted art also falls into this category. This is the “ideal” form of reparations; in many cases, it is not possible.
- Compensation for financially calculable harm: payments can be considered for physical and psychological harm, loss of job, or denial of a university education, as well as for legal counsel or medical treatment resulting from gross human rights violations.
- Rehabilitation: through medical and psychological treatment. Moral rehabilitation is also possible, by overturning convictions or declaring a particular discriminatory measure to have been illegal.
- Satisfaction: for example, verification of the facts and full and public disclosure of the truth, public apology, and erecting memorials to the victims of a dictatorship or civil war.
- Guarantees of non-recurrence or non-repetition: a particularly broad form of reparations, that can also be seen as a separate transitional justice option, as explained below.

There are many challenges to reparations, such as the difficulty of enforcement, the difficulty of determining the beneficiaries, and resources (Werle & Vormbaum, 2022). From the standpoint of the victims, reparations are the most tangible manifestation of efforts to remedy harms. Reparations to victims of the Shoah were the first instance of a massive, nationally sponsored reparations program to individuals who had suffered gross abuses of their human rights (Boraine, 2017). Beyond the importance of concrete reparations, the recognition of both collective and individual harm is also essential in a context of mass violations such as the Syrian case (Ashraph, 2020).

D. GUARANTEES OF NON-RECURRENCE

States that have breached international obligations are required by the international community to take guarantees of non-recurrence, an as an assurance that violations will not happen again. Guarantees of non-recurrence include initiatives at different levels: state institutions, society, and the individual sphere (OHCHR, n.d.). The key

concern of such measures is prevention, to avoid similar violent conflicts, violations and crimes through a variety of fundamental reforms of specific institutions or of the state as a whole. Examples at the state level include both institutions (towards democratic policing, judicial independence, functional detention systems, accountable intelligence services) and softer institutions (accessible education and health systems, democratic media, etc.) (Parmentier, 2016, p. 66).

A variety of terms are used to refer to screenings of civil servants. In addition to “vetting”, terms include “lustration”, “administrative justice”, “institutional reform”, and “purging the public service”. The most common term is “vetting”, which differs from lustration that refers to the vetting that took place in the countries of the former Soviet Union. This vetting applies first of all to misconduct regarding adherence to human rights standards. The terms “administrative justice” and “institutional reform” include the vetting of public servants, but go far beyond that. “Administrative justice” includes all administrative measures taken in the course of the transition from dictatorship to democracy in order to deal with systemic crimes, for example, the replacement of a centralised administrative bureaucracy with a decentralised one. “Institutional reform” refers to the restructuring of state institutions, especially the security services, and “disarmament, demobilisation and reintegration” of armed combatants (Werle & Vormbaum, 2022). The process of institutional reform aims to transform the security sector and the justice sector. Security sector refers according to the UN, to “the structures, institutions and personnel responsible for the management, provision and oversight of security in a country”. It includes the police, military personnel, intelligence services, customs, certain segments of the justice sector, and non-state actors with security functions. Since the justice sector is not fully included in this concept, it is also an element of institutional reform that should be at the heart of transitional justice processes (Sandoval, 2011).

Guarantees of non-recurrence also encompass significant societal interventions aimed at strengthening the role of civil society, halting attacks and harassment against civil society actors, and empowering women, girls, as well as marginalised groups and minorities traditionally excluded from the protection of the law. On an individual level, critical initiatives involve reforms in history education, trauma counselling, cultural and artistic endeavours, memorialisation, and archiving (OHCHR, n.d.; Mayer-Rieckh, 2017).

Implementing guarantees of non-recurrence faces various challenges during transition

processes. Firstly, there might be a lack of political will to implement the required political and structural reforms, especially when these reforms involve accountability measures. Secondly, while the international community actively participates in such processes through international cooperation and assistance, its consistency may vary, potentially diminishing the effectiveness of the reforms. Thirdly, crucial opportunities for local capacity building and local ownership of the reform process are frequently not taken into account (Sandoval, 2011).

E. MEMORIALISATION

Addressing past crimes, whether perpetrated amid armed conflict or under oppressive regimes, is one of the cornerstones of transitional justice processes. To that end, instruments and mechanisms such as memorials, museums, educational programs and civil society initiatives are conceived as interventions into the memoryscape of a post-authoritarian or post-war societies (Beck, 2013). These processes are often spontaneous and sometimes linked to wider political demands of different affected groups (Hamber et al., 2010, p. 398). The heightened attention towards memory processes aligns with the pronounced emphasis on victims during transitional justice proceedings. This pertains to both recognizing their suffering and promoting the advancement of their needs and concerns (Buckley-Zistel & Schäfer, 2014, p. 9).

However, despite the importance of memory, memorialisation has not always been consistently theorised and approached in transitional justice theory and practice. Its exact understanding is frequently left undefined, partly due to the fact that memory and history are largely subject to intense contention, particularly in conflicts. Implicitly, posits Theresa Koloma Beck, “research is founded on the acknowledgement of the mentioned intimacy of the past and the present in processes of remembering” (2013, p. 184). Most scholars agree that memory is socially constructed and therefore has to be studied within interpretative frameworks. Aligning with one of the cornerstones of memory studies, it is understood that the past is made available and rendered meaningful through social mediation. Considering the past through interventions such as memorials, requires not simply looking back but also looking forward (Buckley-Zistel & Schäfer, 2014). This interest in the linkage between past and future and the memory boom of the late 20th century have also played a role in stimulating endeavours to use knowledge of the past to create a better present and future, contributing to a future-oriented paradigm of commemoration (Bickford & Sodaro, 2010, p. 67).

In 2020, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence Fabian Savioli added memorialisation as a fifth pillar of transitional justice. The subsequent special report underscores that memorialisation is “both a stand-alone and a cross-cutting pillar, as it contributes to the implementation of the other four pillars and is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace” (UNHRC, 2020, p. 2). Significant emphasis is placed on recognising the role of memorialisation in ongoing conflicts, when states cannot exercise their authority or are violating international law. The report stresses that investigation and documentation processes that take place during conflicts are valuable because “they involve the collection of evidence and testimonies that will subsequently prove to be highly important” (p. 9). As the significance of education gains increasing recognition in the domain of prevention and non-recurrence, the report highlights that this endeavour holds significant importance after the cessation of hostilities (p. 9).

Within the scope of this dissertation, the relation between memory and truth is of particular interest. This connection assumes heightened significance in the context of narrative warfare, the weaponisation of memory and the prevailing atmosphere of ambiguity that often characterises conflicts such as the Syrian one. Memorialisation initiatives can reign in disinformation and move beyond entirely segregated narratives of historical occurrences, Special Rapporteur Savioli underscores. He upholds that the purpose of the proper use of memory is to establish a dialogic truth, “to create the conditions for a debate within society on the causes and consequences of past crimes and violence and on the attribution of direct and indirect responsibility” (UNHRC, 2020, p. 7).

Nevertheless, there is a recognition that memory processes have the potential to be deeply politicised and exacerbate divisions. This is particularly salient in societies where multiple, conflicting truth claims circulate and collude (Clark, 2021; Lundy, 2011). An additional consideration is that the relationship between past, present and future is intricate and non-linear in nature. As Berber Beverange highlights, it often involves a complex “politics of time” and a simultaneous blurring of temporal boundaries (2010, p. 118). Events can be presented in a manner that strategically advances a specific narrative or interpretation of “truth,” aligning with present and future objectives (Clark, 2021). As Edward Said points out, “collective memory is not

an inert and passive thing, but a field of activity in which past events are selected, reconstructed, maintained, modified, and endowed with political meaning” (2000, p. 185). In sum, memorialisation encompasses much more than a recollection of historical events. It is intricately connected to truth-seeking and the recognition of the complementarity of different modes of truths.

The main aim of this discussion of the transitional justice toolkit was to move away from theoretical debates and demonstrate how these measures can be used in concrete struggles to pursue justice. I approach the toolkit as a menu that can be applied and appropriated by actors in different contexts. While theorisation about transitional justice as a general field of scholarship and practice is necessary, this needs to be accompanied by context-specific approaches to understand how the transitional justice paradigm is utilised in a variety of contexts. Analysing these understandings helps addressing critiques about whether transitional justice is different from what Eric Posner and Adrian Vermeule call “ordinary justice”, particularly given that the same judicial and quasi-judicial bodies, with the same justifications, are being promoted in countries where there are no discernible transitions (2004). We need to better grasp how and why various political actors, including policy makers and advocates, appropriate the idea of transitional justice and mobilise around it (Rowen, 2017). This is especially the case in paradigmatic cases, as the early transitional justice scholarship shaped dominant practices and set conceptual boundaries. As I highlight in the next section, the critical turn in the scholarship on transitional justice allowed for more attention to the emergence of transitional justice strategies in paradigmatic contexts.

3.1.3 Expansion of the Transitional Justice Paradigm

A. HORIZONTAL AND VERTICAL EXPANSION

The malleability of the field, that is often problematised because it has contributed to vagueness and overzealous ambitions, has at the same time allowed for the rapid horizontal (new contexts) and vertical (new actors) expansion of the field (Hansen, 2013). The conception of transitional justice as a “global project”, has materialised with a wide variety of actors implementing transitional justice initiatives in different settings, yet there is scant discussion about why political actors are interested in a distinctive conceptions of justice (Rowen, 2017, p. 153; Sharp, 2019). In this section,

I first briefly look into the horizontal and vertical expansion of the paradigm to then briefly consider some implications of the travelling of transitional concepts to other contexts. What interests me in particular, is the notion of vernacularisation, or the circulation of new ideas and strategies by individuals who mediate the spread of foreign ideas related to law (Levitt & Merry, 2009; Merry & Stern, 2005). We also see this happening in the mobilisation around transitional justice strategies in aparadigmatic contexts, where justice actors push the limits of the transitional justice imaginary.

The increased normative ambitions of the transitional justice paradigm of contributing to democratic and just societies, have entailed a horizontal expansion, in a wide range of cases that are not characterised by a political transition. Hence, holistic normative ambitions gained importance over the narrower goals associated with facilitating liberal political transitions (Sharp, 2015). First and foremost, transitional justice strategies have come to encompass a range of activities that comprise initiatives regarding institutional reforms that are closely connected to peacebuilding efforts (Vielle, 2012). Furthermore, the scholarship and the practice gradually moved beyond the UN definition of transitional justice, introducing an understanding of the applicability of transitional justice in situations absent of a transition. Tine Destrooper et al. call these “aparadigmatic cases, where transitional justice is pursued by varied actors in circumstances outside the paradigm of post-conflict or post-authoritarian states, i.e. in sites of ongoing conflict, fragile states, occupied territories, settler democracies, and consolidated democracies” (2023, p. 3). Destrooper et al. see three important changes. First, there was a *geographical expansion* from Latin America to Africa and, later, the Middle East, Australia, Canada, the United States, New Zealand, and Europe. This included a contextual expansion from post-dictatorship to post-conflict and further to ongoing conflict, settler democracies and, more recently, “old democracies”. Finally, there have been changes in the field’s *applicability*, the sense of when transitional justice is a relevant paradigm, particularly in relation to the forms of harm for which it is appropriate. This is an expansion from situations of atrocity and physical violence to non-physical forms of suffering, such as colonial discrimination (e.g. in Greenland) and social justice (e.g. in the United States)” (2023, p. 3).

As Tine Destrooper demonstrates in her analysis of the Parliamentary committee on Belgium’s colonial past, this can be seen as an instance of consolidation-through-innovation in the domain of transitional justice. The committee is the first of its kind

to be established by a former colonial state to address the historical truth about the colonial past in overseas colonies. Yet, this apparent innovation can be instead be read as a form of consolidation, whereby a “light” form of contextualization consolidates the field and allows it to expand further. At the same time, Destrooper argues, “there is some degree of actual innovation happening in this case in the sense that non-standardised proposals for transitional justice are being introduced in the margin of the – contextualised – model approach” (2022). The malleability of transitional justice allows for experimentation in aparadigmatic contexts. Yet, the question is what sort of potential disruptions, and challenges to their legitimacy and their established narratives consolidated democracies are willing to allow (Destrooper, 2022).

Another interesting manifestation of vernacularisation and disruption is the way in which actors assign new meanings to transitional justice concepts. As the space of transitional justice a dynamic space of contestation, suggests Marcos Zunino, “concepts such as “justice,” “truth,” “transition,” and “victim” can be filled with various meanings” (2019). In order to explain this, he draws on the work of Ernesto Laclau and Chantal Mouffe on “floating signifiers”, concepts that can be filled with different meaning depending on the strategy of the actor (2014). Actors attribute varying connotations to concepts and redefine them for political purposes. In assigning new meanings, actors push the boundaries of the space of transitional justice, introducing new ideas and expanding the scope of particular mechanisms (Kurze & Lamont, 2019, p. 18). The adoption of transitional tools and concepts by actors others than states to advance accountability, truth and victims’ redress to address human rights abuses, entailed the vertical expansion of transitional justice. This expansion pertains both to consolidated democracies and situations of ongoing conflicts, which are discussed in depth in the next section.

B. OVERSTRETCHING THE TRANSITIONAL JUSTICE PARADIGM?

The expansion of transitional justice’s normative ambitions has stretched its application also to ongoing conflicts. This has further reinforced the malleability of the paradigm, as these interventions in conflicts are context-specific, lacking a comprehensive model, raising questions about its limits and aspirations. These initiatives are mostly informal or supported by external states that are sympathetic to the oppositional groups, as the responsible states are unwilling to halt their violations of international law. As such, these transitional justice initiatives are even more prone to interference or attempts at sabotage by the responsible warring parties that act as

spoilers. The rapid expansion of transitional justice has left critics questioning how to sustain its intellectual clarity and practical applicability. Furthermore, this expansion raises questions about the feasibility or applicability of the label in ongoing conflicts. What is the difference with peacebuilding? Is transitional justice the desired, suitable paradigm or rather a fallback option, in the absence of other justice mechanisms?

In many cases where transitional justice initiatives are developed today, reality is far removed from the widely accepted conceptualisation of the need for a political transition in transitional justice. Scholars and practitioners increasingly turn to the empirical reality in which diverse groups of justice actors are engaged in practices and draw on norms they themselves understand to constitute transitional justice. To engage with these realities and to analyse what various kinds “outlier” cases tell us about the broader domain of transitional justice, Destrooper and Engstrom propose an analytical lens and vocabulary rather than a mode (2023, p. 118). The conceptual unease that accompanies this endeavour is part and parcel of it. Approaching transitional justice as a procedural or deliberative framework that privileges principles such as participation, representation, and accountability offers a lens to examine issues related to the standardisation-contextualisation tension in a more practice-based way (Destrooper & Engstrom, 2023, p. 122). This implies that there is no singular, definitive approach to defining the nature of transitional justice: both standardisation and innovation hold significance, they can happen simultaneously and in mutually reinforcing ways.

The early transitional justice scholarship has been increasingly criticised for its narrow understanding of a transition, its teleological conceptualisation of a transformation of authoritarianism to liberal democracies, its state-centrism, its neglect of economic rights, and its top-down perspectives (Madlingozi, 2014; Nagy, 2008; Schmid, 2015; Sharp, 2019; Vielle, 2012). I ground my approach to transitional justice in this critical scholarship. This highlights that rather than viewing transitional justice as a linear progression from war or authoritarianism to peace, a spiral logic is more appropriate. Instead of simplifying complex dynamics into a progressive, linear narrative, we should understand it as a dynamic process. Viewing transitional justice as a product of compromise – both in aparadigmatic and in paradigmatic cases – emphasises the importance of considering not only what is being transitioned to, but also what is being transitioned away from. Ideally, transitional justice initiatives facilitate the shift from a legacy of human rights abuses or an ongoing situation of such abuses to a foundation of rule of law and democracy. Yet, in reality, transitional justice often

resembles a “creature of compromise”, as Cheryl Lawther et al. argue, or “the art of imperfect solutions and difficult choices, in the context of competition for finite resources and delicate political dynamics” (2017, p. 18). In sum, we need to move away from a conception in transitional justice of a fixed interregnum period with a distinct end in which a violent past makes way for a peaceful future (Nagy, 2008). In the context of ongoing conflicts, justice actors devise initiatives that serve their specific justice needs, as I address in the following.

3.1.4 Understanding Transitional Justice in Ongoing Conflict

The increased normative ambitions of transitional justice facilitated its conceptualisation as a critical tool in ongoing conflict. It can be argued that the implementation of the transitional justice toolkit before the end of armed conflicts, allows to imagine processes of justice and accountability where the alternative would be impunity. According to Par Engstrom, “two main underlying trends underpin and drive these developments: the intractability of contemporary armed conflict; and the dramatic expansion of the international legal architecture” (2012). Incontestably, applying the transitional justice paradigm in ongoing conflict poses challenges in terms of the desired and possible outcome of initiatives (Engstrom, 2012). While justice does not need to be preconditioned on the existence of a transition or the end of an armed conflict (Aboueldahab, 2023), justice processes’ potential for facilitating fundamental political changes is limited in this context (Quinn, 2017).

As such, I posit that the success of transitional justice initiatives should be measured on how justice actors can utilise its instruments and concepts to open up concrete justice avenues. Moreover, I concur with Jamie Rowen (2017) and Noha Aboueldahab (2022) that the appeal of transitional justice in situations of ongoing conflict is situated in its malleability and potential to further resistance against injustices. This application of the transitional justice paradigm, however, has consequences in terms of what is conceived as an appropriate justice response. In order to examine this matter, I focus on the key features that I discern in the application of the transitional justice toolkit in situations of ongoing conflict, namely the absence of the state, the prominence of civil society activism and victim participation, the potential of resistance and the innovative potential of criminal proceedings and truth-seeking.

In their typology of transitional justice contexts and the field’s expansion from paradigmatic to aparadigmatic contexts, Destrooper et al. identify the category of

the conflicted state, a state of ongoing conflict, such as the Democratic Republic of Congo, Syria, and Yemen:

In this context, transitional justice initiatives can be used to disrupt political authority, hold perpetrators accountable while the conflict is still ongoing, or seek recognition for the suffering of victims. However, the government is not necessarily a partner in transitional justice; it may be involved in the conflict and is not interested in addressing any wrongs (Syria is an example), or it is instrumentalising transitional justice (like the DRC has done) (2023, p. 8).

When the state is the primary perpetrator of human rights violations and rejects transitional justice initiatives, the involvement of civil society and of third states, becomes all the more important. Yet, the problem of the state needs to be sufficiently taken into account, as the particular form of state conceived of in classical transitional justice theory and practice is absent in conflicts. The field has generated a series of dichotomous concepts to accompany this assumption, argue Destrooper et al., “such as before/after, backwards-looking/forwards-looking, authoritarianism/democracy, war/peace, impunity/accountability, perpetrator/victim, restorative/retributive, force/reason, politics/law, top-down/bottom-up, and (Global) North/South” (p. 11). In paradigmatic contexts the relevance of some of these binaries is challenged. This begs the obvious question: How can non-standardised transitional justice initiatives overcome those binaries and effectively pursue justice and accountability in the absence of state-led processes?

Non-state actors, particularly activist lawyers and civil society leaders at home and in the diaspora play a prominent role in attempting to address or compensate for the absence of state involvement. They pursue transitional justice without and against their home state, effectively creating transnational networks and alliances of domestic and diasporic transitional justice actors (Gready & Robins, 2017; Aboueldahab, 2023). The multitude of actors involved in these initiatives shifts the analytical focus from the state-level to that of other stakeholders, often grassroots actors who do not have easy access to the formal transitional justice architecture (Destrooper & Engstrom, 2023). Generally, CSOs become the primary initiators of transitional justice initiatives, supported by foreign states and institutions. This also entails risks, as emerged during the revolutions that occurred in the MENA as of 2011. Civil society embraced the transitional justice paradigm to address underlying grievances, prepare for an anticipated transition, and resist oppressive policies. At the same

time, international transitional justice entrepreneurs also engaged in these early processes, generally promoting programs for transformations in the direction of Western liberal democracies and exporting ready-made templates (Nassar, 2022a). When the revolutions failed, these entrepreneurs were largely incapable to adapt their strategies. Evidently, transitional justice is a field of power that is not impervious to depoliticisation and de-contextualization. Critical scholars like Rosemary Nagy draw attention to the politics of transitional justice interventions and their potential to perpetuate injustices while excluding those most affected (2008).

Therefore, it is crucial to place ever-growing emphasis on how local civil society actors customize concepts and tools from the transitional justice paradigm to formulate context-specific plans. In this respect, the participation of victims in justice initiatives is of paramount importance. Victim participation in transitional justice initiatives is not delimited by particular formats, spaces or moments, but by the intentionality of victims' engagement with transitional justice's core functions of recognition, accountability and redress. To better understand the earlier mentioned ecosystemic approach grounded in the recognition of various phases and forms of engagement, is of key essence (Andrieu et al., 2015). Borrowing from Evrard et al., I suggest "to map victims' pre-existing agency and organisation, and to understand formal participation in the context of victims' complex trajectories through the TJ realm and assess its potential and limitations as such" (2021). Evrard et al. propose an analytical framework that starts from the participants' lived realities and traces their trajectories through an ecosystem of formal and informal spaces,

taking account of what happens before and after the arrival of formal TJ institutions, as well as charting changes in participants' environment that prompt shifts in needs, priorities and strategies. This framework encourages a context-sensitive, process-based and multi-causal understanding of impact, where participants themselves are allowed to set the benchmark for success (2021).

This is particularly meaningful in the Syrian context where theorisation around victims' activism is scant, even this generates important initiatives and enables victims to further their resistance against policies of erasure and invisibilisation.

In this respect, I argue that adopting a resistance lens can help to understand the disruptive potential of transitional justice in ongoing conflicts. This lens elucidates

how justice actors adopt transitional justice strategies to step up their resistance against different forms of epistemic violence, resulting from state violence and international passivity or compliance with violence. Beyond advancing the pursuit of justice while the violence is ongoing, resistance serves the function of enabling victims to increase their participation and visibility. In line with Briony Jones et al., I believe that an explicit focus on resistance “enables us to empirically identify relations of power and attributions of legitimacy in transitional justice but also provides a different vantage point from which to engage with the study of power and legitimacy” (2013).¹¹ In her research on resistance against authoritarian post-colonial states in the MENA, Noha Aboueldahab observes how transitional justice initiatives can advance revolutionary objectives of the (failed) uprisings while simultaneously resisting violence and challenging the international climate. Illustrating the function of resistance in the Syrian context, Habib Nassar unpacks how victims successfully impose their truth and justice agenda on an increasingly passive international community: “Resisting erasure, resisting marginalisation and resisting indifference have been essential elements of their justice fight”. He observes how justice actors turn a “highly standardised and depoliticized approach to transitional justice into a combative, activist and creative discipline” (2022a). This can result in new political and legal spaces developing initiatives in the domains such as criminal accountability, truth-seeking, and memorialisation.

Transitional justice strategies during conflict focus to a large extent on opening spaces for concrete justice initiatives. One concrete area of activity is the innovative use of judicial mechanisms such as universal jurisdiction. This focus on judicial interventions can be linked to the primacy of retributive approaches in international criminal law and the strengthened international legal architecture (Engstrom, 2012). The emphasis on criminal accountability in transitional justice initiatives in ongoing conflicts may seem to perpetuate a narrow concept of what transitional justice is (Sarkin, 2016). However, this assessment overlooks justice actors’ intentions in resorting to criminal accountability and fails to recognise that the aims extend beyond retribution. First, strategic litigation and the push for universal jurisdiction cases is a way for justice actors to open up concrete justice avenues and generate attention to the plight of victims and the responsibility of perpetrators. Second, the impact of legal advocacy is neither confined to the courts. As Noha Aboueldahab argues, “it also generates a form of political resistance, i.e. disruption, to ongoing authoritarian rule and conflict,

¹¹ The more traditional understanding of resistance in transitional justice focuses on the pushback against its concepts and mechanisms.

as well as a form of protection for the stories and histories of victims, i.e. recognition” (2023). The same goes for truth-seeking during conflicts. As truth commissions are precluded in these contexts, truth-seeking is largely left to civil society (Bickford, 2007). Central in these truth-seeking efforts, is the determination by groups that are targeted and marginalised to push back against epistemic violence and to prevent the hijacking of historical and justice narratives.

As mentioned earlier, my approach heavily relies on critical scholarship, which is oriented towards the significance of civil society activism, participatory approaches, and resistance (Hansen, 2013, p. 108; Aboueldahab, 2022). This also aligns with my investigation of the potential of artistic practices to visibilise injustices. Just like artistic practices, discussed below, transitional justice initiatives in ongoing conflict disrupt the status quo by countering policies of erasure and invisibilisation, striving for the recognition of harm. Moreover, they potentially allow for those who are affected by the violence to spearhead new initiatives, and further resistance against various forms of violence.

3.2 The Interplay between Artistic Practices and Justice

Transitional initiatives are frequently accompanied by a multitude of artistic and cultural expressions. Nevertheless, the arts have historically received limited theoretical attention within the realm of transitional justice scholarship, except in cases of institutionalised cultural manifestations such as museums and memorials,¹² even though these represent only a fraction of artistic expressions (Cole, 2014). Over the past decade, transitional justice scholars have increasingly expanded their perspective beyond formal channels, resulting in a growing body of scholarship regarding the role of the arts in (transitional) justice processes (Bahun, 2016; Bell, 2011; Breslin, 2017; Buikema, 2012; Cole, 2014; Garnsey, 2016; Jeffery, 2020; Rush & Simic, 2014; Simić, 2016). This body of scholarly work enables me to conceptualise how artistic practices can create new spaces for theory and action to foreground injustices and counter erasure and invisibilisation in the Syrian context.

While I specifically focus on narrative artistic practices, or Syrian literary writing, in

¹² Artists use a range of tools, methods, materials, and forms to explore and challenge injustices, designing particular methods to reveal injustices that draw on the particularities of different art forms such as performative arts, visual arts, music, cinema and literature. For reasons of space, I cannot address the distinctive fields in detail.

what follows, I begin by taking a broader look at the interplay between (transitional) justice and the arts. Building on emerging scholarship on different forms of artistic practices in transitional justice processes, I first briefly analyse how artistic practices share some of transitional justice's central aims (3.2.1). Then, I further elaborate on the theoretical framework that I apply to analyse literary writing in the Syrian context (3.2.2).

3.2.1 Transitional Justice and the Arts

In examining transitional contexts through arts, artists and activists seek to contribute to the recognition of human rights violations, memories and struggles for rights. However, we must avoid attributing overly grand aspirations to arts in transitional settings (Breslin, 2017). Art is not a priori conducive to justice, nor is it the better ethical other of law. It can be unethical, perverse, evil and can result in tokenism, co-optation and instrumentalisation (Korsten, 2021). Yet, when thoughtfully conceived, artistic practices can help us remember, imagine, create, and transform practices that sustain oppression, making visible the stories, voices, and experiences of marginalised groups (Bell & Desai, 2011). In this section, I aim to demonstrate that artistic practices in a broad sense share some of the central goals of transitional justice initiatives and can contribute to a) recognition, b) accountability, and c) disruption.

First, artistic practices can contribute to the recognition of experiences of harm, allowing for both the rendition of these experiences and the recognition of people's rights and their vulnerability, underscoring the humanity of those involved in conflicts. Central here is the potential to evoke suffering, not so much through the reproduction of the facts as through the evocation of experiences of harm in (non-)discursive ways. Artistic expressions can provide a platform for affected communities to express their experiences and justice needs, contributing to memorialisation and truth-seeking. This is especially important when formal avenues for justice and accountability are limited and the occurrence of crimes is contested (Breslin, 2017, p. 269). Conversely, on the side of audiences, arts can kindle the epistemological capacity to recognise the precarity of the lives of distant people (Butler, 2016). In doing so, arts can play a role in visibilising marginalised groups, who often link the right to speak to engaging other people in their struggle. Those whose voices have been suppressed, misrepresented or ridiculed can present their perspectives in fictional accounts (Kelly, 2017). Pablo de Greiff argues that artistic and cultural interventions are ideally suited to "make visible" both victims and the effects of victimisation, to account for the complex ways

in which violations affect the lives of individuals and of communities (2014). Yet, arts do not try to steer audiences in a predetermined direction, they try to open up new spaces for reflection, to the development of a sense of solidarity and empathy with side-lined groups (Breslin, 2017). The social transformation they aspire to, hinges on the use of the audiences' imagination. Arts invite receivers to suspend judgment, welcome messages, and then decide what measure of truth they contain (Delgado, 1998).

Second and relatedly, artistic practices in transitioning contexts can offer avenues to advance accountability, understood in a broad sense beyond criminal proceedings, encompassing social change and the capacity of artworks to serve as transformative agents (Rush & Simic, 2014; Simić, 2016). Cynthia Cohen argues that “even in contexts of ongoing violence and repression, the arts can suggest the possibility of accountability, offer glimpses of freedom, and even bring the idea of reconciliation into the communal imaginary” (2020). Moreover, where formal mechanisms exist but they have limitations, these can be addressed in artistic practises that can complement existing efforts (Bahun, 2016). Additionally, arts can lay the groundwork for future mechanisms, through public interventions contributing to an environment conducive for formal mechanisms (Breslin, 2017). It is essential not to overlook the way arts allow to conceive of accountability beyond legal avenues, bringing in different forms of knowledge that are often marginalised in formal avenues.

Thirdly, arts' disruptive potential holds significant potential, and transitional justice scholars have progressively explored this aspect in their attempts to analyse the complementarity between artistic practices and justice processes. Essentially, arts can deepen the understanding of injustices by disrupting linear and coherent narratives (Rush & Simic, 2014). Artistic practices bring forth a richer thinking about justice, unburdened by the demands and limitations of the judicial or normative realm. Shoshanna Felman and Dori Laub point out that while juridical approaches to trauma aim to bring about closure, fiction further provokes exploring suffering, among other issues, by bearing literary witness (1992). In this context, the use of symbolic language, a distinctive feature of arts, is essential. It allows artists to express what might otherwise be inexpressible and to engage spectators or participants differently (Cohen, 2020). This active meaning-making on behalf of the audience requires a willingness to be open towards ambivalence. Drama for instance allows audiences to engage in constructing the meaning of events, as it is less about reproduction and more about the revelation of meaning. This meaning is not predetermined,

according to Salomón Lerner Febres, but emerges through the interaction with the audience. As such, the arts can open “imagination to the deep truths that have been lost among the facts” (2020, p. 8).

This capacity of artistic practices to confront audiences with undeniable experiences of harm that might not be true but are truthful (as discussed in section 3.2.2), holds particular significance for this dissertation. Although artistic practices cannot achieve what formal processes might fall short of accomplishing, they can speak to existing vacuums, especially in situations of ongoing conflict in which formal avenues are lacking. Artworks hold the ability to entice audiences to welcome dissensus and to consider reviewing or even reconceptualising their perspectives on injustices and victimhood. Through the notion of “seductive sabotage”, Mihaela Mihael describes artworks’ unpredictable capacity to disrupt individuals’ embodied habits of remembering, perceiving, and feeling (2022, p. 54). In foregrounding the political role that artistic practices can play, Mihael argues that certain artworks “have invited us to stretch our political imagination to make space for the unassimilable—be it in relation to doxastic ideas of victimhood, resistance, or complicity” (2022, p. 2). In what follows, I build further on arts’ capacity to spark justice imaginaries.

3.2.2 Functions of Artistic Practices

The following theoretical framework was developed in the article “Moving Beyond Formal Truth Practices and Forensic Truth in the Syrian Conflict: How Informal Truth Practices Contribute to Thicker Understandings of Truth” (2023). In this article, Tine Destrooper and I examine how artistic practices contribute to truth-seeking in Syria and suggest that informal truth initiatives, including artistic practices, can generate a thicker understanding of truth. I further develop this theoretical framework, reflecting on how it fills the gaps identified earlier in transitional justice theory and practice.

A. “PRESENCING” EXPERIENCES OF HARM

Firstly, arts can play a vital role in “presencing” experiences of harm, rendering present what was coercively removed, neglected or glossed over in dominant narratives about injustices, thus drawing attention to suffering caused by invisibility (De Greiff, 2014). “The arts can signal presence, highlight absence and tolerate silence without necessarily trying to fill it”, argues Catherine Cole. “What the arts

contribute to transitional justice is manifold: sense memory, embodiment, empathetic unsettlement, public engagement, commemoration, complication and recognition of the body” (2014). Artistic presences render visible experiences, stories and perspectives of groups who are side-lined or who are rendered invisible by existing structures of dominance.

In situations of ongoing conflict and repressive states, absences are normalised and silences are enforced. It is interesting to shed a light on the interaction between artists and justice actors to render the absentees present. An especially interesting example is that of the use of drama in Argentina. In 2001, the Grandmothers of the *Plaza de Mayo* asked three well-known Argentinian playwrights to write a piece that would bear witness to the kidnappings of children, ensuing in the successful play *With Regard to Doubt*. This inspired the Grandmothers to zoom in on cultural production, founding a theatre festival that assisted in the production of hundreds of performances (Ramírez-Barat, 2020). Thus they countered the junta’s denials, such as president Viola’s statement that if there were people who had disappeared, they should be considered “absent forever”, someone whose “destiny” it was “to vanish” (Feitlowitz, 1998, p. 49, as cited in Bell, 2014, p. 18). Via artistic interventions, the public sphere can become a space in which voices that were silenced can resound and can articulate new forms of interaction and organisation (Ramírez-Barat, 2020). In this respect, the use of theatre in conflicts is not unsurprising as transitional justice initiatives typically attempt to providing victims with a platform to voice their experiences (Saeed, 2015).

Another important way in which artistic practices can “presence” experiences of harm, is by recording experiences of harm. Accountability and justice efforts rely on forensic truths and evidence. Yet often in cases of violence, an official record of suffering is missing. Artistic practices can contribute to the difficult exercise of recording and remembering unspoken experiences of harm. In this respect, it is interesting to look at the work of Luisa Luiselli who writes: “Numbers and maps tell horror stories, but the stories of deepest horror are perhaps those for which there are no numbers, no maps, no possible accountability, no words ever written or spoken. And perhaps the only way to grant any justice – were that even possible – is by hearing and recording those stories over and over again so that they come back, always, to haunt and shame us” (2019, as cited in Korsten, 2021). The fictional record of harm is key here, not only for the experiences to haunt us, but to prompt us to act. The verb “to record” is a matter, here, not of recalling but of “calling to mind”, making it more

a matter of the heart than of the archive (Korsten, 2021, p. 66). In the absence of truth commissions or criminal trials, literary texts can be complementary to criminal proceedings. This has also been demonstrated in the aftermath of the 9/11 attacks, where fiction has been crucial to supplement testimonies given to courts, military tribunals, and human rights organisations; thus constructing literary accounts of interrogation, detention, and torture (Richardson, 2016).

B. MULTIVOCAL TRUTH CLAIMS

Artistic practices can foreground as well as acknowledge multiple layers of meaning in victims' stories, and surface unheard voices and perspectives. Moreover, like formal mechanisms, artistic truth practices can never promise to fully capture the multiple truths involved, but they can highlight the importance of entertaining the idea of multiple truths including those often silenced in the public arena (Breslin, 2017, p. 276). As Rosemarie Buikema puts it, the dialogue inherent in arts, its materiality and medium specificity, "enables artefacts to tentatively perform contested truths and contain intricate complexities, thus functioning as possible constitutors of new and multi-layered communities" (2012). Moreover, when the value and complementarity of these perspectives is better understood and acknowledged, they can contribute to forensic truth (Vorster, 2018).

Second, and related to this, artistic practices facilitate contestation and focus on opacity, ambiguity, instability and indeterminacy (Cole, 2014). As such, artistic practices can help to acknowledge the limits of the justice that official mechanisms can deliver and of the truths proposed in them (Breslin, 2017, p. 264). This happens, for example, when artistic practices engage with truth through the use of metaphors and poetic language, or when writers solicit the imagination to give meaning to facts of life, or to create an intense awareness of them that cannot possibly be transmitted through mere factual reporting. Nadine Gordimer, in her Naguib Mahfouz memorial lecture, describes the difference between journalistic truth and "inward testimony" as being one of meaning. Journalistic truth can record the "immediacy of the image, the description of the sequence of events" (2006). Yet, it is the witness writer who can produce "the intense awareness, the antennae of receptivity", the meaning that cannot possibly be discerned from reporting daily events. The witness writer's inward testimony will take this deeper, "towards the goal of truth", in the words of Gordimer (2006). In contrast to truth claims in forensic settings that rely on scientific vigour, testimonies of victims or literary accounts of harm, constitute claims that are

communicative demands of acknowledgment and involve the audience's imagination.

This tactic of calling upon imagination to describe largely unfathomable experiences from real life in a more tangible way is what Stacey Vorster calls “truer than truth”, referring to a level of understanding that supersedes simply knowing the details of what happened. The implication is that, when dealing with matters that escape the realm of human understanding such as war-related violence, facts may be less helpful in furthering understanding than the opportunity to experience these facts in their complexity (2018). In adhering to postmodernism's epistemological uncertainty about a singular, universal truth, many contemporary writers and artists take the idea of experiential truth seriously, viewing truth as constructed from our understandings of situations (Frangipane, 2019). As such, the potential of artistic practices to “evoke ambivalence, contradiction and paradox” is fundamental. The truth of testimony and artistic accounts of harm has different epistemic underpinnings than formal truth claims, and do not shy away from ambivalence. As I demonstrate below, they are also a form of struggle, against the difficulty of speaking, and representing, but also against forgetting (Fricker, 2017).

C. EPISTEMIC RESISTANCE

Artistic practices not only encourage the exploration of multiple truths but also offer a platform to amplify the voices of the silenced. They empower marginalised communities, strengthening their resistance against oppression by bringing their experiences of suffering into the public arena (Breslin, 2017, p. 276). Artistic practices can enable victims to articulate and communicate their experiences and challenge stock stories by foregrounding experiences of those marginalised or silenced in mainstream discourses. The notion of epistemic resistance is essential to understand dynamics of resistance against oppression in situations of conflict. Often these conflicts are characterised by epistemic violence, exerted against and through knowledge (Spivak, 1988). Miranda Fricker distinguishes between two modalities of epistemic injustice. Testimonial injustice occurs when a prejudiced hearer deflates a speaker's credibility, misjudging the speaker who is perceived as epistemically lesser. Hermeneutical injustice arises from an underlying inequality of hermeneutical opportunity, where certain experiences are erased from collective memory. This places the speaker at an unfair disadvantage in both understanding and conveying their experience effectively to others (2017). Epistemic injustices are frequently the combined result, argues Mihaela Mihai, “of an arrogant failure to

confront cognitive limitations, but also of active – though not always conscious – efforts not to acknowledge the existence of an epistemic other” (2018, p. 398).

José Medina defines epistemic resistance as “the use of our epistemic resources and abilities to undermine and change oppressive normative structures and the complacent cognitive-affective functioning that sustains those structures” (2012, p. 3). Epistemic resistance is clearly a political act, addressed against injustices that are embedded in social relations. Starting from the assumption that there exists distinctly epistemic kinds of injustice, and that oppression has a distinctive epistemic dimension, Medina defends the idea that we need to explore the typical epistemic resources on which social actors can rely to contrast the forms of social oppression affecting them (Frega, 2013). Key here is the creative role of imagination, suggest Medina: “imaginings with different moral and political sensibilities can function as epistemic counterpoints to each other”. Therefore, “by comparing and contrasting their imaginative resistances, people can become sensitive to other ways of imagining and inhabiting worlds of possible experiences” (2012, p. 256).

Artistic practices can shed a light on these dynamics of epistemic injustice. Mihai believes that certain literary works “can help perpetrators and witnesses of epistemic injustice grasp the impact it has on victims’ lives, acknowledge historically dismissed epistemic agents and reckon with their own contribution to epistemic marginalisations” (2018, p. 397). In this context, epistemic friction becomes essential. Mihai distinguishes between ideational, moral and experiential epistemic friction. Ideational epistemic friction occurs when the encounter with certain works “causes tension between our concepts and beliefs about, for example, knowledge, epistemic agency, truth, epistemic authority and justice on the one hand, and the artistic representations of epistemic injustice or authority on the other” (2018, p. 400). Moral epistemic friction happens when works of art “perplex us by revealing the limits of our sense of justice, i.e. of who is owed duties of justice, including duties of epistemic justice.” Experiential epistemic friction “emerges from our failures to register and form a concern for the epistemic, psychological, political, economic and cultural, costs victims of epistemic injustice experience,” indicating the bounds of our affective responsiveness to suffering of the silenced. Mihai indicates that for epistemic friction to emerge in these three registers, spectators renounce the search for coherence between their experiences and artistic representations (2018). When these epistemic frictions occur, viewers reconsider their relationship to the injustices and the persons involved.

In addition to embracing epistemic friction, artistic practices also offer an opportunity to reevaluate who is considered a knower, as they diverge from the narrow epistemes prevalent in formal truth mechanisms. Whereas the latter often push certain issues and actors into silence and erase experiences when these are deemed to be at odds with the reigning truth paradigm, artistic practices allow to counter hermeneutical and epistemic injustices by bringing in experiences and voices of the epistemically marginalised, thus opening up spaces for epistemic resistance. As such, artistic practices can shed light on the viewer's epistemic limits and challenge them to activate their imagination to welcome this complexity. In this context, Alison Landsberg's concept of "prosthetic memory" holds relevance. It pertains to interactions with artworks that prompt the viewer to perceive the world from a different perspective, adopting an alternate embodied positionality and emotional horizon (2004). Mihai proposes that the imagination can allow to incorporate the experiences of others "prosthetically into our own pool of hermeneutical sources" (2018, p. 404). Thus, artistic practices can prompt the receiver to do away with stereotypical images of the marginalised or faraway others.

In this section, I have outlined the theoretical framework that I use to contextualise the engagement of Syrian writers with justice-related issues. While most Syrian writers, and artists more broadly, may not explicitly identify as justice actors, many of them share the objectives of justice actors in attempting to counter the erasure and invisibility of experiences of harm. They achieve this through their artistic practices, aligning with some of the core ambitions of transitional justice. Echoing Mihaela Mihai's view, I believe that artistic practices, in this case literary works, can also serve as essential, yet underexplored, resources in combating – or at least foregrounding – epistemic injustice (2018). While we should not anticipate the arts to achieve what justice efforts have failed to render, they have the potential, as I contend, to "presence" experiences of harm, foreground truth claims and further epistemic resistance. This overarching framework enables me to illustrate how Syrian writers contribute to ongoing justice efforts in the domain of truth-seeking and memorialisation. In order to analyse specific instances of Syrian fiction and do a close reading of *Planet of Clay* and *Death Is Hard Work*, I must narrow my focus in what follows to the realm of literary scholarship.

3.2.3 Literature and Injustices

This thesis draws on an expanding range of academic research that explores the interplay and complementarity between artistic practices and justice processes. As previously outlined in the general introduction (chapter 1), the particular emphasis on literary writing stems from my academic background in this field, the strong history of dissent within Syrian literature, and my aim to analyse the potential of literary writing to visibilise expressions of harm. To contextualise the rising trend within contemporary Syrian literature of addressing justice-related matters, I ground myself in scholarship in the fields of literature and human rights, memory studies and trauma. Rather than giving a broad overview of these different fields of scholarship, I hone in on debates that are relevant to the investigation of literary works in the Syrian context, as examined in chapter 5 and 6.

A. LITERATURE AND HUMAN RIGHTS

While the field of (transitional) justice and human rights have distinct focuses and objectives, they share several similarities in terms of their fundamental principles and goals. This is also evident in the field of literature and human rights that emerged as a significant area of literary studies in the 2000s and particularly gained momentum after the events of 9/11. Scholarship within this field is important for this dissertation because of the ability of human rights stories to co-create ideas about human rights.¹³ Seminal works that this dissertation builds on are *Beyond Terror: Gender, Narrative, Human Rights* by Elizabeth Swanson Goldberg (2000), *Human Rights and Narrated Lives: The Ethics of Recognition* by Kay Schaffer and Sidonie Smith (2004), *Inventing Human Rights* by Lynn Hunt (2007), *Human Rights, Inc* by Joseph Slaughter (2009), *That the World May Know: Bearing Witness to Atrocity* by James Dawes (2009), *Fictions of Dignity* by Elisabeth Anker (2012), *Theoretical Perspectives on Human Rights and Literature* by Elizabeth Swanson Goldberg and Alexandra Schultheis Moore (2013), and *Writing and righting: Literature in the Age of Human Rights* by Lyndsey Stonebridge (2020). Some insights from the scholarship on human rights and literature have been pivotal in my investigation of literature's potential to visibilise injustices. Of particular interest

¹³ Scholars in the field of literature and human rights have developed interdisciplinary strategies for reading literary texts and considering how stories, testimonies, cultural texts, and literary theories contribute to human rights. In general, they adopt a constructively critical standpoint toward the human rights discourse and its implementation (Richardson, 2016).

is the scholarly attention in this field for the manner in which literary works can foreground demands for the recognition of the truth that are closely linked to demands for justice (Thiebaut, 2014).

It is widely accepted that narratives can serve as a conduit for sympathetic feelings towards unknown others (Delgado, 1998). Narratives, and the novel in particular, are often associated with moral strength and soft power, contributing to the recognition of the rights of other people.¹⁴ Exploring the relationship between human rights and the Bildungsroman, Joseph Slaughter highlights that our reading activities have far-reaching implications, “not only for the imagination but the legislation of an international human rights community” (2009, p. 329). Novels in particular, according to Slaughter, can endow readers with “a heightened sensitivity to human misery and vulnerability and to the dignity and developmental potential of the human personality”. They show readers that they are implicated in these processes (2009, p. 326).

While narratives can compel readers to acknowledge distant others’ dignity, a central tenet in humanitarianism, we must acknowledge the inherent problems (Peters, 2012). They frequently elicit feelings of pity or compassion, which serves as a poor basis for responsiveness (Stambler, 2022). As emphasised in chapter 7 on reader responses, we must avoid placing excessive expectations on empathy. As Olivia Laing insists: “Empathy is not something that happens to us when we read Dickens. It’s work.” (2020, p. 2). Additionally, the representation of suffering raises ethical questions. Paul Gready points out that both writers and readers have a “responsibility to the story” and need to be mindful of ethical challenges. Readers need to realise that “often the person whose human rights have been violated may be left with little more than their story with which to communicate their hopes and fears” (2010, p. 189). The same holds for writers. As James Dawes argues: “No trial, and no novel, can tell everyone’s story, but the act of selecting a single representative (one man from the civil war in Sri Lanka, two children from the Dirty War in Argentina, one body from a grave in Vukovar) is always an erasure of many” (2009, p. 199). Writers addressing injustices must be well aware of the acts of erasure or invisibilisation that they possibly contribute to.

¹⁴ In her influential book *Inventing Human Rights* (2007), Lynn Hunt highlights how the novel delivered lessons about human equality in the eighteenth century.

In addition to accentuating the dignity of individuals in distant places, human rights fiction can also provide new ways of seeing, or “presencing” other people and of being in the world. One of this dissertation’s central arguments, that is grounded in the scholarship on human rights and literature, is that narratives allow can make readers open to the existence of faraway others, and can make them jump into their lives. Literary writings create imaginative terms by which it is possible to see and truly comprehend injustice, according to Lyndsey Stonebridge. “Writing allows us to dream, and not only to dream, but to disclose hidden connections, injustices, forms of love, ways of being. Literature is not social work, or a bit of human seasoning to make an inhuman world taste a little sweeter” (2020, p. 14). William Booth asserts that fiction can offer us a gift by teaching us to “meet ‘the others’ where they live” (1988, p. 414). Reading forces readers to see both the reality of their own lives and the alternative reality a text presents (Booth, 1988, p. 338). The scholarship of theorists such as Martha Nussbaum (1997), Judith Butler (2004), Benedict Anderson (2006) and Joseph Slaughter (2009) supports the aim of this dissertation by elucidating how narratives can foster the reader’s imagination and allow them to recognise experiences of harm that had hitherto been hidden or uninteresting.

Furthermore, what holds significance for this dissertation are the debates about the universality of human rights, the politics of suffering and the commodification of victims that are held in the field of human rights and literature. Postcolonial and feminist critics contest for instance the liberal politics of suffering because they fall in line with a conception of the human rights paradigm that pertains to the “rights of man”, rather than being universal (Stonebridge, 2018; Ančić, 2022). Additionally, humanitarian and human rights discourses often portray victims in essentialising ways, reducing their identities to “suffering beings” who are described solely in terms of their injuries and trauma (Fassin & Rechtman, 2009, p. 517). The risk that exists both in human rights reports and fiction is that victims are reduced to archetypes and deprived of their political agency. Another related critique is the presumed link between reading and action or responsiveness. To what extent do narratives effectively generate an ethical call that results in responsible action? These critiques are further explored in chapter 7 on reader responses.

B. LITERATURE AND MEMORY

Memory studies is the second field that informs my understanding of the way in which literary writings can visibilise experiences of harm. As I describe in chapter 5,

there is a trend in contemporary Syrian literary writing to counter forcible forgetting and to memorialise overlooked lives. Similar to other conflicts such as the Lebanese civil war, Syrian writers, and artists more broadly, are inquiring into the politics of representation; they have become “memory makers” (Haugbolle, 2010, p. 9). Because of this, this thesis also examines the role of literature in shaping memory, drawing inspiration from the field of memory studies that emerged in the 1980s. In particular, I rely on the work of Ann Rigney, who argues that the arts can be seen as catalysts in creating new memories, supplementing what has been documented with imaginative power and creatively using cultural forms to generate stories that may then be reworked in other disciplines (Rigney, 2012, p. 17-48; 2021).

In order to be remembered, an historical event needs a “place” in the social framework of collective memory, as Maurice Halbwachs demonstrated (2020). Halbwachs coined the term “collective memory” to denote collectively shared representations of the past, defining memory as a social phenomenon.¹⁵ Early work in memory studies honed in on the ways in which memories are shared within communities and constitute group identity, centring on the role of the nation-state in the formation of “mnemonic communities”. In recent years, the transnational and global dissemination of memory has moved to the centre of attention, as mass cultural technologies render it increasingly possible for people to take on memories to which they have no familial, ethnic, or national tie (Craps & Rothberg, 2011). This last form of memorialisation is particularly relevant in the context of this dissertation.

My specific interest lies in exploring the potential for shifts in transnational memorialisation, or mnemonic change, and how this is impeded by phenomena like unremembering, the act of refusing to remember. One familiar emanation of unremembering in the Global North is the silencing of colonialism (Stoler, 2011). Another active form of unremembering, aligning with the erasure of crimes, is the forcible forgetting imposed by the Syrian regime (as discussed in chapter 2). A more passive form of unremembering, aligning with invisibilisation, stems Eurocentric standards of memorialisation. This holds significant relevance within the framework of this dissertation as these standards affect the production of proximity to or distance from the suffering of others, generating an unequal distribution of empathy (Aschheim, 2016, p. 24). The Shoah is generally better remembered, Stef Craps and

¹⁵ A related concept of “cultural memory” was developed by Jan Assmann in the 1980s to discuss the role of institutionalized canons of culture in the formation and transmission of collective memories (1992; Craps & Rothberg, 2011). Assmann developed a theory of cultural memory that covers three poles: memory (the contemporised past), culture, and the group (society), emphasising the nexus between memory and identity (1995).

Michael Rothberg argue, because of the perception that the atrocities of Europe are perceived as “morally more significant than atrocities elsewhere” (2011, p. 518). Yet, the memory of the Shoah can encourage discussions about atrocities in other contexts, and stimulate mnemonic change (Huyssen, 2001, as cited in Allwork, 2017). However, it proves to be difficult to overcome the zero sum logic that Michael Rothberg has identified, whereby remembering one case must come at the cost of forgetting another (2009a).¹⁶

The persistent dominance of Eurocentric perspectives in memorialisation and the unequal distribution of empathy are crucial considerations when examining literature’s potential to visibilise experiences of harm, in the Syrian context. Experiences of harm that fall outside dominant frameworks are often forgotten or glossed over because they do not fit available frames or narratives (Goffman, 1974, as cited in Rigney, 2021, p. 12). To “enable” forgotten, or inert histories, Rigney suggests two different strategies: either integrating memories into existing narrative schemata or using the literary technique of “defamiliarization”, coined by Viktor Shlovsky. New forms disrupt habitual patterns of perception, register unfamiliar events and actors as memorable and thus make people reflect and perceive the world differently (Shlovsky, 1965, as cited in Rigney, 2021, p. 15). Representing less familiar events through the lens of more familiar ones can expand existing frameworks of knowledge to encompass previously unarticulated experiences (Rigney, 2021, p. 13). Relatedly, Rothberg’s concept of “multi-directionality” has become a recognised strategy for enhancing the memorability of occluded histories and for including hitherto disconnected groups in the same narrative frame (2009). I contend that defamiliarization can have a pivotal role in highlighting patterns of erasure and invisibility through literary writing. The close reading of *Death Is Hard Work* in chapter 6 illustrates how defamiliarization disrupts conventional understandings of victims and traumatic experiences. As such, literature can challenge what is memorable and play a role in the remaking of memory, even when mnemonic change is slow to materialise (Rigney, 2021, p. 14).

C. LITERATURE AND TRAUMA

Trauma theory is the third field that underlies my analysis of Syrian literary texts. It emerged in the 1990s following the so-called ethical turn in the humanities. Proponents

¹⁶ Therefore, theorists of “postmemory” (Hirsch, 2008), “prosthetic memory” (Landsberg, 2004), and “multidirectional memory” (Rothberg, 2009) insist on the ethical significance of remembering traumatic histories across cultures (Craps & Rothberg, 2011).

of trauma theory suggested that it could be an essential tool to engage with literary texts and evoke ethical responses (Craps, 2013). Aligning with my investigation of Syrian narratives, I draw in particular on the work of postcolonial scholars as it departs from some of the widely accepted assumptions in the classical trauma paradigm. I focus mainly on recent scholarship and how it pushes back against the widely accepted notion of the unspeakability of trauma and the understanding of trauma as a single event. Furthermore, I look into the notion of empathic settlement.

The leading first-generation scholars of literary trauma theory argue that it is extremely difficult or even impossible to reproduce traumatic events adequately in language (Caruth, 2016; Felman & Laub, 1992). According to classic trauma theory, trauma exists outside conventional forms of perception, representation, and transmission. Cathy Caruth holds that the traumatic experience is “unclaimed”, marked by its lack of registration (2016, p. 6). Trauma is seen thus as a rupture in temporal succession, it arrives only belatedly, through repetitive symptoms, to the realms of the senses. Essentially, Lucy Bond contends, Caruth casts traumatic historical experiences as a form of referential collapse: the inability to know the traumatic event manifests itself in the failure to bear witness to it (2015, p. 20). In the classical trauma theory field, trauma defies representation, as it calls into question modes of referentiality that esteem that the signifier is a transparent vehicle for the signified (Bond & Craps, 2019, p. 59). In general, trauma fiction tends to avoid conventional methods of representation commonly seen in historical discourse or media portrayals of harm. Instead, it employs distinct approaches to convey the impact and complexities of trauma, often using fragmented narrative structures (Whitehead, 2004, p. 5).

For the purpose of the literary analysis of Syrian novels, I draw strongly on more recent scholarship that challenges some of the foundations of literary trauma theory (Gibbs, 2014, 2022; Craps & Buelens, 2008; Luckhurst, 2013). Scholars in psychology like Richard McNally challenge the idea that trauma is amnesiac, offering insights into its processing and articulation. McNally posits that trauma is memorable and describable, while victims may choose not to speak of their traumas, there is little evidence that they cannot (2005b, as cited in Pederson, 2014, p. 334). In a similar vein, Ruth Leys questions van der Kolk’s and Caruth’s depiction of trauma as a literal imprint on the mind that is dissociated from normal mental processes of cognition (2010, p. 133). Literary scholars also question the unspeakability and belatedness of traumatic experiences, while mostly refraining from a complete rejection of early trauma theory (Bond & Craps, 2019, p. 136; Stampfl, 2014). Alan

Gibbs takes issue with classical trauma theory: “The allegedly literal character of the traumatic memory means that trauma in art and literature is considered by Caruthian theory to be unrepresentable, or only representable through the employment of radically fragmented and experimental forms” (2014, p. 11). The aesthetic and thematic norms of the dominant trauma genre in the Global North suggest that there is a template to render traumatic experiences, attesting to notions such as the unspeakability of trauma, “which risks making trauma sublime” and foregrounds Western-based perspectives (Gibbs, 2014, p. 6).

Many representations of contemporary atrocities continue to have a common reference in the study of the Shoah and the familiar tropes of trauma. This entails an intense preoccupation with the demands of events that defy comprehension and narrativization, and a refusal of harmonizing narratives that make sense of the traumatic experiences (Bond & Craps, 2019, p. 41, p. 58). A fragmentary style associated with Western modernism and the avant-garde has often been privileged as a textual form able to present the experience of traumatic temporality. As a result, trauma theory risks perpetuating the insistence that only silence is acceptable in the face of unspeakable horror, contributing to the exclusion or marginalisation of different perspectives (Gibbs, 2014, p. 19). In *Postcolonial Witnessing*, Stef Craps challenges the perspectives of theorists of classical literary trauma theory, stating that the founding texts failed to live up to the promise of cross-cultural ethical engagement (2013, p. 55). He takes issue with the axiomatic notion of unspeakability, that can be traced back to Theodor Adorno’s pronouncements about the barbarity of writing poetry after Auschwitz:

Trauma theorists often justify their focus on anti-narrative, fragmented, modernist forms by pointing to similarities with the psychic experience of trauma. An experience that exceeds the possibility of narrative knowledge, so the logic goes, will best be represented by a failure of narrative. Hence, what is called for is the disruption of conventional modes of representation, such as can be found in modernist art (2013, p. 59).

Trauma narratives in non-Western literatures have often not been sufficiently recognised as ethically and aesthetically significant in the Global North. Yet, postcolonial literature contains a rich trove of examples of transcultural witnessing and empathy (Craps, 2013, p. 50). Linear, straightforward narratives can be equally effective and valuable in transmitting experiences of harm. As Roger Luckhurst

demonstrates in *The Trauma Question*, the crisis of representation caused by trauma generates narrative possibility just as much as narrative impossibility (2013, p. 83, as cited in Bond & Craps, 2019).

A second important critique that is relevant in the context of this dissertation, is that trauma is not always the consequence of a single event. Laura Brown developed the notion of “insidious trauma” (coined by Maria Root), which diverges from the punctual model in accepting “everyday” chronic conditions as potential causes of trauma. Brown identifies insidious trauma as “the traumatogenic effects of oppression that are not necessarily overtly violent or threatening to bodily well-being at the given moment but that do violence to the soul and spirit” (1995, p. 100). Insidious trauma includes various forms of traumatizing violence, such as sexism, racism, and colonialism (Rothberg, 2009, p. 89). In the postcolonial context, chronic psychic suffering produced by structural violence is an underexplored and complex phenomenon (Buelens et al., 2014). Insidious trauma is more subtle, or less easy to detect than singular traumatic events, and is closely linked to epistemic violence, the erasure and invisibilisation of experiences of harm in postcolonial contexts of situations of ongoing conflict.

A third issue, closely related to the ensuing section on narrative empathy, is the role attributed to empathy in trauma studies. While trauma narratives are often seen as valuable for their capacity to evoke empathy, and allow identification, they should also be valued for sensitising readers to the difficulty of understanding unfamiliar experiences and contexts, allowing alienation. In *Writing History, Writing Trauma* Dominic LaCapra coins the term “empathic unsettlement” to denote the desired type of affective involvement, which he distinguishes from “self-sufficient, projective or incorporative identification” (2014, p. 41). Empathic unsettlement allows feeling for another without losing sight of the distinction between one’s own experience and the experience of the other. Particularly problematic is when the reader gets a feeling of spiritual uplift when confronted with experiences of harm:

At the very least, empathic unsettlement poses a barrier to closure in discourse and places in jeopardy harmonizing or spiritually uplifting accounts of extreme events from which we attempt to derive reassurance or a benefit (for example, unearned confidence about the ability of the human spirit to endure any adversity with dignity and nobility) (2014, p. 41-42).

In sum, empathic unsettlement enables the reader to achieve an uneasy understanding of the described traumatic experiences. Jill Bennett relates LaCapra's notion of empathic unsettlement to Bertolt Brecht's critique of identification, and specifically of art that induces what Brecht termed "crude empathy," that is, "a feeling for another based on the assimilation of the other's experience to the self" (2005, p. 37). LaCapra, Bennett, and other trauma theorists criticise unreflective attempts to empathise with victims of trauma, asserting that uncritical or crude empathy leads away from empathic encounters as it appropriates the experience of the other (Craps, 2008, p. 101-102).

“Looking into the eyes of a torturer as he’s sitting in a proper court of law was liberating. Maybe such moments will have the same positive impact for millions of Syrians who’ve had to avert their eyes from the ‘security’ men for most of their lives.”

Mansour Omari,
Syrian Torture Trial in Koblenz, Amnesty International

“All it takes is to believe that there exists something absolutely indestructible within each of us, and all it takes is to aspire to be the wick, the match, and the dynamite, or to remember the significance of the justice that we must relentlessly accord to the deceased.”

Wajdi Mouawad,
Inimaginable Inimaginable, Tous Témoins



Victim groups and family members of the missing in Syria in Berlin,
The Syria Campaign, 2022. © Paul Wagner

IV. Breaking the Justice Impasse in Syria

After the start of the 2011 uprising, Syrian and international justice actors embraced the transitional justice paradigm to support the hoped-for transition. However, the transformation of the uprising to a civil war altered the mobilisation for justice, shifting the main focus from democratic reforms and the redress of past harm to the recognition of, and accountability for, ongoing injustices. Notwithstanding the impossibility of implementing a model version of transitional justice, Syrian and international justice actors have continued to use transitional justice concepts and initiatives to mobilise for justice. At the same time, the use of the transitional justice label is challenged by justice actors and victims due to the absence of a transition. How to reconcile transitional justice's aspirations to promote accountability and justice with the reality of impunity for atrocity crimes?

In the context of the entrenched non-transition and the failing international justice architecture, the transitional justice paradigm offered possibilities to address the accountability gap. Syrian and international justice actors tested novel ways of cooperation and investigation to make sure that crimes would not be forcibly erased (by the regime or other perpetrators) or inadvertently glossed over (as a result of ineffective multilateral and state-lead responses). Thus, they challenged the belief that the pursuit of justice is inconsequential in the face of ongoing crimes. This chapter examines how justice actors navigated this intricate situation, by blending standardised and non-standardised approaches to tailor their responses according to their needs and the possibilities. Important questions to consider are: How did the transitional justice toolkit open up justice avenues? Which innovations materialised in the domain of documentation, criminal accountability, and truth-seeking? How did victims' experiences and perspectives gain increased prominence?

While I depict the evolving understanding of transitional justice and concrete initiatives, the genealogy of transitional justice in the Syrian context is not my primary interest. Instead, I aim to highlight the assimilation of transitional justice concepts and mechanisms as a way to challenge the status quo and to pursue justice amidst ongoing conflict. The introduction of the transitional justice paradigm in Syria represents a significant development that has garnered some scholarly attention. However, its applicability within this atypical context remains relatively underexplored. This chapter attempts to address this knowledge gap by pursuing two primary objectives.

Firstly, it seeks to examine the introduction of the transitional justice paradigm in the context of a hoped-for transition. Secondly, it aims to investigate the subsequent and imperative shift towards experimentation prompted by the unfeasibility to pursue standardised approaches. This shift compelled Syrian justice actors to transform the transitional justice paradigm, given the absence of other models to pursue justice for both past and ongoing crimes.

The chapter proceeds as follows. First, I contextualise the thematic focus by giving an overview of scholarly research on transitional justice in the Syrian context. Then, I elucidate the methods and the theoretical framework to indicate how the obfuscation of crimes, or erasure and invisibilisation, and the failure in the Global North to imagine justice efforts, have shaped the (transitional) justice mobilisation in the Syrian context. Next, I illustrate how early transitional justice efforts gravitated around the transitional justice paradigm, while also resisting it and progressively modelling it, using approaches that better align with victims' needs. Then, I zoom in on the three most significant domains of innovation: documentation, criminal accountability and truth-seeking. Lastly, I revert in the discussion to instances of erasure and invisibilisation in the pursuit of justice in the Syrian context.

4.1 Contextualisation and Methods

4.1.1 Research Gap

Transitional justice in Syria is an incipient practice as it originates in the start of the 2011 uprising and the implementation of transitional justice initiatives in this rapidly evolving context. The burgeoning scholarly attention has centred around documentation and criminal accountability efforts as the accountability gap has produced innovative approaches in these domains (Nassar & Rangelov, 2020; Van Schaack, 2016, 2020). A spike in scholarly studies resulted from the justice mobilisation by transnational networks that focus on documentation for criminal accountability purposes (Burgis-Kasthala, 2019; Tenove, 2019). This academic thematic focus has a logical explanation. While documentation and accountability initiatives in the Syrian context are new – and somehow unexpected because of the tremendous obstacles – they also lent themselves well to theorisation, as they have been thoroughly researched in other contexts of conflict, and align with the dominance of legalism in the field of transitional justice as described by Kieran McEvoy (2017). Moreover, the start of

universal jurisdiction cases on state torture in 2020 (discussed in section four) have reinforced this scholarly attention for documentation and accountability. I engage in dialogue with this burgeoning theorized field and add critical reflections to the reasons for the push for accountability and the innovations in other domains.

Unlike developments in the domain of documentation and criminal accountability, innovations with regard to truth-seeking, victim activism and ongoing resistance against injustices have not generated much scholarly attention (Nassar, interview, 20 April 2020). This research gap can also be explained by the absence of a transition which rules out formal mechanisms. As such, besides the efforts of the IIMM, that also has a truth-seeking function, truth-seeking initiatives have taken place mostly in informal spaces, led by Syrian victim groups and CSOs. The establishment of victim groups and initiatives such as the Charter for Truth and Justice in 2021 (discussed in section 3) has brought truth-seeking to the fore. However, civil society truth activism has so far – with the exception of the work of Noha Aboudeldahab (2022) and Habib Nassar (2022) – not been studied strongly through the prism of resistance. As pioneering scholarly work – among others by Beth Van Schaack (2019; 2016, 2018; 2020) – honed in on criminal accountability, there has been relatively little emphasis on exploring resistance and truth-seeking initiatives. As elucidated in chapter 3, this has resulted in critical approaches in the field of transitional justice, contending that insufficient attention has been given to local approaches, seeking to apply its concepts and tools to a wider range of contexts (Sharp, 2019). This has led to a growing recognition of transitional justice as a tool for resistance, favouring a more ecosystemic approach led by civil society actors (Gready & Robins, 2017, 2014; Jones et al., 2013). This critical turn hardly transpired in the study of transitional justice in the Syrian context, where truth initiatives by Syrian CSOs have so far received scant attention. Yet, research on social movement mobilisation and ongoing resistance against autocracy in the Syrian context is growing (Al-Khalili, 2021a; Leenders & Heydemann, 2012; Leenders, 2013; Ruiz de Elvira, 2019).

These research gaps in the domain of truth-seeking and resistance lie at the basis this chapter's orientation. Syrian justice actors, by which I refer to CSOs, human right defenders and victim groups, continuously assimilated the transitional justice toolkit to the Syrian context to make it relevant. They did so in the absence of other approaches to mobilise for justice, driven by the urge and the need to continue foregrounding injustices and responding to rapidly growing justice needs. Faced with the dwindling international justice mobilisation Syrian justice actors were painfully

aware that the onus of revitalizing justice efforts was largely on them. Thus, by experimenting with transitional justice initiatives they have effectively generated innovations. I argue that this is one of the main outcomes of the creative use of the transitional justice paradigm in the Syrian context. As such, I look into novel approaches in the domain of criminal accountability, documentation and truth-seeking and imbed them in ongoing resistance against injustices. While the discussed initiatives might not seem ground breaking at first glance, I argue that they should be considered as innovations in the Syrian context where the acquiescence to the accountability gap gradually became normalised.

4.1.2 Methods

The empirical research for this chapter consists of two different datasets related to the erasure and invisibilisation of atrocity crimes and the evolution of transitional justice initiatives in the Syrian context. These datasets informed the publication of the article “Stirring the Justice Imagination: Countering the Invisibilization and Erasure of Syrian Victims’ Justice Narratives” (Herremans & Destrooper, 2021b) and the book chapter *Overcoming the Justice Impasse in Syria* (Herremans & Bellintani, 2023). I first elucidate the data-collection process of both datasets to then look into the data-analysis. The first dataset, revolving around the erasure and invisibilisation of crimes, consists of expert interviews with Syrian and international stakeholders who are involved in justice efforts for Syrians. I have conducted 13 interviews: ten semi-structured and three open interviews with legal practitioners, human rights and NGO experts and scholars between March and October 2020. The topic list centred around the occurrence of international crimes, the early use of the transitional justice paradigm, concrete justice efforts and the accountability gap. Besides the data-collection, I have conducted the data-analysis and the analysis of the Syrian context. Tine Destrooper has devised the theoretical framework and developed the concepts of invisibilisation and erasure.

The second data-set zooms in on the evolution of transitional justice initiatives. It consists of 19 semi-structured interviews with Syrian and international justice actors obtained between October 2020 and October 2021. The topic list broached the relevance of transitional justice in an entrenched non-transition, the focus on documentation, justice efforts in the domain criminal accountability, the potential of truth-seeking, the emergence of victim groups and informal justice efforts. I have done the data-collection and the data-analysis, besides the analysis of the evolving

initiatives. Veronica Bellintani has conducted the analysis of victim groups' activism and reparations. For both datasets, I have identified potential respondents through purposive sampling, initially selecting respondents in civil society engaging with justice related issues and stakeholders in relevant international and multilateral institutions. Secondly, I have applied snowball sampling. The interviews were audio recorded, when needed translated from Arabic and French to English, and transcribed, in order to thematically code and analyse the data. As for the data-analysis, as elaborated in the introduction (chapter 1), I have applied grounded theory, doing an initial open coding and then proceeding to axial coding to discern patterns and to derive the main concepts.

4.2 The Emergence of Transitional Justice in the Syrian Context

This section mainly seeks to elucidate how Syrian justice actors have assimilated the transitional justice paradigm to respond to their growing justice needs. In order to provide a comprehensive understanding of these complexities and the emerging Syrian resistance against this paradigm, it is essential to examine the genealogy of transitional justice in this context. However, my intention is not to provide an exhaustive overview of transitional justice programs and initiatives. Instead, I depict how transitional justice was initially embraced by both Syrian and international actors during the early stages of the uprising as the most promising avenue to respond to injustices. Then, I zoom in on the failure of this early mobilisation. I pay special attention to Syrian justice actors' attempts to navigate this quagmire by assimilating the toolkit to the local context. Lastly, I highlight how the shift from an aspired-for model version of transitional justice to a hands-on approach led to innovations such as the development of a Syrian victim movement.

4.3.1 Caveats

It is important to give due attention to the impact of the entrenched non-transition. Hence, I broach four caveats with regard to the complexity of implementing transitional justice in the Syrian context. Firstly, the implementation of the transitional justice paradigm in the Syrian context is a novel enterprise that fits into the trend of using the toolkit in conflicts. This is a complex endeavour marked by murkiness and

experimentation. Many of the Syrian actors engaged in transitional justice initiatives have engaged in the struggle against authoritarianism and civil society activism and are familiar with the regime's erasure of crimes. One of their primary drives to engage in justice efforts is the determination not to be subjected anew to forcible forgetting, a minimalist objective. Yet, their engagement in early transitional justice projects allowed them at some point to conceive of larger, maximalist objectives, such as institutional reforms and repairs. While the reality of the regime's tenacity and the increasing number of perpetrators, compelled Syrian entrepreneurs to revise their goals, many among them hold on to the aspiration of a transition. This dual position between pragmatism and idealism impacted their perspectives on transitional justice, and can give rise to seemingly contradictory positions and ambiguity surrounding the embrace of the toolkit. On the one hand there is uncertainty over the intended outcome of transitional justice approaches, ranging between minimalist and maximalist objectives. On the other, there is ambiguity regarding the transitional justice paradigm that is accepted because of its useful tools but is also rejected as its template does not suit the Syrian context. I flesh out these ambiguities in the analysis.

Secondly, and in connection with the previous point, Syrian justice actors are not inherently committed to the transitional justice paradigm. They primarily value it as a framework for pursuing justice within a context of an entrenched non-transition. As I explain below, the paradigm was introduced early on in the uprising by international organisations and governmental institutions to accommodate the hoped-for transition, and its application rendered justice initiatives possible. Although many of these actors do not forsake their hope for a transition, their primary objective is to address impunity and pursue justice while the conflict is ongoing. As a consequence, they often use justice and transitional justice interchangeably. In practice, transitional justice became another word for justice, even if few justice actors would state this openly. Formally renouncing the paradigm would mean giving up on the notion of a transition and might also impact the implementation of initiatives. Moreover, a renunciation would aggravate the complexity of the justice mosaic. It would also raise hard to solve debates about the meaning and definition of justice, the importance of local justice and the feasibility of other paradigms such as restorative and transformative justice. While these issues are discussed and were touched upon by several interviewees, there is a prevalent understanding that the time is not ripe to formally reconsider the transitional justice paradigm. The magnitude of the crimes impose the need for practical initiatives. And this is exactly what the transitional justice paradigm renders possible, through vernacularisation efforts, moulding the

toolkit to the local context.

This relates to a third caveat, namely the growing scepticism towards the paradigm. From my interviews it transpired that Syrian entrepreneurs overall have a torn relationship with transitional justice. For one, the absence of a transition transcends the “semantic” question of the label of transitional justice: it impairs formal initiatives such as domestic criminal cases, the establishment of a truth commission and reparations. Hence, this translates into scepticism, overt resistance and even rejection of the paradigm. This growing apprehension among Syrian justice actors was omnipresent during the interviews that I have conducted between 2020 and 2021, when the al-Khatib trial was ongoing. Several interviewees recognised that the trial reinvigorated (transitional) justice efforts, halted impunity of regime officials for the first time and gave victims visibility (Al-Bunni, interview, 8 January 2021; Seif, interview, 19 October 2021). Yet, the trial tapped into frustration about the limited potential of the transitional justice paradigm in the current context and the expediency of domestic proceedings and a holistic framework (Serriya, interview, 26 April 2021; Helmi, interview, 6 October 2020). This is reflected in the words of Fadwa Mahmoud, member of the victim association Families for Freedom:

Anwar Raslan and Iyad Al-Gharib are being held accountable, but is this sufficient for the Syrian people? It is a step forward and the beginning of the road, but from my point of view a Syrian woman, who made huge sacrifices, I say these people should one day be tried and held accountable in Syria and not in Germany and or any other European country (interview, 27 April 2021).

Fourthly, the ongoing nature of the conflict adds another layer of complexity, namely of temporality. A large part of transitional justice theory deals with post-conflict situations, studying formal mechanisms and hinging on a teleological approach towards justice. While theorisation about the paradigm’s application in ongoing conflicts is rapidly developing, this research gap and the ongoing nature of injustices make theorisation of Syrian (transitional) justice efforts a challenging exercise. The paradox between the enormous justice needs and the scant avenues has created a justice laboratory that adopts an ecosystemic approach.

These caveats are necessary to understand the complexity of the early and ongoing transitional justice mobilisation in the Syrian context. In the following sections, I first demonstrate how internal and international mobilisation for transitional justice laid

the groundwork for transitional justice initiatives. Next, I analyse how the escalation of international crimes has transformed these initiatives.

4.3.2 A Paradigmatic Outlook

In this section, I imbed a chronological overview of transitional justice initiatives in a broader analysis of the outcomes of the mobilisation for justice. While the formal introduction of the transitional justice in the Syrian context coincides with the start of the uprising in March 2011, its concepts were already studied and discussed at a grassroots level in Syria prior to 2011. Despite the hostile climate for civil society activism throughout the 2000s, human rights activists, artists and dissidents increasingly chipped at the wall of fear (Salamandra & Stenberg, 2015, p. 2). The violently suppressed memory of atrocities provided a strong motivation to look into ways for acknowledgement of harm. Due to the regime's practices of silencing and self-censorship among Syrians, atrocities such as the Hama massacres were not represented in narratives about lived experiences. Yet, by the mid-2000s, works of memory began to appear in the literary domain (Ismail, 2018, p. 8). Likewise, in the domain of human rights, activists attempted to open space for memorialisation and truth-seeking. Finding out the fate of the disappeared was a key motivation to explore truth-seeking, states lawyer Mazen Darwish who founded *The Syrian Centre for Media and Freedom of Expression* in 2004 (interview, 11 December 2020). At that time he was involved in transitional justice activism in Morocco and was struck by the parallels between both cases (centring around disappearances), prompting him to implement the model of *Equity and Reconciliation Commission* in the Syrian context.¹⁷ Thus, a small group of civil society activists started looking at the 1980s atrocities from the angle of transitional justice to suggest reforms, falling short of accountability as this was inconceivable in the political setting. This short-lived experimental program was halted in 2011, when the option of implementing a model version of transitional justice implemented saw the light (Sawah, interview, 30 November 2020).

The uprising initiated the hope for a transition away from a long history of human rights violations, allowing for a large-scale mobilisation around the transitional justice paradigm (Ziadeh, 2020b, p. 2). In essence, it transformed the civil society landscape, yielding a plethora of grassroots organisations that were born “from within the human

¹⁷ The Equity and Reconciliation Commission (IER) was created in 2004 by King Mohammed. Its mandate included truth-seeking, reparations and guarantees of non-recurrence. Many of the recommendations have not been implemented.

rights movement in Syria that started before the revolution and flourished during the revolution”, in the words of Habib Nassar (cited in Destrooper & Herremans, 2020). Because of its promise of justice and accountability, key demands that had initiated the uprising, many newly established CSOs were inspired by transitional justice’s potential to ensure some form of justice. Consequently, Syrian human rights activists and CSOs initially adopted a holistic approach to transitional justice, premised on the aspiration of a transition, despite the escalation of violence. Besides internal mobilisation, international support by governments and institutions in the Global North was paramount in the early justice mobilisation.

In the international sphere, many states and institutions in the Global North and multilateral institutions welcomed the 2011 uprising. The US and several EU member states sought to play a role in the transition in an effort to lay the groundwork of an ambitious transitional justice programme. In an era when the regime appeared to falter, several states implemented projects on the ground, through international institutions and CSOs (Van Schaack, 2020a). Aligning with a wider tendency in the MENA region, these programmes – largely conceived in the framework of paradigmatic transitions – proved hard to implement as they relied on templates and concepts that could not be easily transposed to the local context. According to Habib Nassar, this was problematic in the Syrian context because local organisations were pushed, among others by INGOs in this direction, resulting in the development of “very nice plans for transitional justice completely disconnected from the realities of the context” (interview, 25 November 2020).

Observers like Nassar are critical of the transitional justice industry that started working in the region without sufficiently understanding the context and recognizing the ownership of local CSOs. Nassar illustrates this through the United States’ intention on developing a full transitional justice programme, with the State Department taking a leading role and establishing projects on the rule of law and draft laws before there was any clarity about the outcome of the uprising (2015, p. 70). The appeal of the model version of transitional justice resulted in a flurry of internationally led initiatives, hinging on the transition’s materialisation and a teleological approach of the aspired for democratic project. However, governments in the Global North did not sufficiently anticipate a scenario in which the Syrian government and Russia would gain the upper hand (Haugbolle, 2019, p. 231). As such, the Syrian context illustrates how the circulation of transitional justice into new settings creates a novel justice scene, with new sets of justice actors or elites that foster

an idealistic discourse about what the transitional justice toolkit can foster (Rowen, 2017, p. 5). As I broach in the next section, this has resulted in an interesting situation in which the international pioneers' zeal for the (model version of) transitional justice waned, as their idealistic plans could not be fulfilled. Instead, Syrian actors have pioneered new, non-standardised approaches.

To comprehend the early Syrian transitional justice mobilisation, the appeal of the paradigm first needs to be contextualised. In doing so, I explore Syrian justice actors' four most important aims that have surfaced in the interviews. The first aim is to work towards a societal transformation, premised on transitional justice's forward-looking approach, and is contingent the pillars of institutional reform and criminal accountability. There was a general agreement among interviewed Syrian justice actors that transitional justice initiatives' allure transcend the uprising: they should pave the way for a different polity (Al Abdallah, interview, 8 December 2020; Al-Bunni, interview, 10 April 2020). Realising that the regime's intransigence would hamper a smooth process, Syrian justice actors prepared for the transition and looked into the establishment of transitional governing body. The second aim is linked to the acknowledgement and remembrance of past harm, hinged on the pillars of truth-seeking and reparation. The outbreak of the civil war and the international community's lack of response following the use of chemical weapons in 2013 led to a realisation that a clear-cut transition was unlikely to occur. Forcibly relinquishing the idea of an encompassing transitional justice program, Syrian justice actors increasingly focused on a third aim: conflict resolution. Many of these actors extended the application of the paradigm from past crimes to ongoing violations of international law, and pushed for transitional justice to be integrated in relevant UN resolutions and the Geneva peace agreements. The fourth aim is closely connected to the function of resistance, as is demonstrated in other countries. There is a shared feeling within the Syrian justice community that the paradigm also allows for the commemoration and the ongoing pursuit of the goals of the revolution. As Mariam al-Hallaq asserts:

The revolution was waged to create a free, democratic, secular Syria, ruled by law and justice, in which human beings enjoy their dignity. These are great aspirations, which may take twenty years to be fulfilled or even more, but they will eventually become true (interview, 29 April 2021).

In the next section, I further unpack how experimentation with the paradigm and the non-availability of standardised approaches have reoriented these goals. However, for the time being, it suffices to highlight how the rapidly growing Syrian justice community originally aspired to bring about a model version of transitional justice, while being aware of the intricacies.

To demonstrate this, I zoom in on a first milestone in this early mobilisation for transitional justice. In 2012, a group of 45 Syrian opposition representatives ranging from members of the Syrian National Council (SNC) and the Local Coordination Committees (LCC) to civil society activists united in The Day After Project. Aiming to address the gap of a possible regime collapse, they designed a strategy for a transition away from dictatorship between January and June 2012, with the support of the U.S. Institute of Peace (USIP) in partnership with the German Institute for International and Security Affairs (USIP, n.d.). In August 2012 they launched the report “Supporting a Democratic Transition in Syria” to provide a comprehensive vision for a post-Assad order, making recommendations in six policy fields: i.e. the rule of law; transitional justice; security sector reform; constitutional design; electoral reform; and social and economic reforms. The group’s main intention was to make a “substantive contribution to the debate among Syrians about the vision of what a post-Assad Syria should contain and what needs to be done to ensure a transition towards this vision” (USIP, n.d.). However, the plan was premised on the event of a transition, and was pushed by experts without strong ownership of nascent civil society entrepreneurs. As the transition did not materialise, the group stepped away from transition planning. The Day After Association was then established by involved Syrian civil society activists to look into the implementation of other recommendations presented in the report (USIP, n.d.) Moreover, Syrian civil society organisations continued cooperating with a number of European governments and society organisations to look into other avenues for transitional justice (Sawah, interview, 30 November 2020).

Nevertheless, despite the original zeal after the start of the uprising, the concept of transitional justice also encountered strong criticisms within the Syrian justice community and Syrian society at large. Firstly, there was an awareness among justice actors that transitional justice would not be a panacea. One often cited problematic aspect is the possible amnesty for low-level perpetrators (Al-Bunni, interview 8 January 2021; Sawah, interview 30 November 2020). Yet, because of the absence of ordinary justice processes and local remedies and the international push for

transitional justice, Syrian justice actors largely agreed that there was no alternative. According to Wael Sawah the only other options would be revenge, leading to more killings, or “forgiveness” which would be detrimental (interview 30 November 2020). This resistance to forgiveness pertains to the notion of reconciliation, which triggers significant opposition among justice actors in Syria. For one, they point out how reconciliation in different contexts has led to the granting of amnesties, thereby contributing to the erasure and invisibilisation of crimes. Moreover, the regime has manipulated the concept of reconciliation to gloss over its crimes and to promote alleged cease fire agreements with opposition forces. Secondly, concerning the broader population, the notion of transitional justice also encountered significant resistance, due to scepticism over issues such as reconciliation and reparations, and the disconnection with local approaches to justice. “We have been hearing the word ‘transitional justice’ since 2012”, argues Maria Al-Abdeh. Yet, “for most of the Syrians it does not mean anything”. She esteems that this changed in 2020, when victim’s activism became more visible and the notion acquired a sense in the absence of other remedies (interview, 6 December 2020). This popular resistance necessitated a lot of efforts on the side of justice actors to raise awareness, among other things, through workshops (Nassar, interview 2 April 2021; Helmi, interview 29 April 2021; Al-Abdeh, interview 6 December 2020; Seif, interview 19 October 2021). Across the board, the most important critique is that (the model version of) transitional justice is future-oriented. “Talking about transitional justice without a political transition is problematic and extremely difficult”, acknowledges Mazen Darwish, “as well as talking about dealing with the past while the violations and crimes are continuing” (interview, 11 December 2020). As I demonstrate in the next section, the growing mismatch between the label and the effective situation led to a transformation of the early transitional justice project, with Syrian justice actors spearheading new initiatives.

4.3.3 Abandoning Standardised Approaches

The escalation of violence led governments in the Global North to largely abandon their holistic perspective on transitional justice, pushing the paradigm to the back rows. Moreover, they discontinued initial transitional justice programmes in Syria and looked for ways to continue pursuing justice, effectively moving away from transitional justice without officially rescinding their approach. The US for example, halted its transitional justice programme and shifted its attention towards criminal accountability initiatives in the diaspora (Sawah, interview, 30 November 2020; Al

Abdallah, interview, 8 December 2020). To that end, it supported the establishment of organisations such as the Syrian Centre for Justice and Accountability (SJAC) and the Commission for International Justice and Accountability (CIJA) to bolster documentation efforts in the framework of (future desired) accountability processes.¹⁸ SJAC was to serve as a hub for efforts to engage Syrians in the collection, preservation, and analysis of documentation to ensure that there would be abundant credible evidence for future accountability processes. This focus on criminal accountability had two major consequences. For one, centralising criminal proceedings decreased attention for other, complementary transitional justice mechanisms and concepts. On a more positive note, it stimulated a justice-centred approach towards documentation, involving a wide range of entrepreneurs, ranging from NGOs to multilateral institutions prioritizing documentation efforts that eventually gave rise to an organic transnational justice networks. I unpack these two issues in the next section on innovation and disruption.

The strong focus on accountability arose out of the mismatch between the label and the reality, or the schizophrenic situation of talking about transitional justice without the prospect of a transition and dealing with past abuses while crimes are ongoing. Thus, the impossibility of relying on standardised approaches and the blockage of the international criminal court, resulted in a legalistic approach – involving international and Syrian entrepreneurs – towards (transitional) justice. Yet, this is far removed from the original aims of Syrian justice actors. Several respondents underscore that even if criminal proceedings are crucial, compensation for the harm inflicted to victims is equally important, as is the right to truth (Al Abdeh, interview, 6 December 2020, Al-Bunni, interview, 8 January 2021; Nassar, interview, 2 April 2021; Saif, interview, 19 October 2021). Syrian justice actors emphasise that a focus on criminal accountability has its merits, as it is impossible to envision justice without criminal accountability. Moreover, the recent universal jurisdiction cases align with transitional justice because they support victims’ narratives and validate their experiences. At the same time they emphasise the limits of criminal accountability: universal jurisdiction cases in Europe cannot offer an alternative for a holistic transitional justice programme in Syria (Al Abdeh, interview, 6 December 2020; Darwish, interview, 11 December 2020). Yet, as Mazen Darwish states, this focus does not offer “a real solution, it is closer to advocacy, it is not a solution and it is not justice. Nevertheless it is important”

¹⁸ Under the initiative of Hillary Clinton, the State Department originally set up SJAC in 2012 as a repository for documentation in Lyon, where Interpol also has its headquarters. Eventually operating from Washington, SJAC moved away from the goal of serving as a central repository and dedicated itself fully to documentation.

(interview, 11 December 2020). There is a prevailing sense among interviewees that the future of Syria will have to come from inside. Accordingly, domestic mobilisation remains key as many Syrian justice actors maintain that a transition is a prerequisite for a comprehensive transitional justice framework allowing for the prosecution of the main perpetrators, to look into the redress of victims and to mitigate the risks of revenge or amnesty. As such, several Syrian SCOs continuing to work inside Syria, both in opposition-controlled and in regime-controlled areas, focusing in particular on women, youth and community-empowerment (Al Abdeh, interview, 6 December 2020; Nassar, interview 2 April 2021).

Despite the inconsistency of the transitional justice label in the Syrian context, the malleability of the toolkit allows for non-standardised approaches that do fit this atypical case. Syrian justice actors assimilated the toolkit to experiment with its tools in the rapidly evolving context. More than the issue of the label of transitional justice, what matters to Syrian justice actors is how the paradigm can serve to redress crimes and promote resistance against authoritarianism (Ghazi, interview 23 April 2021; Nassar, interview 2 April 2021; Darwish, interview, 11 December 2020; Al Abdeh, interview, 6 December 2020). As such, transitional justice could be anything, Mohammad Al Abdallah posits:

It's certainly not necessarily the five pillars: criminal proceedings, truth, institutional reforms, guarantees of non-recurrence, memorialisation. It could be anything. It could be any program that people can come up with and would help them to overcome the challenge of mass atrocities (interview, 8 December 2020).

Seema Nassar highlights that when applying transitional justice mechanisms, it is key not to impose templates or push a particular approach, but to make sure that victims can choose the methods and mechanisms (interview, 2 April 2021). What makes transitional justice relevant in an ongoing conflict, is the possibility to assimilate the toolkit to this atypical context, selectively applying the tools of criminal accountability, truth-seeking and – to a lesser extent – memorialisation to ensure that justice for Syrians does not fall into oblivion. As I elaborate in the following, this hands-on approach has resulted in a strong focus around truth-seeking, criminal accountability and documentation efforts. Due to its centrality, documentation could be considered a stand-alone pillar in the Syrian context, much like the spider in the web of justice.

The evaporation of the transition and the ensuing renunciation of the paradigmatic understanding of transitional justice, resulted in a second early transitional justice milestone, following the 2012 Day After Plan. Determined to tailor initiatives that are relevant in the entangled Syrian context, Syrian justice actors established the Transitional Justice Coordination group in 2013. The group functioned as a laboratory, and its membership was flexible, uniting up to 17 NGOs (Sawah, interview 30 November 2020). According to Wael Sawah, the initiator and former director of The Day After Project, the group played a significant role in promoting understanding of transitional justice among various stakeholders, including lawyers, activists, society, and the general public (interview, 30 November 2020). The aim was to garner widespread support for the concept and concrete transitional justice initiatives. Due to the lack of familiarity among large sections of society, misconceptions arose about the objectives and potential conflicts with local notions of justice (Darwish, interview, 11 December 2020). Recognizing the importance of ensuring accountability for atrocities, the group examined the concept of strategic litigation in-depth. Additionally, in 2016, it began exploring ways to involve victims in justice efforts by facilitating dialogue between survivors and families of detainees and missing persons. This eventually led to the establishment of victim groups, first as programs of NGOs and later as independent organisations. While the evolution towards a non-transition and different perspectives on the desired pathways to justice and accountability, entailed the coordination group's gradual demise, Syrian justice actors continued to adapt initiatives to the Syrian context (Nassar, interview, 25 November 2020). The absence of effective multilateral initiatives to overcome the accountability gap, strengthened their determination to launch new initiatives to meet victims' needs. As I demonstrate in the next section, the entrenched non-transition, the escalation of international crimes and the dwindling international justice mobilisation have altered the landscape of Syrian (transitional) justice activism.

4.4 Justice Actors Pioneer Justice Landscapes

In the previous sections, I described the introduction of standardised transitional justice by international justice entrepreneurs and institutions. Then I looked into the way in which Syrian justice actors', having a need and proclivity for experimentation, initiated non-standardised approaches. Adopting an actor-oriented perspective, I now explore how Syrian and international justice actors spearheaded the

development of new justice landscapes. Firstly, a transnational justice network arose, focusing on documentation to bridge the accountability gap. Secondly, the Syrian justice scene diversified, with NGOs and CSOs operating in Syria, and victim-led initiatives primarily based in the diaspora. These developments have solidified non-standardised approaches to (transitional) justice.

4.4.1 An Ecosystemic Transnational Justice Scene

The transformation of the conflict has resulted in new forms of transnational activism in the domain of documentation. This was of utmost importance as Syrian CSOs face huge challenges such as the persecution of human rights activists, the difficulty of transforming raw data into admissible evidence, the removal of data on YouTube and the fragility of the digital space. Before being turned to evidence-images, Syrian images (pictures, videos and documentary films) served as counter-actions to the regime's project of removing any trace of dissent from public spaces (Della Ratta, 2018, p. 194). Digital activism allowed to further resistance and to forbid forgetting. Yet, the documentation space became increasingly politicised with images becoming part of a political economy: pictures were turned into products about human suffering (Wessels, 2016). A game changer in the way in which evidence-images strengthened this transnational justice network was the publication of the archive of the code-named defector Caesar. This former forensic photographer was tasked with photographing the bodies of more than eleven thousand separate detainees between 2011 and 2013, in order to document prisoners' deaths. He secretly made copies and transferred them on to USB keys to smuggle them out of the country via a friend, before defecting in 2013 (Le Caisne, 2018). The Caesar files, containing 53.275 pictures, provided clear evidence of widespread and systematic crimes against humanity (Bellamy, 2022, p. 73). Eventually, the pictures were transferred to Human Rights Watch that published a report after a nine-month investigation, with new evidence regarding the authenticity of the Caesar files.¹⁹ This led to a surge in the internationalisation of documentation efforts and the transformation of the documentation space, both in terms of actors (the focus of this section) and in terms of the intended goals (to be discussed in the next section). In the subsequent discussion, I examine the evolution of the documentation landscape, tracing its development from a grassroots movement to an increasingly international field that has been predominantly shaped by international NGOs and multilateral institutions.

¹⁹ Caesar transferred the images initially to the Syrian National Movement (SNM) an oppositional group. Members of that group formed the Syrian Association for Missing and Conscience Detainees, which took custody of the files. In March 2015, the SNM gave the set of data files to Human Rights Watch (HRW, 2015).

The escalation of atrocity crimes and the growing accountability gap has led to the emergence of new international entrepreneurial mechanisms, with private justice entrepreneurs collecting evidence and cooperating with states, exploring cooperation to collect documentation and launch criminal investigations. This justice-centred approach to documentation generated responses among UN bodies, states and non-governmental sectors and gave rise to a new justice architecture. Firstly, a broad array of Syrian and international civil society stakeholders, mainly NGOs but also justice entrepreneurs such as the Commission for International Justice and Accountability (CIJA), are compiling and crowdsourcing information from various sources. Syrian organisations in the diaspora have played a crucial role in documenting human rights abuses (Tenove, 2019). Secondly, the magnitude of evidence of serious crimes collected by NGOs increased the pressure at UN level to invest stronger in multilateral documentation efforts. Currently, these include the Commission of Inquiry (COI), several fact-finding missions and investigative bodies tracking the use of chemical weapons, and the IIIM as a sui generis justice mechanism.

4.4.2 A Nascent Syrian Victim Movement

Diasporic activism created new opportunity structures in the field of documentation and truth-seeking as a wide variety of actors mobilised in different global locations, often joining efforts with international NGOs. Of paramount importance is the emergence and active involvement of Syrian victim groups in the diaspora, revitalising the justice landscape. In 2016, victim associations were established as a result of partnerships with Syrian NGOs, or groups formed out of NGO programmes.²⁰ In the subsequent stage, these associations became independent and focused on prioritising the most urgent justice needs of survivors of torture, families of the disappeared and the detained. As of 2020, this gave rise to a victim movement that increasingly prioritises and amplifies the voices and perspectives of victims. These groups reject the passive portrayal of victims and emphasise that their crucial role in justice efforts stems from their ownership of their experiences as victims or survivors, using both notions (Al-Haj Saleh, interview, 20 April 2021; Madmoud, interview, 27 April 2021; Serriya, interview, 26 April 2021). Their activism is a remarkable accomplishment,

²⁰ The creation of victim groups came about after a meeting of The Day After Project in Gaziantep in 2016, where measures for a stronger involvement of victims was discussed. The Association of Detainees and Missing of Sednaya was established after this meeting, along with a group of women survivors. When these two groups were established, organisation such as Dawlaty, The Syria Campaign, Women Now, SCM and Kesh Malek supported the establishment of Families for Freedom, Caesar Families Association and Ta'afi. The Coalition of Families of Persons Kidnapped by ISIS – Da'esh was established in 2018.

given the political context in Syria where civil society activism has been stifled and previous collaborative efforts were lacking (Mahmud, 2022, p. 21).

As such, these groups insist on strengthening the victim-centred approach that many NGOs and institutions aspire to but fail to implement in reality because their approach is not grounded in victims' perspectives. To remedy the lack of involvement of victims in formal avenues, they strive for victims to occupy a central position in justice efforts (Helmi, interview, 29 April 2021, Nassar, interview, 25 November 2020). For one, victim groups continue to provide services to victims and their families throughout a network of solidarity (Nassar, interview, 25 November 2020). Going beyond service-provision, these groups strive for accountability and increasingly foreground issues that risk being erased or invisibilised in formal spaces (Al-Hallaq, interview 29 April 2021). To that end, documentation is key. As Diab Serriya argues, documentation is the activities, often with a creative angle. Lastly, victim groups want to reinforce ongoing justice efforts, among other issues through advocacy towards formal institutions such as the IIM and the COI. The Freedom Bus, a red double decker bus covered with pictures of detainees that toured European capitals, embodies these different objectives. To raise attention for the issue of the missing and the detained, victim association Families for Freedom joined efforts with the NGO The Syria Campaign. Laila Kiki argues that in lieu of a square, like the mothers of the Plaza de Mayo in Argentina, Syrians unite around the bus, in the attempt to find a local alternative. Families often come to the organisers and ask to add the picture of their detained or missing family member. Besides contributing to documentation and truth-seeking, the Freedom Bus allows members to sustain their resistance, as the bus serves as a reminder of the vehicles used to transport detainees to courtrooms and the green buses employed during the forced evacuations from Aleppo and Homs (interview, 11 June 2021).

A concrete milestone in this nascent victim activism, is the Truth and Justice Charter that was launched in 2021. The Association of Detainees and Missing of Sednaya Prison (ADMSP), Caesar Families Association, the Coalition of Families of Persons Kidnapped by ISIS-Massar, Families for Freedom and Ta'afi Initiative established this charter to boost cooperation among victims and their families on the one hand and strengthen international actors' commitment to victim participation on the other hand (ADMSP et al., 2021). In 2022, the original Charter's coalition expanded from five to 10 members.²¹ Mariam al-Hallaq recounts that the idea arose during an EU

donor conference in 2019, where victim groups were invited to participate in side-events.

For the first time there was a direct meeting between international decision-makers and victims: usually decision makers would listen to our stories shared by civil society organisations, knowing that there are families of victims, but they did not meet them personally. Meeting with us was an emotional shock for them. Sometimes we would see tears in their eyes. After the meetings in Brussels ended, we felt that this was not our role. We are not trying to gain their sympathy. We have rights in this community, which must stand with us and support us (interview, 29 April, 2021).

This was the starting point of a process that took almost two years of discussions, resulting in the Charter for Justice and Truth. Khalil al-Haj Saleh underscores the importance of this collective effort in a moment when a comprehensive framework for justice has vanished. “This is what we are trying to achieve with the charter. We are trying to create something inclusive at the national level, not for a specific group or region” (interview, 20 April 2021). He explains that the charter is a way to draw attention the most important needs following from crimes such as enforced disappearance, massacres, detention, and how these can be remedied. Moreover, victim groups want to signal that they have a different understanding of justice compared to that of legal and human rights organisations, and have developed a common roadmap to address victims’ needs (Mahmud, 2022, p. 29). Given the extensive scope of needs, the charter associations distinguish between short-term, medium-term, and long-term measures, presenting a cumulative timeline aimed at achieving truth and justice for victims and their families. In the short term, key justice demands include the release of detainees, disclosure of the fate of the missing, an immediate cessation of torture, inhumane treatment, and sexual crimes, as well as the return of the remains of those who were killed under conditions of enforced disappearance and detention (SNHR, 2020). The charter provoked strong debates and was well received in international policy circles and relevant UN bodies, effectively pushing victims’ perspectives higher on the international agenda. Ten years into the conflict, the sense of urgency about the fate of the missing and the disappeared grew, also in international policy circles.

²¹ The five new members are the General Union of Internees and Detainees, Release Me, Hevdesti-Synergy Association for Victims, Adra Detainees Association and Families of Truth and Justice declared their adoption of the vision of the Truth and Justice Charter.

Even though it holds a central position in the Syrian polity and impacts millions of people, the destiny of over 110,000 individuals who have been forcibly disappeared or kidnapped did not receive significant attention internationally or a considerable period of time (SNHR, 2020). However, victims and their families have continuously raised the fate of the disappeared and the missing, pointing to magnitude of the impact that is multi-layered, involving among other issues horrific human rights violations, uncertainty, prolonged trauma, extortion and bureaucratic issues (Kiki, interview, 11 June 2021; Al-Hallaq, interview, 29 April 2021; Saif, interview, 19 October 2021). Mariam al-Hallaq insists on the connection between detention and enforced disappearances:

We want to know where they are buried, where the mass graves are. We do not only care about our families, but about the families of the missing people in general. Our martyrs were subjected to all kinds of crimes against humanity, from arbitrary arrest, enforced disappearance, torture to death. These methods, which are considered as crimes against humanity, were practised against our children, against the missing. While we are talking about the detainees, they are hopefully still alive. I always say: “I want a grave for my son, and for the detainees to be released so that we do not have to search for graves for them.” We don’t want them to die, we want them alive (2021).

To bolster international efforts, the charter organisations have launched a campaign to advocate for a mechanism to uncover the fate of Syria’s disappeared and detained individuals (Sarkin, 2021). In the following, I discuss this milestone in victim’s justice activism, while also examining how the adaptation of the transitional justice toolkit resulted in unforeseen innovations in documentation, criminal accountability, and truth-seeking.

4.5 Concrete Innovations in (Transitional) Justice Efforts in the Syrian Context

In previous sections, I have addressed the transition from a paradigmatic approach to transitional justice in Syria to more experimental and non-standardised methods. While the formal adoption of standardised initiatives has diminished due to the lack of a genuine transition, I now explore the creative utilisation of the transitional justice toolkit by Syrian and international justice entrepreneurs.

4.5.1 Documentation

While documentation in the transitional justice paradigm is conceived as a precursor to other mechanisms and not as mechanism on its own right, Noha Aboueldahab argues that it could be seen as a stand-alone mechanism in the Syrian context because of its centrality and its transformative potential (2018, p. 30). First and foremost, the accountability gap has propelled Syrian justice actors to explore documentation to gain recognition, to lay the groundwork for future justice initiatives and to continue their resistance, yielding novel approaches. Moreover, the centrality of documentation has brought about new ways of cooperation multilateral, governmental, and non-governmental sectors. Therefore, I suggest that we need to approach documentation separately because of its emancipatory potential. It allows Syrian justice actors, and dissidents more broadly, to continue resisting the erasure and invisibilisation of crimes. Moreover, documentation generates innovations in the domains of criminal accountability and truth-seeking. To elucidate this, I first zoom in on the centrality of documentation, to then address the importance of documentation for and beyond criminal accountability purposes.

From the start of the uprising, Syrian activists invested strongly in documentation as they were determined to gain recognition of the harm. The contestation over truth and human rights crimes, and how to archive and remember them has a longer trajectory in Syria (Haugbolle, 2019, p. 238). The regime's attempts to obfuscate crimes and sow doubt was a strong impetus for documentation efforts. Mohammed Al Abdallah highlights that the mistakes made in the eighties, pushed Syrian justice actors strongly to initiate documentation, because documentation is essential in any process of change:

We saw that documentation did not exist then, neither about the disappeared nor about what happened. The documentation took place after a long period of time, and only some stories of some survivors were documented. There was no actual documentation at the time of the violations, because there was such severe violence and a lack of knowledge of the documentation's mechanisms. We considered the necessity of not repeating the same mistake, and to document (interview, 8 December 2020).

Hence, as of 2011, a broad array of Syrian organisations invested in innovative documentation initiatives. To accommodate the shift from activism for human rights

and democracy to providing evidence for criminal proceedings, they increasingly focused on gathering material for criminal accountability efforts. Thus, what started out as grass-roots initiatives transformed into a sustained effort of collecting documents by a plethora of CSOs and individuals. Teams on the ground usually collect information that is then recorded, uploaded, scanned, photocopied or smuggled to organisations where activists and experts can handle the data, which is then inspected, tagged, labelled and verified (Aboueldahab, 2018, p.14). In addition to the written and oral testimony of victims or witnesses of human rights violations, documentation can comprise several kinds of material, including audio and video recordings of the atrocities and recordings of perpetrators' confessions. Other documents include papers such as birth certificates, marriage licences, house deeds of ownership and court documents. All these efforts have resulted in what Sune Haugbølle calls a "hybrid archive" of the conflict, recorded in memory culture – films videos, books, articles and other cultural production – and in "transitional justice evidence" used in criminal proceedings (2019, p. 232).

I argue that the value of documentation as a tool of resistance needs to be sufficiently recognised. As Noha Aboueldahab states, documentation "resists the hijacking of narratives, the destruction of evidence, history and memory, and it also maintains and protects a database containing material crucial for eventual prosecutions and truth commissions" (2018, p. 29). Documentation keeps the issue of justice in Syria alive, and it also helps victims of human rights abuses to achieve acknowledgement, as the testimonies help to create an accurate and rich historical record (Al-Kahwati & Mannergren Selimovic, 2021, p. 12). For Syrian NGOs documentation is a means to forbid forgetting, and to connect with the missing and the detained, signalling that they are not forgotten.

A second dimension of documentation is its value for efforts in the domain of truth-seeking and criminal accountability, as I will highlight in the next sections. Progressively, documentation for criminal accountability purposes became a central element in the pursuit for justice. Seema Nassar and Iavor Rangelov spot three interconnected trends related to justice-oriented documentation: 1) UN bodies create fact-finding and investigative instruments mandated to collect evidence for criminal accountability purposes; 2) a growing number of states establish units to exercise universal jurisdiction over atrocity crimes; 3) NGOs increasingly collect evidence for prosecutions, filing cases or compelling national authorities to investigate and prosecute (Nassar & Rangelov, 2020, p. 7). These trends have strengthened the

coordination of documentation efforts for criminal accountability purposes.

However, as stated earlier, some Syrian justice actors are critical about the strong focus on criminal accountability, and the current prioritization of retributive justice over reparative and restorative justice in documentation efforts, even if many among them are actively documenting atrocities for accountability purposes (Nassar, interview, 2 April 2021). These justice actors are facing a dilemma: they want to contribute to criminal accountability, also as this is the domain where most of the international attention and resources are directed to, especially after the start of universal jurisdiction cases in Europe in 2020. Yet, they fear that this might eclipse the need to gather documentation for other purposes such as future reparations (Nassar, interview, 2 April 2021). Yet, as Seema Nassar and Iavor Rangelov argue, “when documentation is collected, organised and analysed specifically for accountability purposes, its utility for reparative and restorative justice purposes is inherently limited by the overall objective of holding perpetrators to account, the focus on “linkage” evidence and the use of criminal law standards of proof” (2020 p. 9).

Another critical reflection that needs consideration, is the purpose of current documentation efforts and the danger of false expectations. There is a huge gap between the development of robust investigative methods and the vast amount of evidence of crimes on the one hand and the limited justice avenues on the other hand (Van Schaack, 2020, p. 7). As such, the strong focus on documenting for criminal accountability purposes needs to be problematised. Commenting the strong documentation efforts by Syrian NGOs, an international justice entrepreneur expressed hesitation over the purposes for which documentation is used, pointing out that only a scant part of it will be used as hard evidence in a criminal trial (interview Patrick Kroker, 29 April 2023). As such, one international justice actors argues, Syrian NGOs need to adjust their expectations and “think of other ways how to preserve it, how to make it accessible, and how to tell the stories.” Offsetting the narrow focus on documentation for criminal accountability purposes, there is a push to reinforce documentation efforts in other transitional justice domains such as institutional reforms (archiving governmental documents), repairs (activities in the domain of Housing, Land and Property Rights) and truth-telling (activities led by victim groups). Mohammed Al Abdallah insists that NGOs like SJAC “document for transitional justice. That’s the principle: we document for accountability, but we also document for truth-seeking, we document for institutional reform, we document for memorialisation and property rights” (interview, 8 December 2020). In sum,

besides its value in providing legal evidence, it is essential to continue looking at documentation efforts from the lens of resistance and to conceive how these can support victims and advance their rights.

4.5.2 Criminal Accountability

Criminal justice continues to be one of the cornerstones of transitional justice, also in the Syrian case. As highlighted earlier, while criminal justice is currently conceived as the main pathway for Syrian victims of international crimes, this strong focus on criminal proceedings also evokes a lot of resistance among Syrian justice actors and victims. In this section, I elucidate the innovative use of criminal accountability in the context of an international deadlock and dwindling justice mobilisation. Within this, criminal prosecutions in foreign national courts through the exercise of extraterritorial jurisdiction offer a modest option to do away with the prevailing impunity. While international NGOs and judicial institutions in Europe have a leading function in these efforts, it is important to highlight Syrian NGOs' pioneering role in pushing for strategic litigation. Because of the entrenched non-transition and their forced absence from Syria, most Syrian actors looked for justice opportunity structures in the diaspora. Yet, entrepreneurs active in the domain of criminal accountability efforts highlight that their preferred option would be national court cases, an international tribunal or a reference to the ICC. In the words of Mazen Darwish, "they resort to alternative tools in order to keep the justice file on the table" (interview, 11 December 2020).

At present, criminal prosecutions in foreign national courts under the principle of universal jurisdiction are increasingly tested, allowing national courts to try war crimes committed in another country. Various European states have launched criminal procedures under universal jurisdiction. There is a regional concentration in Europe as the continent has traditionally been a stronghold for the application of this principle, even if there was decreasing enthusiasm for the exercise of the principle after pressure from other states. Secondly, there is a strong presence in European territory of individuals who have fled the conflict in Syria. Thus, not only survivors, witnesses and those otherwise affected but also Syrian oppositionists, activists and lawyers as well as human rights NGOs are in close proximity to European law enforcement and prosecutorial authorities. NGOs engaged in strategic litigation have teamed up with Syrian lawyers, human rights groups, documentation organisations as well as victims and their families to make use of the respective universal jurisdiction laws in different

countries (Elliott, 2017; Kaleck & Kroker, 2018).

In Europe cases of war crimes or crimes against humanity committed in Syria are ongoing or have been concluded in ten national jurisdictions. In the judicial initiatives before European courts related to international crimes committed in Syria since 2011, there are five distinct types of indicators: effective trials, ongoing investigations and cases, prosecutions against private companies and their executives, filing of complaints by victims and NGOs, and issuance of international arrest warrants (Justice Info, 2019)²². Germany is the only country where these five modes of action take place. It is the country with the highest number of trials to date, the highest number of suspects awaiting trial and the highest number of complaints. In almost all cases, the investigations initiated by judicial authorities were triggered by the presence of a suspect in their territory. Currently, universal jurisdiction efforts are largely restricted to a “no safe haven”-approach, as a way of keeping war criminals out, rather than a means to actively pursue them.

Driven by civil society pressure, Germany assumed a leading role in testing a proactive approach through strategic investigations. The surge in criminal accountability cases in Germany provides valuable insights into the transnational justice network and highlights the significance of universal jurisdiction cases for Syrian justice actors. In the following discussion, I examine the developments and implications of the increased criminal accountability efforts in Germany. In 2017, the German NGO European Centre for Constitutional and Human Rights (ECCHR) together with four Syrians and the Syrian Centre for Legal Studies and Researches (SCLSR) and the Syrian Centre for Media and Freedom of Expression (SCM) filed a first criminal complaint with the Federal Public Prosecutor for criminal acts including intentional killing, persecution, torture, and prosecution without due process, committed against detainees at the Saydnaya military prison. This first complaint was directed against ten high-ranking officials of the National Security Office and Air Force Intelligence, among them Jamil Hassan, against whom the German authorities issued an arrest warrant in 2018 (ECCHR, n.d.). This case reinforced the appreciation for the principle of universal jurisdiction, according to Patrick Kroker, as it entailed a lot of interest within civil society circles for criminal accountability (interview, 29 April 2021).

²² The countries are Austria, Belgium, France, Germany, Italy, Latvia, Netherlands, Spain, Sweden, and Switzerland.

It is worthwhile to zoom in here on the al-Khatib trial as this landmark case resulted from this innovative justice activism. As a result of a criminal complaint by ECCHR, Syrian victims and NGOs, the Higher Regional Court in Koblenz in April 2020 held a first trial for Syrian state torture against two regime officials, the so-called al-Khatib trial. This led to the first convictions against Syrian regime officials. In February 2021, the court sentenced Eyad A. to four and a half years in prison for aiding and abetting 30 cases of crimes against humanity. In January 2022, it convicted Anwar R. to a life-long sentence for crimes against humanity in Syria (ECCHR, n.d.-a). This is a milestone, since prior to it, extraterritorial jurisdiction trials on Syria were characterised by an almost exclusive focus on foreign fighters. Moreover, this was the first universal jurisdiction case in which victims of the regime's crimes could testify in court. The central place of witness testimony in the proceedings has allowed victims to be visible and obtain a forum to talk about sensitive issues, such as sexual violence (Saif, interview 19 October 2021). On the basis of these testimonies and available evidence, civil society actors sought to draw attention to the widespread practice of torture by government officials, highlighting that the trial reaches far beyond individual perpetrators and goes to the contextual elements (Kroker, interview 29 April 2021).

Notwithstanding critiques about the impossibility to prosecute high-profile officials, the limited involvement of victims, and the absence of reparations for victims, the importance of universal jurisdiction for the Syrian justice scene can hardly be overestimated. First and foremost, it is one of the only concrete judicial avenues for Syrian victims of international crimes to seek criminal accountability in the face of near-absolute impunity. While most interviewees stressed that court cases under universal jurisdiction are not the form of justice that Syrians primarily aspire to, they recognised the importance of opening up legal avenues in the absence of domestic alternatives, seeing them as a first crack in the wall of impunity (Karkoutly, interview 7 July 2020). However, underscores Sema Nassar, these sort of trials should be valued in their rights way: "It is a moral victory, not a victory for justice" (interview, 2 April 2021). What stands out for most interviewed justice actors is the symbolism. While he is critical of the proceedings and the verdict in the al-Khatib trial, Ahmed Helmi stresses:

The importance of the verdict is that it is the first time that anyone is involved in torture and enforced disappearance in Syria was held accountable and did not enjoy impunity (interview, 29 April 2021).

Moreover, these cases also send a message of hope to Syrians, to victims and the wider public who are disappointed that after a decade of international crimes, nothing happened to hold perpetrators to account. Ideally, Anwar al-Bunni hopes, they would also put a dent in the rehabilitation of those responsible of international crimes, preventing them to be part of the future of Syria (interview, 10 April 2020). Lastly, these trials offer a space for preserving, expressing and reclaiming victims' narratives, relating to truth-seeking and memorialisation. This is crucial in the context of narrative warfare. For some witnesses in the al-Khatib trial, the acknowledgment of individual and collective harm and the repossession of their position as a speaker were crucial motivations for testifying. From this point of view, many victims also consider trials as a means of resistance, giving them an avenue for expressing (certain) justice needs. However, as I will elaborate in the discussion section, criminal proceedings also include several risks of erasure and invisibilisation.

4.5.3 Truth-seeking

In a context of narrative warfare and widely diverging truth claims, documentation becomes a key element of truth-seeking initiatives. The abundant use of documentation, images, videos, signed executive orders, and eyewitness accounts contains a treasure trove of narratives and various claims to truth (Aboueldahab, 2018, p. 26). As I discuss here, Syrian justice actors and stakeholders involved in informal justice initiatives actively invest in a myriad of truth-seeking initiatives that complement evidence and truth claims produced with a criminal accountability outlook, ranging from creative and artistic practices, advocacy initiatives to formal mechanisms. In what follows, I first analyse the importance of informal truth-seeking initiatives, to then zoom in on memorialisation efforts and finally analyse the Truth and Justice Charter's coalition realisations.

First, I want to unpack the notion of informal truth practices, as Tine Destrooper and I set forth in the article "Moving Beyond Formal Truth Practices and Forensic Truth in the Syrian Conflict: How Informal Truth Practices Contribute to Thicker Understandings of Truth" (2023). Informal truth-seeking is any form of truth-seeking and -telling that is not initiated by formal institutional actors, and thus not shaped by the constraints of formal institutions. These include initiatives by NGOs, religious organisations, academic institutions, international collectives using new technologies to unearth forensic truths, community initiatives in local languages and artistic practices engaging with the notion of truth (Fuller & Weizman, 2021, p. 17).

This diverse set of truth practices can either be stand-alone and fill a vacuum where a lack of resources or political will hampers the establishment or functioning of formal truth mechanisms, or they can serve as the basis for further investigation, or follow or complement a formal truth project that is deemed insufficient or inappropriate (Bickford, 2007, p. 131).

Syrian CSOs developed a variety of informal truth practices, often involving artists (Kiki, 11 June 2021). Interviews with Syrian justice actors showed that while they put forensic truth and formal truth mechanisms high on their agenda, they also see the value of informal truth practices existing in their own right (Al-Hallaq, interview, 26 April 2021; Al Haj Salah, interview, 20 April 2021). For one, these initiatives emerged from the need for human testimony to prevent the obfuscation of experiences of harm, as happened in past injustices such as the Hama massacre (Darwish, interview 11 December 2020; Nassar, interview 2 April 2021; Serriya, interview, 26 April 2021). Next, they can be a meaningful complementary approach in the run up to or the orbit of a formal mechanism. This was clear in the context of the universal jurisdiction al-Khatib trial in Germany, where CSOs and artists have creatively raised awareness about the fate of the disappeared (Al Abdeh, interview 6 December 2020). Finally, they can introduce new initiatives based on victims' experiences and needs. This point is further developed below. While there has been a growing societal interest in informal truth practices that embrace a forensic notion of truth or the innovative efforts by victim groups, the potential of artistic practices to truth-seeking in Syria has received limited attention. Yet, there is a growing number of artistic practices in the domain of literature, cinema and visual arts that engage with the notion of truth. As Fuller and Weizman argue, artistic practices are neither separate from, nor in contradiction with the investigation of facts, and their contribution to the debate about truth needs to be better understood (2021, p. 17). As I demonstrate in chapter 5, artistic practices such as literature can contribute to a thicker understanding of truth by (a) countering erasure and "presencing" experiences of harm, (b) foregrounding multivocal truths and (c) offering avenues for epistemic resistance.

Secondly, informal practices also play an important role in truth-seeking and memorialisation. As the issue of memorialisation did not surface frequently in the interviews, I will treat it under the pillar of truth-seeking. In the Syrian context, memorialisation initiatives are closely linked to those of documentation and artistic practices, and are highly valued for its emancipatory potential and function of resistance. Victim groups also appreciate its potential to remember victims'

experiences, as Diab Serriya highlights:

Sednaya prison should not disappear, that is part of our mission. Our work in documentation is historical. This is why we start with the detention of the first detainee, meaning from 1987, when the prison was established. We are not only documenting with the aim of legal documentation. We also document for the sake of transitional justice, history, the history of this place, and what it has to do with the future of Syria. We try to document our story about the place as former detainees and victims, we try to save the victims through documentation and our association's work (interview, 26 April 2021).

Because of the conflict, it is hard to conceive of material memorialisation efforts in the form of monuments or museums (Al-Kahwati & Mannergren Selimovic, 2021, p. 14). Currently, artistic practices offer the most important spaces for memorialisation. In this context, it is worth emphasising the significance of the digital platform Creative Memory of the Syrian Revolution (introduced in chapter 2). It can be perceived as an informal archive, preserving memories that are at risk of being erased, and emphasising their diverse nature. As founder Sana Yazigi highlights:

It's one memory among others and not the only, because we consider that even from our side, how can we say that this is "the" memory, "all the" creative memory? It's one of the memories. Many Syrians have other memories and all these memories together will one day build a national memory and then maybe for next generations, those that didn't live the revolution nor the war, I think they will have better judgement, but with having all the material to help them judge what happened and how to really build a peaceful country — or a future (Conley, 2020).

Thirdly, Syrian justice actors are developing various kinds of truth practices against the background of the deadlock in the formal justice architecture. The IIM as a criminal law-oriented, quasi-prosecutorial UN body is the most important formal venue for truth-seeking, contributing strongly to forensic truth through preserving evidence, and facilitating criminal proceedings (Devereux, 2019). However, victim groups aspire to the establishment of a new mechanism that to see their right to know fulfilled. Their priority is to obtain information about the fate of the disappeared and the missing. As such, the victim groups of the Truth and Justice charter have called for the creation of an institution to determine the fate of the disappeared and

the missing. The goal is to have one centralised place that unites the efforts to reveal the fate of the disappeared and the missing and to preserve evidence. The practice of disappearances is built around not knowing, exacerbating families' distress by withholding details about the disappeared or providing false information. An example of this occurred in May 2018 when the regime, for the first time, notified families of their members' death by supplying the civil registry offices with bulk information. These offices then registered the deaths and updated family records. In nearly every instance, the records indicated natural causes of death such as "heart attack" or "stroke" (COI, 2018a). Syrian justice actors continue to say that justice is also about knowing, argues Layla Kiki: "getting that piece of information. It is knowing where your loved one was buried, but also knowing if they are alive or dead" (interview, 11 June 2021). More than ten years into the conflict, the Charter coalition has adopted a humanitarian approach while maintaining its long-term objective of accountability. They view this approach as the most effective means to secure the cooperation of parties responsible for the disappearances (Helmi, interview, 29 April 2021).

The coalition's lobbying efforts have elevated the issue of the disappeared and missing to the top of the international agenda, gaining political support for the establishment of an independent institution on the missing in Syria. In December 2021, the General Assembly adopted a resolution asking UN Secretary-General António Guterres to study how "to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families" (UNGA, 2021). The Secretary-General mandated UN high commissioner for human rights Michelle Bachelet with the assignment to provide an initial study. This study was released in August 2022 in a landmark report in which the Secretary-General recommended the establishment of an international body to clarify the fate and whereabouts of the missing, and to provide support to victims and their families, including through a trust fund (UNSG, 2022). In November 2022, the UN's Third Committee issued a follow-up report to welcome this study, requesting a briefing in the form of an interactive dialogue in the General Assembly in March 2023 (UNGA, 2022).

Despite these efforts and institutional UN backing, the process took longer than expected, as there was hesitation among several member states to table a resolution calling for the establishment of the mechanism (Clancy, 2023). Yet, the support for the mechanism grew with prominent entities supporting its creation, including the International Committee of the Red Cross, the International Commission on Missing

Persons, the UN Working Group on Enforced or Involuntary Disappearances, the IIM, the UN special envoy for Syria, and the COI (Pinheiro et al., 2022). Finally, in June 2023 the United Nations General Assembly adopted a resolution authorising the establishment of an Independent Institution of Missing Persons in the Syrian Arab Republic, under UN auspices, “to clarify the fate and whereabouts of all missing persons ... and to provide adequate support to victims, survivors and the families of those missing”. The resolution requests the UN Secretary-General to report on the resolution’s implementation within 100 working days (UNGA, 2023). This newly formed entity will be dedicated to ensuring the families’ right to the truth, while also addressing survivors’ humanitarian needs. Victims and family members of the missing will be represented in the institution. To conclude, victim groups’ relentless efforts have altered the justice mobilisation, pushing this central, yet politically marginalised, on top of the international justice agenda.

4.6 Discussion: Ongoing Erasure and Invisibilisation in the Syrian Context

This chapter has focused on the shift from a paradigmatic understanding of the transitional justice paradigm to non-standardised approaches in order to understand the feasibility of the transitional justice toolkit in this atypical case. I emphasised how the fluidity of the toolbox and the experimental shift away from standardised approaches has allowed justice actors to pursue justice in a context of dwindling international state led mobilisation for justice, resulting in unexpected outcomes in the domain of documentation, criminal accountability and truth-seeking. In this section, I revisit the phenomena of erasure and invisibilisation, which were introduced in chapter 1. These issues have also manifested themselves in the pursuit of justice, despite the innovative use of the transitional justice toolkit. As mentioned earlier, the hegemonic framing of the conflict leads to clichéd narratives about injustices in Syria. These narratives not only overshadow the root causes of the uprising and the continuous resistance but also contribute to the obfuscation of crimes committed during the conflict. An in-depth overview of the many instances of erasure and invisibilisation of crimes lies beyond the scope of this dissertation. My goal is to address the most notable omissions concerning ongoing justice processes, specifically presenting one example of erasure and three instances of invisibilisation. By doing so, I also aim to highlight remedies, initiated through efforts by victim groups or the

willingness of certain institutional actors, to counter some of these omissions.

A concrete example of erasure in the pursuit of justice in the Syrian context emerged upon the start of universal jurisdiction cases. Prior to the start of the al-Khatib trial in 2020, there was a clear problem of prosecution selectivity, as the selection of cases for investigation and prosecution was aligned with the interests of states pursuing counter-terrorism objectives, resulting in an exclusive focus on cases against foreign fighters. This led to the erasure of other crimes from justice efforts and justice narratives. While the al-Khatib trial initiated a new prosecution focus related to illegal detention and torture and rekindled the general interest in the some of the gravest crimes, it could be argued that these cases nevertheless remain episodic and do not represent the full scope of the crimes.

As a consequence, the al-Khatib trial vividly demonstrated how crimes can be invisibilised due to the limitations of investigatory and prosecutorial processes. It also highlighted how only a limited number of justice needs and narratives can be easily accommodated in criminal proceedings. This first case against regime officials focussed almost exclusively on the prosecution of torture and illegal detention. The crime of torture has been centrepiece for three reasons. Firstly, as the prohibition of torture is a *jus cogens* norm of international law, the UN Convention Against Torture establishes the possibility of extraterritorial jurisdiction regarding this crime. Secondly, Syrian and international CSOs have strongly invested in documenting illegal detention and torture, generating a strong base of evidence providing irrefutable proof that there is widespread torture going on in the detention facilities. Thirdly, and relatedly, victims' activism has centred around detention and torture, as these crimes are central to the Syrian polity and straightforward to define (Al-Bunni, interview, 10 April 2020). Defining other crimes, such as forcible transfers or chemical attacks, poses a more complex challenge in terms of clarity and precision (Al Abdeh, interview, 6 December 2020). While justice actors' choice to foreground torture can be understood because of pragmatic and strategic reasons, this focus risks eclipsing other types of crimes.

Indeed, the al-Khatib trial eclipsed two emblematic crimes: enforced disappearances and sexual and gender based violence that were not included in the original indictment. Yet, several witnesses have testified about their own or their loved ones' disappearance in the al-Khatib Branch. The Federal Prosecutor initially indicted incidents of rape and sexual coercion originally merely as singular incidents and

not as part of the crimes against humanity. Hence, joint plaintiffs requested for the indictment to be amended to include these crimes (ECCHR, 2023, p. 175). Although sexual and gender-based violence was included in the final indictment, enforced disappearance was not encompassed within it (ECCHR, 2022). This incident underlines that crimes can be invisibilised in final verdicts. Finding the “juridical truth” is an intricate endeavour, that is also contingent on the cooperation of civil society actors to fill the gaps (Kroker & Lüth, 2023). Civil society actors strongly invested in these documentation efforts to compensate for the lack of translation of the proceedings for observers from the public gallery to Arabic. It was only after a preliminary injunction by the Constitutional Court, following a CSO petition, that the Koblenz-court granted accredited Arabic-speaking journalists access to the translation devices, allowing observers to follow to trial’s proceedings (SJAC, 2020). In this case, civil society organisations’ documentation – trial monitoring reports, outreach material and other trial documents compiled by ECCHR and its partners – helped to provide an account of the underlying processes, legal struggles and victims’ aspirations. In conclusion, the proceedings of the al-Khatib trial and the final indictment reflect that universal jurisdiction trials produce a somewhat random and ad hoc accountability exercise that does not reflect the overall crimes (Philips, interview, 27 March 2020).

This connects to a second instance of invisibilisation, namely the use of chemical weapons. Initially, this was not presented for prosecution in trials under universal jurisdiction because of the lack of legal tools for prosecution in national courts, the complexity of gathering of evidence, e.g. through witness testimonies. An additional challenge is demonstrating perpetrator linkages to the crimes and the current impossibility to prosecute those responsible for the use of chemical weapons (Cadman, interview, 16 April 2020). Despite the intricacies of preparing such a case, victims and a coalition of NGOs submitted criminal complaints in Sweden in April 2021 against the Syrian government for the use of chemical weapons in chemical attacks in Al-Ghouta (2013) and Khan Shaykhun (2017). It took the NGOs three years to provide the substantial evidence demonstrating that the Syrian government carried out the chemical attacks and indicate which officials should be investigated (OSF et al., 2021).

As third instance of invisibilisation deriving from the strong focus on crimes against humanity, is the limited attention for Housing, Land and Property (HLP) rights violations in justice actors’ narratives. Seema Nassar believes that “crimes that have

no less effect on people but are not classified as crimes against humanity or war crimes were overlooked” (interview, 2 April 2021). At the origin of this problem lies the fact that the most sustained documentation efforts of Syrian civil society are directed mostly towards accountability, whereas issues such as reparations and HLP-related compensation and restitution processes attract less attention and resources from civil society. Nassar and Iavor Rangelov point to resulting gaps: “When documentation is collected, organised and analysed specifically for accountability purposes, its utility for reparative and restorative justice purposes is inherently limited by the overall objective of holding perpetrators to account, the focus on “linkage” evidence and the use of criminal law standards of proof”. They fear that the strong focus on retributive justice undermines a balanced and comprehensive approach to transitional justice, as this would require “addressing the needs of victims and survivors, affected communities and society at large for recognition, reparation and restitution, in addition to accountability” (Nassar & Rangelov, 2020, p. 9). However, for many victims, reclaiming their property is a crucial justice need. Since 2011, the Syrian government has passed laws that have undermined the legal status of the displaced population, preventing many from claiming a title to land that was theirs. The marked absence of HLP rights from formal justice avenues, a matter of invisibilisation, follows the established belief within the field of international criminal justice that crimes related to economic, social and cultural rights are not easily justiciable (Schmid, 2015). Civil society organisations have not prioritised HLP reparations and restitution processes as they consider these a responsibility of the Syrian state. Yet, recently NGOs started to advocate resolving HLP-issues as there is a growing awareness that these need to be addressed in order to bring about meaningful justice processes (Impunity Watch & PAX, 2020).

A fourth and final instance of invisibilisation that I wish to highlight, is sexual and gender-based violence (SGBV). This issue has not received significant attention for various reasons. Firstly, the experiences of women as victims, witnesses and activists have for a long time been virtually absent in justice narratives which have been dominated by male voices. This entails a gender bias in the documentation of crimes, a problem that the IIIM has discerned. Hence, in its activities and public statements, for example, the IIIM underscores the importance of seeing and treating the investigation and prosecution of SGBV as an integral part of investigating and prosecuting war crimes. In its narratives the experience and perspectives of women as victims, survivors, and witnesses to the conflict are given prominence (2022). Secondly, it is difficult for both male and female survivors to speak about

this crime, because of social stigmatisation. Sexual violence against men has been underreported and has only surfaced for the first time in a formal avenue in the al-Khatib trial. This contrasts with the strong focus of the international community on sexual violence that sometimes talks about this crime in “a fetishized way”, in the words of Maria Al Abdeh (interview, 6 December 2020). This changed in 2020 when ECCHR together with two Syrian feminist organisations, Urnammu and Syrian Women’s Network, submitted the first criminal complaint on sexual and gender-based violence in detention facilities of the Syrian Air Force Intelligence Service to the Office of the German Federal Public Prosecutor. They demonstrated how sexual and gender-based crimes in Syrian detention facilities – including also castration or forced nudity – are a part of the widespread and systematic attack on the civilians (Saif, interview 19 October 2021). It demonstrates how the regime targets individuals based on gender or sexual orientation to weaken the political opposition and affected individuals, along with their families and Syrian society as a whole (ECCHR, n.d.-c). Despite its prevalence, SGBV continues to receive inadequate attention.

4.7 Conclusion

The transformation of the Syrian conflict and the evolution towards an entrenched non-transition have altered the early transitional justice efforts that were initiated after the Syrian uprising in 2011. Nevertheless, Syrian and international justice actors have used the transitional justice toolkit to further their resistance against repressive policies and spearheaded concrete initiatives in the domain of documentation, criminal accountability and truth-seeking. They did so in spite of the impossibility of opening formal avenues in the country, the large scale violence and victimisation, the dwindling international justice mobilisation and the growing scepticism over the feasibility of the transitional justice paradigm in the Syrian context. Victim groups, in particular, have shown remarkable capabilities to self-reflect and enhance their own participation in justice processes, leading to the forthcoming establishment of an Independent Institution on Missing Persons in Syria. Through their ongoing mobilisation and their creative approach, Syrian justice actors adapted the transitional justice toolkit to address significant needs, pushing the boundaries of what is considered feasible in terms of justice and making a tangible difference for victims.

“I chose to be the poet of Troy because Troy did not tell its story. And thus far we have not told ours, despite the accumulation of our works. That’s what I wanted to assert when I wrote, “The one who imposes his story inherits the earth of his story.””

Mahmoud Darwish,
Palestine as Metaphor

“Cause-and-effect assumes history marches forward, but history is not an army. It is a crab scuttling sideways, a drip of soft water wearing away stone, an earthquake breaking centuries of tension. Sometimes one person inspires a movement, or her words do decades later, sometimes a few passionate people change the world; sometimes they start a mass movement and millions do; sometimes those millions are stirred by the same outrage or the same ideal, and change comes upon us like a change of weather. All that these transformations have in common is that they begin in the imagination, in hope.”

Rebecca Solnit,
Hope in the Dark: The Untold History of People Power



Homs by Fares Cachoux

V. Countering Erasure and Invisibilisation in Syrian Literary Writing

The 2011 uprising has left an indelible mark on Syrian literary writing. The work of most Syrian writers has dealt to some extent with this uprising and the country's transformation following from it. Since 2011, Syrian writers – who were mostly compelled to leave the country because of the violence and the persecution of dissidents – produce new forms of literary writing that are largely of the diaspora while being strongly connected to, or rooted in, lived experiences in Syria. In this chapter, I scrutinise how Syrian – diaspora and domestic – writers attempt to represent experiences of harm in different literary genres. In doing so, I address the research project's overarching question of how narrative artistic practices can visibilise experiences of harm and counter erasure. I start from the observation that many Syrian writers share the justice community's aspiration to foreground injustices, as questions pertaining to human rights, justice, and resistance have featured prominently – implicitly or explicitly – in Syrian literary writing since 2011. Based on qualitative interviews, this chapter analyses the perspectives and intentions of a diverse group of writers who explore justice-related issues. I selected respondents from various backgrounds, including novelists, poets, playwrights, short story writers, and multi-genre authors, to reflect the different ways they aim represent harm in their literary works.

This chapter consists of four sections. The first section (5.1) elucidates the empirical research's methodology, consisting of interviews with 15 writers and four experts on Syrian literature. The second section (5.2) contextualises the disruption of contemporary Syrian literary production, making the case that dissent is a key feature of Syrian literature. The third section (5.3) looks into the main evolutions in Syrian literary writing after 2011. Finally, the fourth section (5.4) explores the relation between literature and justice through the application of the conceptual framework (developed in chapter 3) on contemporary Syrian writing, scrutinising how writers a) “presence” experiences of harm, b) foreground truth claims and c) further epistemic resistance.

5.1 Methodology

To examine how experiences of harm are rendered in contemporary Syrian literary writing, I have selected Syrian authors writing in Arabic who address justice-related topics in all literary genres. While the novel is the genre in Arabic literature that generates the strongest attention from publishers and readers worldwide, other genres such as drama and poetry also enjoy prominence, benefiting among others from the circulation of literary writing via social media. Moreover, the boundaries between literary genres recently became more fluid, as several authors invested in hybrid writings of personal narrative, essay, and poetry (McManus, 2021, p. 61). Thus, in order to examine the representation of harm in Syrian literary writing, the study encompasses a diverse range of participants from various genres, including novelists, playwrights, and poets.

The empirical research on the relation between contemporary Syrian literature and justice was based primarily on online semi-structured interviews, aligning with the research about the intentions and the efforts of justice actors to overcome the Syrian justice impasse (chapter 3). Consequently, I have identified potential respondents through desk research of Syrian literary production and the application of two nonprobability sampling methods, where researchers use their judgment to select a sample (Given, 2008, pp. 265, 285). On the one hand, I have applied purposive sampling to select respondents that meet pre-established criteria. On the other, I have used snowball sampling in which research participants assisted in recruiting future respondents. The selection criteria for the writers are a) the engagement with justice-related issues in their writing, b) the circulation of their work, c) the complementarity of their writing in terms of content and form to that of other writers.

Among the novelists, I selected five established novelists who have been translated widely: Khaled Khalifa, Nihad Serees, Dima Wannous, Rosa Yassin Hassan and Samar Yazbek. I have also interviewed four multi-genre writers who are prominent on the Syrian literary scene but whose work has either not been translated or has not circulated internationally: Youssef Dellair, Jan Dost, Manhal al-Sarraj and Mustafa Taj Aldeen Almusa. While poetry's dominance in the Syrian literary field has subsided over the last decades, the genre remains popular, and has witnessed a revitalization through the dissemination of writings via social media and online

magazines. Consequently, I have selected four poets: Ghayath Almadhoun, Ahmed Katlish, Hala Mohammed and a poet who preferred to remain anonymous. In the domain of Syrian drama, I have interviewed playwrights Mohammad Al Attar and Ramzi Choukair.

In order to consider the main larger themes and debates on Syria literature related to publication, circulation and translation, I have also interviewed four specialists on Syrian literature: myriam cooke (academic), Subhi Hadidi (literary critic), Farouk Mardam Bey (publisher) and Leri Price (translator). I have chosen these respondents as they are leading experts in different domains related to scholarship on Syrian literature, literary criticism, publishing and translation.

While the sample is limited, it reflects various literary responses to the²³ uprising and the ensuing experiences of harm in terms of genre, style and content. The sample is restricted to authors who address justice-related issues and does not comprise writers who are opposed to the aims of the Syrian uprising and the struggle for justice, as this would not align with the overall research project. One weakness of the sample, also bearing on a general tendency in justice efforts for Syrians, is the limited attention for injustices by other perpetrators than the regime such as jihadi rebel groups or IS. So far, this topic has not been treated extensively in Syrian literature. One of the most acclaimed authors who addresses the crimes committed by IS is Shahla Ujayli who conveyed²⁴ experiences of harm suffered by civilians in Raqqa in *Summer With the Enemy* (2020). In addition, while social media play a cardinal role in the circulation of the writings of the younger generation, I have not included writers who have solely disseminated writings via social media. This exclusion is attributable to the noticeable trend of rapid and highly responsive writing, resulting in literary works that could gain from improvements in terms of style and editing (Dellair, interview, 16 July 2021). Moreover, the nature of these texts is often transitory. An exception is *The Smartest Guy on Facebook. Status Updates from Syria* by About Saeed (2013), as discussed in section 5.3.²⁵

In the sample, I did not include non-Syrian writers as this would not align with the research project's goal. However, since the uprising international writers have increasingly addressed injustices in Syria, producing some remarkable texts. Among

²³ Four writers whom I intended to interview either declined to participate in the research project or did not respond to interview requests.

²⁴ The author has declined to participate in the research project.

²⁵ The author has declined to participate in the research project.

these are the literary non-fiction *Syrian Notebooks: Inside the Homs Uprising* by Jonathan Littell (2015); the graphic novel *Brothers of the Gun: A Memoir of the Syrian War* by Marwan Hisham and Molly Crabapple (2018); the literary non-fiction books *De l'ardeur and Par une espèce de miracle* by Justine Augier (2017, 2021) and the poem in prose *Mahmoud, ou la montée des eaux* by Antoine Wauters (2021). These authors touch on experiences of harm in Syria and it is not inconceivable that they have a stronger impact on justice debates as they enjoy a stronger public visibility in the Global North than Syrian writers. As my research centres around the endeavours of Syrian writers, I specifically chose not to include non-Syrian authors as respondents for author interviews.

The empirical research on visibilising experiences of harm in contemporary Syrian literary writing is closely linked to the empirical research on justice efforts as they both set off from the premise that these stakeholders – be it in the domain of justice or arts – attempt to counter the erasure of experiences of harm. While the topic lists for the interviews with artists and justice actors are distinct, they relate to the overarching research question how artistic practices and justice efforts visibilise and potentially counter, the erasure of experiences of harm. The collection of empirical data about Syrian literature was guided by a social science methodology, concurring with the qualitative research methods applied in the research on justice efforts. As such, the data-collection was organised via semi-structured interviews conducted online from March 2021 to November 2021. The main questions in the topic list relate to authorial intention, the author's stated goals through writing, how the author situates themselves within the Syrian literary scene, the authors' perspective on justice-related issues, their relation to the justice community, the main evolutions in Syrian literature since 2011, the relation between literature and truth claims, the way in which literary texts address injustices, the possible instrumentalisation of literature in the context of justice efforts, the access of Syrian readers to Syrian literary writings, the role of institutional agencies and CSOs and the reception of Syrian literature in the Global North. With the exception of questions related to authorship, I have used the same topic list for the interviews with experts.

Similar to the data collection, the data analysis aligns with the empirical research on justice efforts. Interviews were audio recorded and transcribed, in order to thematically code and analyse the transcribed data. I have applied grounded theory

coding, meaning that I did an initial open coding of the transcribed interviews, letting the codes emerge from the data. Consequently, I proceeded to axial coding to discern patterns through data comparison and to derive the main concepts. These empirical findings were analysed in conjunction with secondary sources. Foremost among these was the scholarship on contemporary Syrian literature, most importantly by Alex Firat on Syrian literature (2017), Shareah Taleghani's on prison literature (2017, 2021); miriam cooke on dissent (2001b, 2011, 2017, 2007), by Felix Lang (2019), Anne-Marie McManus (2018, 2021), Max Weiss (2017, 2022), Daniel Behar (2022), and Linda Istanbuli (2021) on recent developments in Syrian literature. Additionally, I turned to literary journals like *Banipal* and *ArabLit* and Syrian justice- and culture-oriented sites like *Syria Untold*, *al-Jumhuriya* and *ar-Raseef* to monitor the publication of new literary texts and debates about Syrian literature.

Prior to discussing the features of contemporary Syrian literature and how Syrian authors approach experiences of harm, I touch upon the decision to investigate the intention of authors. This choice is significant as research related to authorial intention has been challenged within the domain of literary criticism. The theory of "intentional fallacy" suggests that the design or intention of the author is neither available nor desirable as a standard for judging the success of a work of literature, shaping anti-authorialism within literary criticism as advanced by the New Criticism movement (Wimsatt & Beardsley, 1946). Yet, in this actor-centred research project, I chose to foreground authors and their intentions for two reasons. Firstly, this research is grounded on the notion of the transformative powers of artistic practices and their potential to impact the pursuit of justice. By exploring the intentions of authors, my objective is not to derive meaning or evaluate the quality of literary works, thus mitigating the risk of intentional fallacy. Additionally, I explicitly concentrate on the author's presence because I do not subscribe to the notion of objective text analysis. In literary texts, their influence is inevitably present (Stougaard-Nielsen, 2019). Moreover, attempting to erase authorial identity can also invisibilise marginalised groups, as feminist critical theorists like Nancy Miller (1986a, 1986b) and Susan Stanford Friedman (1993) have argued.

5.2 Contemporary Syrian Literature: Dissident and Transnational

Syria shares with most of the countries in the Middle East and North Africa a history of censorship and repression that has prompted writers to experiment with the potential of literature to express opposition to hegemonic ideology and practices. This section illustrates how dissent has surfaced in a plethora of writings, ranging from traditionally engaged or committed political literature, symbolic renditions of harm to new forms of literature that engage explicitly with resistance. Before doing so, I firstly engage with the theoretical debate over the existence of a distinct Syrian literature. I use the term “Syrian literature” to refer to modern Arabic literature produced by writers in and from Syria, mostly written in Arabic but not confined to it. My underlying assumption is that there is a Syrian literary field, even if the bulk of the literary writings are not produced and circulated in Syria. I contend that Syrian literature has thematic characteristics, with dissent being the most prominent one, that have been shaped to a large degree by state violence.

5.2.1 The Field of Contemporary Syrian Literature

In contradistinction to the nation-centred approach that is common in the Global North, scholars of Syrian literature Moja Kahf situates the Syrian literary tradition in the transnational space of Arabic literary production. Kahf argues that it is misleading to label Syrian literature as distinctly Syrian, as the country lacks the geographic cohesiveness of countries like Egypt and has not experienced the same traumas as Palestine and Lebanon (2001, p. 226)²⁶. In line with Kahf’s understanding, Felix Lang considers post-2011 Syrian writings as transnational because of their reference to notions of trauma, testimony and documentation. At the same time, Lang surmises that the 2011 uprising may be the “beginning of a truly Syrian literary tradition—analogue to the civil war novels in 1980s and 1990s Lebanon or the trauma of occupation and exile that draws together Palestinian literature” (2021, p. 263). While I agree with the notion that Syrian literary writing is interconnected with the broader field of Arabic literature, I propose that we can still identify a

²⁶ Despite my reservations about Kahf’s assumptions, I critically engage with it, recognising its significance as it has been cited by several scholars in the field of Syrian literature.

distinct body of modern Arabic literature created by Syrian writers. Therefore, it is appropriate to refer to it as Syrian literature. The absence of a national catastrophe prior to the failed 2011 uprising, is a weak argument to prove its non-existence. Quite on the contrary, the absence of a unifying national project and a shared citizenship have contributed to the materiality of Syrian literature, prompting writers to engage with the struggle for social and political justice.

Since Syria's independence and the ensuing struggle for citizenship, the literary field has developed into a site of contestation against political and social transgressions. Through a variety of literary genres, ranging from traditionally plotted narratives to experimental literary works, several generations of writers have engaged with justice-related issues and foregrounded underrepresented, marginalised groups (Firat, 2017, p. 449). Kahf demonstrates how the impact of repression and censorship has prompted Syrian writers to resort to symbolic language and hypothesizes that silence might be a defining feature of Syrian literature that "is jittery with what it cannot say" (2001, p. 235). I argue that Syrian literature, far from being silent, has consistently echoed with dissent, manifesting itself in various volumes, ranging from barely audible to boisterous. As I elaborate below, state repression has significantly influenced Syrian literature, compelling writers to employ sophisticated techniques to express their resistance against systematic state violence. Nevertheless, it is important to note that Syrian literature cannot be solely viewed through the prism of violence and dissent.

5.2.2 Key Features of Syrian Literature

While the 2011 uprising presented a turning point in Syrian literature, it cannot be considered a fundamental rupture as Syrian writers have traditionally provided literary answers to the prolonged crisis of authoritarianism and its toll on ordinary citizens, circumventing imposed silences. On the one hand, they did so to "forbid forgetting", as stated by literary critic Hassan Abbas (2009). On the other, they attempted to shape the contours of Syrian citizenship or to establish some kind of imagined community, addressing experiences that are central to being Syrian such as political imprisonment (Sakr, 2013, p. 81). In what follows, I explore this and shed a light on the key features of Syrian literary writing. The argument demonstrates the evolution and significance of dissent, with a particular focus on its expression within

the genre of prison literature, intricately intertwined with resistance against regime policies. Additionally, the discussion highlights how the uprising has reinforced the diasporic nature of Syrian literature.

Firstly, Syrian writers have systematically explored the potential of literature to further dissent, ranging from coded writings to more open forms of dissent. Examining the Syrian novel in particular, Alex Firat demonstrates how Syrian novelists since the 1930s have engaged in social critique with regard to women's issues and the exploitation of marginalised groups, formulating critiques of despotism. She argues that "whether in the form of traditionally plotted narratives or from the vanguards of experimentation, mindfulness of being Syrian and of the Syrian experience comes to life in the Syrian novel" (2017, p. 451). As of the 1990s and 2000s, authors engaged more openly with the impact of authoritarian dictatorship and life in a security state. Some novelists have explicitly broached the security services' repression (*mukhabarat*). The commencement of Bashar al-Assad's presidency in 2000 triggered a surge in the examination of literature's political influence (Weiss, 2015). Taking the *mukhabarat* novel as an example, Max Weiss argues that it shows how "fiction may critique, subvert, or even resist the seemingly durable and invulnerable "truth" of Ba'athist rule" literature (2017a, p. 244). Through fictional writings, authors openly defied the state's hegemony on narration, thus stopping, according to Lisa Wedeen, to "act as if" they comply with the regime's rules. She argues that transgressive acts of exposing and criticizing repression through fiction are meaningful without necessarily being transformative, as they marked the start of new era in which dissent was uttered more openly (1998, p. 523).

Dissent in Syrian literary writing has also generated narrative experiments, notably in the domain of prison literature. While this is a global genre, prison writings became prominent in modern Arabic literature as of the 1970s. In prison writings, authors address the repression and denial of freedom that many countries in the MENA region share, symbolized by the political prison (Elimelekh, 2014). Shareah Taleghani defines prison literature as literary work produced in, about, or through the experience of political detention, ranging from fictional and nonfictional prose to poetry and drama (2021, p. 28). Because of the omnipresence of the political prison and its vast societal impact, Syrian prison writings are strongly developed and span different genres (Sakr, 2013, p. 78). Central in many of these writings is the dissent

against the state policies of marginalisation and the attempts at erasing political subjects, who experience what miriam cooke calls “social death”, persisting beyond the cell (2011, p. 170). These accounts challenge the regime’s physical and epistemic violence and successfully counter the regime’s policies of erasure. Sune Haugbolle argues that “by speaking out about their prison experience, individuals attempt to appropriate the violence they were subjected to and turn it against their oppressors” (2008, p. 262). Indeed, while they could not dismantle the political order and the Syrian gulag, prison writings have made valuable contributions to the resistance against the regime’s oppression. As a result, they serve as a form of truth-seeking and memorialisation, playing a crucial role in shaping literary dissent.

A second prominent characteristic of Syrian literature is its diasporic nature. Since 2011, it is no longer accurate to refer to literature emanating from Syria, as the majority of books are published in the diaspora, and most writers have been compelled to leave the country. By no means is this a new trend as Syrian writers have been forced since the presidency of Hafiz al-Assad to circumvent local problems of censorship and circulation by publishing their work abroad. As a result, several writers, including prominent figures like Nizar Qabbani and Zakaria Tamir, have been compelled to leave the country to continue their literary pursuits (Columbo, 2020, p. 71). Under Bashar al-Assad’s rule, mechanisms for censorship and repression persisted, making writing under such authoritarian conditions inherently dangerous (Weiss, 2015, p. 20). This trend has aggravated after 2011, with Syrian intellectuals, writers, and artists setting up cultural institutions, outside Syria and causing contemporary Syrian writing to become to a large degree diasporic (Mermier, 2022, p. 36). Nonetheless, a substantive part of this literature continues to inscribes itself in the tradition of dissent against the violence by the regime, and increasingly other perpetrators.

The uprising has further contributed to the diasporic nature of the Syrian literary scene, both in terms of publication and circulation of writings. In the years between 2005 and 2010, approximately 40% of titles were published in Syria, according to Felix Lang’s quantitative study on Syrian literature since 2001. This number has even dropped to 15% in the years following the uprising. As a result of the conflict, most Syrian writers, like other artists and dissidents, were forced to flee the country. Many among them first moved to neighbouring Lebanon and Turkey, and later settled in Europe, with Germany, and especially Berlin, as one of the most important

destinations. This trend diversified the places of publication. Traditionally, Syrian authors published mainly in Beirut, but it is no longer the centre of publication since the surge of the economic and financial crisis in 2018. Literary critic Subhi Hadidi speculates that the influence of Hezbollah, with whom certain publishers have strong relations, could be a factor of dissuasion to publish literature critical of the Assad regime as Hezbollah participates in the quelling of dissident voices. Other countries such as Jordan, the United Arab Emirates and Oman became more important in terms of publication of Syrian literature, and a number of publishing houses in Turkey and Europe started to publish Syrian authors (interview, 16 July 2021). The intensification of the diasporic nature of Syrian literature has also involved a range of institutional actors that had not been part of the field: public diplomacy organisations, international publishers and translators, CSOs and new platforms for publication.

To summarise, dissent was and continues to be a key defining feature of contemporary Syrian literary writing, produced mainly in the diaspora, culminating after the uprising in new forms of writing. As I discuss in the following section on the transformation of contemporary Syrian literature, diasporic experiences have profoundly affected literary writing. Furthermore, the diasporic nature of Syrian literature has kindled the debate on the identity of Syrian writers, and the question whether literature can be classified as Syrian if the authors reside in the diaspora and cannot return. In this context, it is problematic to speak of Syrian literature, or of the Syrian cultural field more broadly. Frank Mermier poses the question, “Should we instead speak of Syrian cultural scenes?” By doing so, it becomes possible to recognise the existence of a dichotomy between a dissident scene and an official scene (2022, p. 36).

5.3 The Transformation of Literary Writing after 2011

As argued before, the uprising can evidently not be considered as the beginning of a genuine Syrian literary tradition. Rather, it is a watershed moment in the literary production that furthers the tradition of dissent, resulting in the proliferation of counterhegemonic narratives. Many writers hailed the end of the kingdom of silence and the opening of the *res publica*, hoping that the endeavours to bring about a culture of citizenship would in the words of Hassan Abbas transform “the culture of

sectarianism” (2014, p. 51). Moreover, the transformation of the uprising into a civil war and the plurality of experiences of harm have also profoundly affected literary writing. In this section, I illustrate three substantial developments that underly the transformation of Syrian literature, based on interviews with Syrian writers and experts. Firstly, I address concrete changes in literary writing, zooming on the content and form of Syrian literary writing, the rejuvenation of the literary scene and the surge of the novel. Secondly, I elucidate how the diaspora has impacted Syrian literary writing. Thirdly, I examine the circulation of Syrian literature.

5.3.1 Sweeping Changes in Post-2011 Syrian Literature

Syrian literary production post-2011 is characterised by a striking diversity, generating innovations in all literary genres in terms of content and form. Firstly, the uprising has entailed a sea-change in the production of Syrian literature. Thematically, there is a prevailing – and almost exclusive – attention for the uprising and its impact on people’s lives (Dellair, interview, 16 July 2021; Dost, interview, 18 August 2021; Hadidi, interview, 16 July 2021). While the political turmoil is not ubiquitous in literary writing post-2011, its omnipresence in the lives of Syrians has led most writers to engage with it in some way. Little is known about the dynamics of non-engagement, beyond the fact that some writers are critical of the uprising and a small number aligns with the regime. The most famous writer who adopted a very critical stance towards the uprising is the poet Adonis who stated in May 2011 that he would “never agree to participate in a demonstration that comes out of a mosque”, indicating that he considered religious authoritarianism worse than the regime (Creswell, 2017). Conversely, acclaimed writers such as Khaled Khalifa, Dima Wannous, Samar Yazbek and Rosa Yassin Hassan openly voiced their support for the protest movement. Similarly to the earlier discussed genre of prison literature, writers in this group are deeply driven by the pursuit of truth-seeking and memorialisation. These writers feel the duty to ensure that history will not be rewritten, thus attempting to serve their people and its history (Hadidi, interview, 16 July 2021). This is evident in the case of novelist Samar Yazbek, who actively participated in the uprising from its inception and documented her experiences in two journals (2012, 2016). Thus, Yazbek resorted to non-fictional writing, experimenting with the genre of testimony, in order to convey the lived experiences of Syrians to an international audience (Papa & Suleiman, 2016).

In terms of style, the most remarkable new trend in Syrian literary writing is the inclination towards straightforward expression. The decreasing influence of censorship, which became almost irrelevant in the diaspora, emboldened many writers to discard symbolic language. Poet Ghayath Almadhoun believes for example that the metaphor might be less appealing as a stylistic figure as it is related to writing under dictatorship. “People feel that they don’t want to hide anymore. They want to say things. Frankly, it is raining and no one wants to say that the sky is crying” (interview, 12 July 2021). Rejecting the hegemonic narratives of the Assad regime, there is a tendency among writers to explore the range of direct writing, experimenting with literary non-fiction, testimonies and documentary novels. Yet, the demise of the revolutionary project initiated a move away from this rush towards explicit writing towards more subtle literary responses (Price, interview, 16 July 2021; Mardam Bey, interview, 15 July 2021). Mustafa Taj Aldeen Almusa’s sarcastic and surreal short stories serve as a prime example. In these tales, the protagonists confront the harsh realities of arrest, torture, and disappearances. Drawing inspiration from real-life accounts, the author aims to capture the arbitrariness of life in a war zone, as experienced by ordinary people. Taj Aldeen Almusa testifies that the war has profoundly impacted literary writing: “we weren’t writing about wars before, nor about destruction. We were not writing about death, nor about psychological struggles. Now we are writing these literary texts because we lived through war” (interview, 14 July 2021).

The second evolution the uprising has initiated, is the rejuvenation of the literary scene. The traditionally hermetic literary scene opened up as a new generation of writers stepped forward. Less established writers or newcomers felt encouraged by the perspective of political change to explore literary writing as a means of expression, entering a space which had hitherto been reserved to a secluded group (Katlish, interview, 12 August 2021). Thus emerged a younger scene, populated by different groups – among whom an increasing number of women – which are less burdened by the constraints of the past and community pressures (Yassin Hassan, interview, 24 August 2021). Digital media enabled writers to enter the literary scene independently and circulate their writings without the mediation of other writers or publishers (Katlish, interview, 12 August 2021; Dellair, interview, 16 July 2021).

While this disruption of traditional power balances has transformed the scene, it also played into the fleeting interest for narratives of war and contributed to ephemeral hypes. Circulation via social media has stimulated the tendency towards prompt literary responses, also reflected in published writings. In this regard, the success of *The Smartest Guy on Facebook* (2013) is exemplary. Its author Aboud Saeed worked as a blacksmith when he started writing satirical Facebook posts about the political turmoil in 2012-2013. German translator Sandra Hetzl took a keen interest and translated Saeed's posts into German. The successful publication enabled the author to legally migrate from Syria to Germany. This trajectory is remarkable as few self-taught artists achieve international acclaim. Additionally, the publication, initiated by a translator, was originally in German. This success elicited strong debates within Syrian artistic circles, sparking off critiques that portrayed the author as an impostor who capitalized on the interest in the conflict in the Global North. Examining this atypical trajectory, Simon Dubois observes that Aboud Saeed's writings are welcomed by different readers, recalling Pierre Bourdieu's analysis of processes of revolutions within the arts (2018). While established artists depict these kinds of projects as illegitimate, the disruption of power balances in the field enables external forces to intervene and reshape the field. While established artists tend to depict these kinds of projects as illegitimate, the disruption of power balances enables external forces to reshape the field (1991).

Thirdly, the 2011 uprising led to a sharp rise in the production of Syrian novels, a tendency that can also be observed in other conflicts such as the Lebanese civil war. As mentioned in the discussion of the scope of the research project, the novel has become the most popular genre in Arabic literature, captivating the bulk of the international attention for a number of reasons. In essence, fiction has unseated poetry as the most prestigious domain of literary production in the Arabic speaking world, strengthening the position of the novel. Additionally, the prevalence of the novel was facilitated by prominent literary prizes, increased marketing efforts by publishers, and a growing readership interest (Mardam Bey, interview, 15 July 2021).

It is not possible however, to provide exact numbers about the production and circulation of Syrian novels, because of the lack of statistics, both in Syria and the countries where publication takes place. To overcome this lacuna, literary critic Subhi Hadidi has kept his own inventory, based on the copies of novels that publishers and

writers sent him, complemented by his own desk research. According to his data, between March 2011 and July 2021, close to 450 novels were published – mostly in the diaspora – by over 200 Syrian authors, out of whom 60 with first work (interview, 16 July, 2021). While it has not been possible to corroborate these numbers, because of a lack of data on published Syrian writings in the diaspora and Syria, it can be concluded that over the last decade the novel has reinforced its standing as the most popular Syrian literary genre, both quantitatively and qualitatively.

5.3.2 Syrian Literary Writing in the Diaspora

The collective diasporic experience has profoundly marked Syrian literature in the post-2011 era. There is a growing inclination among Syrian writers to address diasporic experiences in their writing (Yassin Hassan, interview, 24 August 2021). Moreover, diasporic writers – and artists in general – are increasingly confronted with the expectation to represent the Syrian conflict and to make the Syrian context intelligible to outsiders. Aware of the impossibility to represent collective victimhood, artists can endure this expectation as a form of oppression (Almadhoun, interview 12 July 2021). The strong focus on jihadism, sectarian violence and migration in the media and popular culture in the Global North has set a dominant frame that reduces the complexity of Syrian experiences to a limited number of issues, leaving little margin for Syrian writers to convey their individual narratives.

Like all diasporic groups, Syrian communities are confronted with preconceived ideas and labels they contest. There is a broad concern among Syrian artists that the dominant discourse on Syria after the emergence of IS became largely constrained to radicalisation and migration, generating clichés and orientalist ideas that rendered their experiences somehow spoken for (Mohammed, interview, 14 September 2021). Consequently, writers in the diaspora have been confronted with the increasing politicisation of their work, which risks overshadowing its artistic dimension and steers readers or audiences to simplify the uprising or their migration story (Al Attar, interview, 2021, Choukair 2021, Almadhoun, 12 July 2021; Dellair, interview 16 July 2021; Mohammed, interview 14 September, 2021). While the interest in Syrian literature is welcomed, there is a widespread feeling within the literary community that this tendency to turn to fiction for enlightenment is also highly problematic as it often

contains elements of voyeurism or sensationalism (Yazbek, interview, 6 September 2021). The underlying assumptions make it hard for writers to disentangle themselves from the burden to represent, leading some writers to reject artistic projects or to withdraw temporarily from the public scene (Al Attar, interview 6 September 2021; Yazbek, interview, 6 September 2021). Several interviewed writers struggled with the difficulty of bringing forward their own perspective while also meeting the readers' expectations. They are concerned that their work is exclusively seen as a conduit of information about the war or migration (Almadhoun, interview 12 July 2021; Yassin Hassan, interview 24 August 2021). Nonetheless, some writers do not object to conceiving of literary writing as a means of conveying information. Instead, they see it as an opportunity to engage a broader readership, one eager to explore the tragedy through the medium of fiction (Dost, interview, 18 August 2021).

Yet, in general the categorisation of Syrian writers as “refugee writers” or “chroniclers of war” is widely perceived in literary circles as a new form of epistemic violence or marginalisation that downplays writers' perspectives. Novelist Rosa Yassin Hassan observes that Syrian writers residing in the Global North are expected to write mainly about a determined set of topics, such as the war or migration (interview 24 August, 2021). This observation is reminiscent of the frequently heard complaint by writers of colour in the Global North that they are expected to write about issues such as their ethnic or racial identity, their migration background and racism, relegating the aesthetic qualities of their works to the background. In the case of Syrian diasporic literature, there is a concern that writers are mainly seen through the prism of their status as refugees.

Without fail, diasporic experiences have made a significant impact on contemporary Syrian literature, with numerous writers exploring and integrating these experiences into their literary works. This phenomenon is viewed as a positive evolution by some writers, among them novelist Dima Wannous. She contends that the interaction with diverse cultures and exposure to various environments, friendships, and imagination effects literature a positive way, opening it up and modernising it. In her opinion, it gives writers the freedom and the duty to rely more strongly on their imagination, envisioning the events unfolding in those contexts, thus refining their craft (interview, 19 July 2021). Nonetheless, for many authors writing in the diaspora is akin to writing in limbo, as they often do not feel a sense of belonging in their new host countries (Almadhoun, interview, 12 July 2021).

5.3.3 Circulation: Between Presence and Visibility

Before 2011, Syrian literary writing was uncharted in the Global North and largely unknown to a wider audience, in part because Syria was sealed off from the rest of the world (Yassin Hassan, interview 24 August 2021). The uprising originally fed the interest in Syrian literature, generating an increase in the number of translations and the presence of Syrian writers on the international literary scene (Dost, interview 18 August 2021; Taj Aldeen Almusa, interview 14 July 2021). Khaled Khalifa observed how Syrian writers – and novelists in particular – gradually emerged from the margins of the literary world (interview, 24 June 2021). However, the short-lived international attention for Syria and the stronger presence of Syrian writers on the global literary scene did not induce a stronger international visibility for Syrian literature.

First and foremost, the waning interest in justice issues and the resurgence of hackneyed narratives after the emergence of IS also fed the Syria fatigue in the artistic domain. As the conflict drew on, the original interest in Syrian literary writings by publishers, cultural institutions and artistic brokers diminished and continued to revolve mainly around the civil war or migration. This also steered the production of literary writing, making it harder for authors to foreground authentic representations of harm. Translator Leri Price, who translated recent novels by Khaled Khalifa and Samar Yazbek, observed a trend in the publishing world in the Global North. This trend revolves around a keen interest in books related to conflict. Publishers sometimes emphasise this theme in novels where it is not the central focus. Similarly, this bias extends to reviews, with Syrian novels frequently framed within the context of the conflict. Reviews might assert, for instance, that certain novels provide insights into the origins of the conflict (Price, interview, 16 July 2021). Authors who take a different narrative approach often struggle to garner attention for their work and are less likely to be translated (anonymous author, interview, 16 November 2021).

Moreover, most Syrian writers who were translated after 2011 already had been translated prior to the uprising. In a study conducted between 2011 and 2014, Felix Lang observed that the number of published translations of novels has almost doubled whereas the number of translated authors only increased from 12 to 14 (2021, p. 266). Although more quantitative research about Syrian literary production is needed,²⁷ we can conclude that mainly authors who already enjoyed some international recognition prior to 2011 benefited significantly from the rising interest in Syrian literature, resulting for instance in translations of novels in different

languages. Among them are novelists Khalid Khalifa, Dima Wannous, Rosa Yassin Hassan, and Samar Yazbek (Lang, 2021, p. 267).

In sum, well-intended stakeholders in the Global North such as publishers or cultural institutions view or present literature almost exclusively through the prism of civil war or migration. Consequently, several interviewed writers felt that complex and individual renditions of harm were constrained to fit into predetermined frameworks. Rather than overcoming imposed silences, some of these cultural stakeholders have thus perpetuated hegemonic narratives. Against this background of ongoing conflict, new forms of epistemic violence and diasporic experiences, a considerable part of the Syrian literary community addresses justice-related issues, the subject of the following section.

5.4 Writers Attempt to Adress Injustices

Most Syrian writers have been personally affected by the conflict and relate directly to experiences of harm. Although none of the interviewed writers explicitly identifies themselves as justice actors, all of them hold justice-related issues close to their hearts, with some respondents also expressing their intention to shed light on injustices through their writings. Similar to justice actors, even though writers typically do not adopt a teleological approach to their endeavours, it is possible to observe various strands in their literary efforts to address suffering and issues related to justice. Based on the empirical data obtained through interviews, I extrapolate three tendencies in artistic practices (introduced in chapter 3) to contemporary Syrian literature. Firstly, many Syrian authors attempt to “presence” lived realities and experiences of harm, to prevent their erasure and invisibilisation. Secondly, the commitment to “presence” has led many authors to engage in truth-seeking, foregrounding multiple truths than can coexist. Thirdly, many writers invest in epistemic resistance, formulating literary responses against epistemic violence, providing counter-narratives and holding on to the revolutionary spirit.

²⁷ Before 2011, the target languages were almost exclusively French, English and German, whereas translations published after 2011 also included Spanish as well as smaller European languages such as Dutch and Swedish. Felix Lang detected that the works of Samar Yazbek (particularly her diaries of the civil war) and Khaled Khalifa (primarily *In Praise of Hatred*) account for over 40% of the translations between 2011 and 2014. Some writers of the previous generation such as Salim Barakat, Nihad Sirees or the poet Faraj Bayraqdar retain a certain international visibility. Lang also established that the attention of journalists and reviewers in the Arab media is much more even-handed than that of their European and American peers (2021, p. 271). However, more research is needed as Lang's study is the sole example of quantitative research about Syrian literature post-2011.

5.4.1 “Presencing” Experiences of Harm

There is a prevailing feeling within the Syrian literary scene that even if many writers relate strongly to the justice community, theirs is a different role. While opinions may vary regarding the role of writers, there is a shared commitment among interviewed authors to “presence” lived realities, to ensure that victims’ experiences are not relegated to the background. A strong incentive for Syrian writers to address experiences of harm and to bear witness is to preserve the memory, to “forbid forgetting” (Abbas, 2009). As I highlight below, the familiarity with multi-layered instances of epistemic violence and the fear of the non-recognition or erasure of the suffering of Syrians, are two key factors underlying the rendition of experiences of harm in literary writing.

Before addressing how writers “presence” experiences of harm, it is important to emphasise that this process largely occurs from a position of intimate knowledge. For the vast majority of Syrians, exposure to violence is a common occurrence. Therefore, when Syrian writers address experiences of harm, they often seek to convey events they are familiar with, going beyond rendering the experiences of marginalised groups. As several interviewees assert, regardless of their political affiliation, Syrians suffer – in varying degrees – from abuse, among others as (former) prisoners, family members of a missing person or refugees (Dost, interview, 18 August 2021; Wannous, interview, 19 July 2021). Furthermore, Syrians have experienced other forms of epistemic violence, encompassing the denial of their lived experiences and the increasing indifference towards individual victims. This has led to a pervasive sense of being rendered insignificant or superfluous.

First and foremost, many Syrian writers are intend to bear witness to atrocity. The familiarity with violence pushes them to testify about the magnitude of the harm and to express their proximity to victims of human rights abuses. Khaled Khalifa is of the opinion that writing has no meaning if it is not close to victims. He states that his loyalty goes out to them:

An essential part of my writing is about victims, as long as there are victims I will keep writing about them. I will not abandon the victims. As the conflict continues, there will be new deaths, new victims, and perhaps I will be one of them. I consider that I am personally required to write about them, I am very close to these human beings, and therefore I cannot, will not, justify for

a tyrant, a murderer or a criminal, whoever he is and wherever he is. For me, the criminal is a criminal (interview, 17 March 2021).

Likewise, novelist Manhal al-Sarraj deems that literature's role is to do justice to the victims, as literary writing can convey real life experiences in a compassionate manner, exploring "the psychological and social depth of a society which went through difficulties and massacres committed by the regime" (interview, 19 August 2021). Saving these narratives from oblivion, and ensuring that the memory of these experiences prevails is an ongoing endeavour, akin to what has previously been achieved in Syrian prison writings and symbolic depictions of harm.

Following from this, the threat of erasure of experiences of harm prompts writers to provide a space for reflection on memories of violence and to forcible forgetting. By bringing private and individual traumatic experiences into the public domain, writers attempt to mitigate the current tendency of dehumanization of Syrian lives, attempting to turn them from numbers to human beings. Certain writers express the sentiment that as Syrians entered a new phase following the uprising, transitioning from the struggle for freedom to the struggle for survival, their voices have become increasingly marginalised. The essence of the revolution has become obscured, and there is scant attention from distant spectators for the suffering and the profound impact of being relegated to the fringes of humanity. Hala Mohammed desires to foreground the visibility of the invisible, using her voice to touch people, attempting to break the draining isolation (interview, 14 September 2021). Khaled Khalifa desires to signal that Syrians want to be a part of humanity, feeling that they are not abandoned in the face of war and atrocity crimes. He holds the belief that war, as a human event, has the potential to unite people and help them recognise that individuals across the globe are grappling with similar emotional and even humanitarian issues (interview, 24 June 2021).

The broader debate within the Syrian artistic scene about the representation of victimhood and the perils of depicting violence in a direct way also impacts the way in which writers broach experiences of harm. It is hard for writers to directly address suffering as this has real live consequences from which they cannot dissociate and "withdraw in an ivory tower", as Mustafa Taj Aldeen Almusa argues (interview, 14 July 2021). Representing harm artistically, can evoke painful memories and be profoundly unsettling, to the extent that it becomes paralyzing. Samar Yazbek testifies that the conflict and exposure to extreme violence have transformed her. Following

the publication of two non-fictional accounts, she set out to challenge herself to write about violence while avoiding direct depictions of its disturbing aspects (interview, 6 September 2021). This aligns with a broader refusal within the literary community to contribute to sensationalist narratives of violence, as doing so, may perpetuate the erasure of lived experiences rather than revealing them.

5.4.2 Foregrounding Truth Claims

The awareness within the Syrian literary community about the threat of erasure of Syrian narratives also feeds into the commitment to truth. Through experiments in truth-seeking, writers attempt to resist the denial and obfuscation of crimes, a policy that the regime has adhered to since the 1970s and – more recently – the consequences of the narrative warfare by the Assad regime and Russia. Whereas the use of documentation and the engagement in truth-seeking in Syrian literature are not new phenomena, the urge to document real life experiences in literary writings has surged after the 2011 uprising, as I unpack below. I also highlight that these truth-seeking experiments have sparked discussions about the challenges of documentation and the inherent difficulty of seeking the truth amidst ongoing mourning and the persisting threat of violence.

For one, there is a growing tendency to document real life experiences in literary writings as many writers feel the duty to document, to unveil oppression in order to actively prevent the distortion of experiences of harm. Mohammed Al Attar argues that the urge to document through storytelling was also fuelled by the regime's and Russia's narrative warfare:

I would dare to say that this is one of the few battles that we have still left because on the ground we were crushed very brutally not just by the regime and its backers, but also by other annihilationist forces like radical Islamists or militias that now clearly work for foreign agendas. We are now scattered around the globe, refugees, asylum seekers, even internally displaced people. So one of the few battlegrounds we have – maybe not physically – is the battle of narratives and how not to allow those who are controlling the ground to erase your story and erase your memory, erase your past, (interview, 8 September 2021).

Another factor that motivates truth-seeking, is the fear that forcible forgetting and narrative warfare leads to an atmosphere of uncertainty, where all truth claims are regarded as equally valid and, consequently, rendered meaningless. Additionally, certain instances of violence, such as sexual and gender-based violence, receive insufficient attention and run the risk of invisibilisation (Herremans & Destrooper, 2021). This has steered writers like Rosa Yassin Hassan and Samar Yazbek to explicitly address topics such as imprisonment or violence against women. While several interviewees insist that literature should not be instrumentalised or expected to document reality and provide concrete evidence of crimes, it can shed light on crimes (Yassin Hassan, interview 24 August 2021). This is clear in the case of the Syrian prison literature that has contributed strongly to the awareness of crimes in the Syrian gulag. Some writers like Manhal al-Sarraj hope that foregrounding truths in literary writing can also entail a response by the reader, allowing them to uncover what happened on the ground and eventually participate in pursuing justice (interview, 19 August 2021). However, for the majority of writers, literature is envisioned to have a more modest role in the pursuit of truth. Novels can allow readers to catch a glimpse of Syria, as argued by Khaled Khalifa:

Later people will read one of our books and know that the Russians, for example, bombed a hospital one day. They bombed a hospital outside the city, knowing it was a medical institution, and did it anyway. This is something that will remain until the end of times. These narratives will remain tainted with blood, not because we write against their narratives, but because no one can hide the truth. For example, a hundred and ten years after the Armenian massacres, despite all the Turkish attempts and their books, as well as all the agreements with the Turks to erase the narrative about the massacre, it is still alive and will not vanish. The victims' narratives are always alive and will live forever (interview 24 June 2021).

Another important aspect is the acknowledgement that literary writing can complement to formal truth-seeking efforts. There is a prevailing feeling within the literary community that artists can feed into the debate about the meanings of truth, accountability and justice without involving themselves directly in justice efforts, as theirs is a different role (Almadhoun, interview, 12 July 2021; Al Attar, interview, 8 September). They can contribute to truth-seeking by engaging in narrative truths, exploring different truth claims and highlighting the murkiness of human behaviour. Playwright Mohammed Al Attar contends that the role of theatre is to construct a

complicated case, to throw questions at the audience, to engage them and to push them to look at reality in a more nuanced way, stripped from stereotypes: “Even if I have strong opinions, I feel that I don’t own the truth. I don’t know if anybody owns the truth, even if you have strong political affiliation or opinions. So I feel like my role is more like to try to get to the truth rather than to say that I have a verdict or a conclusion about something” (interview, 8 September 2021). Some interviewed writers also highlight that not only is the truth not straightforward, but it is impossible to grasp what is happening during a conflict, especially when one is not present in the specific location (Wannous, interview, 19 July 2021; Yazbek, interview 6 September 2021).

Far from relativising crimes and sending the signal that facts do not matter, they want to call attention to ambiguity and the subjectivity of human behaviour. Rosa Yassin Hassan gives the example of writing about a *shabih*, a member of pro-regime paramilitary groups. Nowhere near defending him, she wants to give insight into his psyche: “The function of literature is to shed light on dark places, showing spots that were left in the dark. A lot of the questions were not asked” (interview, 24 August 2021). Playwright Ramzi Choukair argues that the focus on the veracity of testimonies conveyed in his plays X-Adra and Y-Saydnaya that centralise political imprisonment, is not relevant. Rather than foregrounding facts, Choukair intends to kindle the spectators’ imagination and stimulate actors not to as much to testify about their experiences but to also invoke their imagination. He sees his role as advancing difficult questions, rather than judging the perpetrators and arousing sympathy for the survivors: “What matters is that the stories are convincing to the audience. When someone is telling a story, the question is whether we are convinced or not” (interview 16 August 2021). Likewise, Mohammed Al Attar stresses that while he resorts to documentation, he is not confined by the limitations of reality. His play *The Factory* zooms in on the case against the French cement factory Lafarge that remained active during the civil war and abetted the financing of IS (ECCPR, n.d.). Al Attar attempts to disclose perspectives that spectators did not come across elsewhere. However, he is also concerned with the instrumentalisation of theatre for truth-seeking purposes, as it may lead to artistically weak productions: “Even with good intentions and with being on the right side, politically speaking, I am afraid that that it will only weaken your work and it will make it look like propaganda” (interview, 8 September 2021).

In summary, the literary community acknowledges the pitfall of the urge to document, leading many writers to emphasise that their intention is not to capture and represent

reality as it is. While Rosa Yassin Hassan experiments with documentation, she insists that documentation and literature should be disaggregated as literature aspires to reveal people's inner life rather than providing facts (interview, 24 August 2021). In their attempt to engage in truth-seeking, many writers grapple with the question of how to truthfully advance their stories of harm, without instrumentalising victims' lived experiences and commodifying harm. Despite having strong opinions and relying on documentation of injustices, many writers are hesitant to assert that they possess the absolute truth, choosing instead to shy away from providing definitive answers. They testify to a radical openness to disruption and create spaces where different truths can be explored and understood.

5.4.3 Epistemic Resistance

The 2011 uprising has reinforced the tradition of dissent and the urge to resist erasure and invisibilisation through literature, as described above. The demise of a common, hopeful project has furthered this resistance, and entailed an epistemic resistance that targets various sources of epistemic violence. As I argue in this section, many Syrian writers struggle with the hackneyed narratives about the conflict, recognizing that the erroneous portrayals of the Syrian revolution have inadvertently supported the regime's narratives. By advancing counternarratives to hegemonic understandings of the Syrian conflict, they want to push back against these misrepresentations and the marginalisation of Syrian experiences of harm. As I demonstrate below, they build on the desire for change that was unleashed by the uprising and continue to promote disobedience.

For one, there is a prevailing sense that literary writing can contribute to dissent, opposition, rebellion or resistance without advancing a teleological perspective on justice or foregrounding positive heroes (Mardam Bey, interview 15 July 2021). Contemporary writers, in general, feel distant from the ideological dissent that was prominent during the 1960s and 1970s. While many writers have embraced the revolution, they also engage in critical reflection on its shortcomings. There is a strong consensus among them regarding the importance of speaking freely and using their writer's voice independently from any political agenda. Several interviewees insist that while they want to address experiences of harm, their primary focus remains on artistic creation and fostering artistic responses derived from their personal observations and imagination (Yazbek, interview 6 September 2021; Almadhoun, interview, 12 July 2021).

The imagination can be wielded as a weapon to confront existential struggles, as argued by Samar Yazbek, who views her novels as a manifesto for rebellion (interview, 6 September 2021). According to Rosa Yassin Hassan, fiction has the ability to promote disobedience by conveying pluralism, freedom, openness, and meaning. She posits that its power should be acknowledged primarily in an intellectual sense, transcending the political realm. Ultimately, she firmly believes that writing is an act of resistance:

It is the secret history of real human beings which is against official history or against history written by the regime or authorities alike. When you write, you are writing history, an alternative and different history. If you do not write your history, history will be lost, erased. We know human history through writing. There is no other way in which we know about ancient history than through writing. We are in the stage where history is being written again, today we are witnessing our history. If you do not write this history, it will be lost because of the authorities who write history in the way they desire (interview, 24 August 2021).

Additionally, Syrian writers who involve themselves in addressing justice-related issues, attempt to counter the epistemic violence that exposes Syrians to new instances of harm and misrepresentation. Mohammed Al Attar insists that “it is also important to understand the bigger picture because the Syrian uprising is in its essence a cause: it’s an aspiration of individuals to change their destiny, not just in the political context ... But it was also an uprising against a tribal society, against social doctrines. It was an uprising against, I guess, bad education” (interview, 8 September 2021). Syrian writers reclaim the right to develop and present their own stories and challenge hegemonic narratives, to navigate their present and future. As such, literary writing can be viewed as a form of the resistance that also contains elements of truth-seeking. Within the realm of literary writing, Syrian authors engage in a form of disruption, akin to what Mihaela Mihai denotes as “seductive sabotage”, challenging hegemonic understandings – circulating in the Global North – of experiences of harm within the Syrian context (2022). Intent on resisting forcible forgetting and bringing to the fore invisibilised or erased experiences of harm, they present readers with narratives whose inherent truthfulness cannot be dismissed.

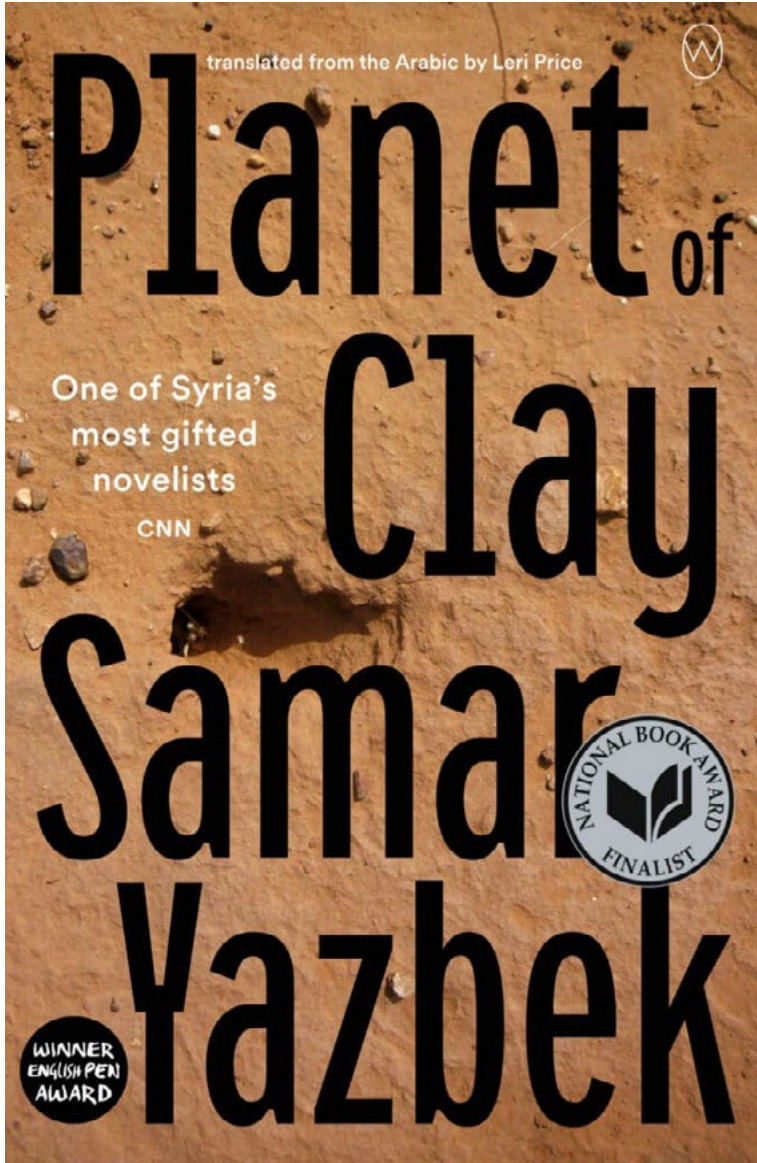
5.5 Conclusion

While the majority of literary works may not originate within Syria, a distinct Syrian literary field undeniably exists. One of the defining features of Syrian literary writing is dissidence. Throughout history, Syrian writers have responded to state violence and authoritarianism, evading imposed silences through literary writings. The uprising and the ensuing political turmoil have deeply impacted the nature, production and circulation of contemporary Syrian literature. For one, the uprising sparked significant changes in all literary genres in terms of content and form. Moreover, Syrian literary writing became largely diasporic, as most writers were compelled to leave the country and were free of censorship and political prosecution. Finally, as Syrian writers established new communities and connected with different institutions in the diaspora, the circulation of literary writings changed profoundly.

Nonetheless, the fleeting international attention towards Syrian literary writing has failed to enhance the visibility of Syrian writers or recognise the distinctiveness of their work. There is a prevailing feeling within the Syrian literary community that writers are exposed to instances of epistemic violence and continue to suffer from marginalisation. The strong focus on jihadism, sectarian violence, and migration in the media and popular culture in the Global North has set a dominant frame that reduces the complexity of Syrian experiences to a limited number of issues. Syrian writers residing in the Global North often face expectations to predominantly write about a predefined set of topics, such as the civil war or migration. This has led to the categorisation of Syrian writers as “chroniclers of war” or “refugee writers”, that is often viewed within Syrian literary circles as a novel manifestation of epistemic violence. They push back against forms of binary thinking about the Syrian conflict that narrow down the plurality of their experiences to victimisation stereotypes that fail to capture, or even attempt to accommodate, their perspectives. By challenging the reductionist depiction of their individual journeys and experiences, these writers also endeavour to dismantle hegemonic understandings of Syrian lived realities that prevail in the Global North.

Through my investigation of Syrian literary writing, I have identified three prominent tendencies among the interviewed authors. Firstly, writers share a resolute commitment to bearing witness to lived realities and preventing the marginalisation of victims’ stories, thus “presencing” experiences of harm. Driven

by their familiarity with epistemic violence and the fear of the non-recognition or erasure of Syrian suffering, writers endeavour to prevent forcible forgetting, and thus contribute to memorialisation. Preserving experiences of harm from oblivion and ensuring that their memory endures, is an ongoing endeavour, akin to achievements previously made in Syrian prison writings. Secondly, and relatedly, several writers invest in truth-seeking, fearing the consequences of narrative warfare that generate an atmosphere of uncertainty where opposing truth claims are nullified. In their truth-seeking endeavours, writers grapple with advancing stories of harm truthfully without instrumentalising victims' experiences. In doing so, they demonstrate a profound willingness to embrace disruption and establish spaces that facilitate the exploration and comprehension of various truths. Thirdly, by presenting counternarratives to hegemonic understandings of the conflict, writers push back against misrepresentations and the marginalisation of Syrian experiences. They promote disobedience and dissent, while abstaining from a teleological perspective on justice, all the while being committed to bearing witness and safeguarding collective memory.



DEATH
IS
HARD WORK

A Novel



KHALED KHALIFA

Winner of the Naguib Mahfouz Medal for Literature

VI. Literary Analysis of *Planet of Clay* and *Death Is Hard Work*

In this chapter, I examine the ways in which literary narratives foreground experiences of harm through a close reading of the novels *Planet of Clay* by Samar Yazbek (2021a) and *Death Is Hard Work* by Khaled Khalifa (2019).²⁸ I have selected these novels as they seek to raise attention for injustices in the Syrian context, and to prevent the forcible forgetting of lived experiences. Additionally, both authors enjoy international acclaim and uniquely approach experiences of harm in Syria in their literary work. Khaled Khalifa writes from within the country, while Samar Yazbek addresses experiences of harm from the perspective of the diaspora. While their writings shy away from factual truths, both authors inscribe themselves in the trend of truth-seeking. I argue that in doing so, these novels contribute to creating a memory about experiences of harm through fictional accounts whilst simultaneously providing counter-narratives to hegemonic understandings of victimisation in the Syrian context.

My primary concern is to explore how these texts represent unfathomable suffering, thus potentially opening spaces for the recognition of multiple truth claims and “thicker” truths in the Syrian context (as discussed in chapter 3). First, I elaborate on the theoretical framework and the methods underlying this analysis and I elucidate the selection of this corpus. Then, I zoom in on the authors’ background and their perspectives on the representation of harm in literary writing. Next, I move on to the literary analysis of respectively *Planet of Clay* and *Death Is Hard Work*, examining how these texts a) “presence” experiences of harm, b) foreground multiple truth claims and c) advance epistemic resistance. Finally, I discuss some similarities and differences in the ways both novels explore traumatic experiences, drawing strongly on trauma theory.

²⁸ *Al-Masha'a (The Walker)* by Samar Yazbek was first published in 2017 by Dar al-Adab in Beirut. The English translation was initially titled *The Blue Pen*. However, translator Leri Price ultimately chose the title *Planet of Clay*. *Al-Mawt 'amal Shaqq (Death Is Hard Work)* by Khaled Khalifa was first published in 2016 by Hachette-Antoine in Beirut. As stated earlier, for the transliteration I generally follow the International Journal of Middle East Studies (IJMES) system of transliteration for modern standard Arabic with two exceptions. Firstly, I do not use diacritical markers, except those indicating 'ayn and hamza. Secondly, I adopt the popular transliteration of author names.

6.1 Theoretical Framework and Corpus

The literary analysis is guided by research methods in the domain of narrative studies, in particular the field of narratology (Herman & Vervaeck, 2019; Hühn et al., n.d.; Wurth & Rigney, 2019). By grounding this analysis in narratology, I explore how these fictional accounts represent violations of human rights. For this particular analysis that centres around the representation of experiences of harm, I foreground plot, narration and focalisation as the most relevant concepts. The analytical focus on the plot allows me to identify the main characters and events, with a particular focus on the instances of harm and suffering they experience. The second point of attention is the phenomenon of the narrator, and their (a) visibility; (b) involvement in the story; and (c) reliability (Herman & Vervaeck, 2019, p. 182). Lastly, my focus lies on the way in which the narrative plays with perspective, or focalisation, the relationship established in the narrative between the story world and the centre of consciousness from which the world of the story is experienced (Herman & Vervaeck, 2019, p. 182).

Three criteria guided the selection of this corpus from a broad collection of Syrian literary writings published since 2011: a) wide circulation and translation of the text, b) the authors' international visibility and c) in-depth treatment of experiences of harm. As a result, my focus has shifted towards novels as the primary contemporary genre in Arabic literature that resonates with a broad and diverse international readership.²⁹ As only a few Syrian novels published after 2011 that explicitly address injustices in the Syrian context have been translated into several languages, the corpus for my study is limited to *Planet of Clay* and *Death Is Hard Work*.³⁰ These two texts respond to the criteria of circulation, visibility of the author and thematic focus.³¹ For one, these accounts foreground injustices in the context of a proliferation of perpetrators, representing lived experiences of Syrian victims of harm. They each do this in a

²⁹Upon selecting the corpus, I have studied the possibility of incorporating a theatre play, a poetry collection or a collection of short stories. Yet, I did not identify texts in these genres that are widely translated (in at least three languages).

³⁰*Al-Mawt Amal Shaqq/Death Is Hard Work* is translated into 17 languages. *Al-Masha'a/Planet of Clay* is translated into 12 languages. The novel *The Frightened* by Dima Wannous has also been widely translated. Yet, I did not select it as it mainly foregrounds individual experiences of harm.

³¹Originally, I had confined the corpus to include only *Death Is Hard Work* and, as a result, included a question about the novel in the topic list guiding the interviews with writers and experts. However, I soon realised that introducing another text would provide a more comprehensive understanding of how injustices are represented in literary writing. Consequently, I have added *Planet of Clay* to the corpus.

highly distinctive way. While *Death Is Hard Work* tends to absurdism and sarcasm, *Planet of Clay* explores suffering in a sensory, intimate way. Moreover, the authors are among the most established Syrian writers and enjoy visibility both in the media in the MENA region and the Global North. Being both committed to justice, they touch upon societal violence and authoritarianism in their writings. Before turning to the close reading of the selected novels, I briefly discuss the authors' oeuvre and their perspectives on representing experiences of harm in the Syrian context.

6.2 Authors' Background and Perspectives

In line with the actor-oriented approach of this dissertation, I begin by examining the authors' intentions, as I believe that the author's intent is an important element in text interpretation and sense-making (Bennett & Royle, 2023, p. 34). However, as indicated in the previous chapter, I am aware of the need for caution when looking into authorial intent, and I shy away from settling questions of interpretation through appeals to the author's intentions. Utilising existing scholarly research on the works of Samar Yazbek and Khaled Khalifa, as well as media interviews and my interviews with both authors, I provide a brief overview of their work. My main objective is to highlight both authors' perspectives on addressing injustices, the legacy of authoritarianism, and the erasure of narratives about past and ongoing crimes. Although they distinctly narrate experiences of harm, they both approach fiction as a means to prevent the erasure of such experiences.

6.2.1 Samar Yazbek

Samar Yazbek is an acclaimed author of novels, short stories, scripts and memoirs, who has capital in the local and the global literary field. Even if it was hazardous to criticise the regime directly before 2011, Yazbek consistently tackled authoritarian repression in her writing, driven by the urge to speak truth to power. In the novel *In Her Mirrors* (2010) she experimented with the aforementioned genre of the mukhabarat novel, fiction that critiques the regime's surveillance (Weiss, 2022, p. 186). A second central pillar in her body of work revolves around social issues, including topics such as class inequity and same-sex female relationships. Prior to the uprising, Yazbek's writings did not seem to pose a problem for the regime. As a member of the Alawite community, she had the freedom to choose her subject matter (Al-Samman, 2017,

p. 147). However, this changed in 2011 when she aligned herself with the opposition and publicly distanced herself from the regime. Committed to opposing the silencing of dissent, she felt it her duty as a novelist to contribute to the revolution through bearing witness and preserving collective memory.

When the uprising erupted, Yazbek became one of its literary voices, proffering an aesthetics of resistance.³² Countering the regime's portrayal of the uprising as a Salafified movement, she gave her account of the protests' first four months in *A Woman in the Crossfire: Diaries of the Syrian Revolution* (2012). Her aim was to narrativise the "revolution of dignity" and to take the regime's narrative apart: "Somebody has to smash the narrative of this criminal regime with the truth of the revolution. This is a revolution and not a sectarian war, and my voice as a writer and a journalist must come out in support of the uprising, no matter what the cost" (2012, p. 230). This text can be thought of as a testimonial memoir that records collective experiences while also rendering inner psychological turmoil, combining the chronicling of testimonies and interviews with personal reflections (Weiss, 2022, p. 252). As a chronicler of the revolution, she changed her relationship with others from an observational to an interactive one (Yazbek, 2013). Conscious of the need to preserve the memory of the revolution Yazbek strongly engaged in memory-making: "I am obsessed with memory, I write constantly. Whenever I see a Syrian, I write their story and store it, to the extent that I became a cemetery" (as cited in Stephan, 2022). She did so in a performative way, pondering on the transformation of her role as a chronicler of the revolution to a witness of unfathomable atrocities. In the words of Roger Bromley, she produced "a narrative memory, storying the present and encoding a potential future: imprinting and scripting publicly available signs, symbols and scenes supplemented by the subjective category of the witnessing activist" (2015). Along with other writers of this period of the Arab revolutions, Roger Bromley argues, Samar Yazbek developed "a potential archive, unstable and fragile but articulating the possibility of a future, public commemoration" (2015, p. 223). Bearing witness holds paramount importance for her, as it involves truth-seeking, particularly due to the fact that Syrian victims are deprived of a voice (Stephan, 2022).

³² Hanadi al-Samman argues that Samar Yazbek epitomises bad-girlness in incorporating the *wa'd* archetype of bad girls (see supra) as part of her revolutionary discourse (2017, p. 146). Moreover, her implication in the uprising came at a strong personal cost and stands in strong contrast with the stance of the prominent Alawite poet Adonis who spoke out against demonstrations coming from a mosque" (Creswell, 2017). Yet, Yazbek was far from the only Alawite writer to side with the revolution.

Her strong visibility as an oppositional writer provoked the regime's wrath, subjecting her to violence, intimidation and constant monitoring. When summoned to the offices of the security services, she was forced to descend to the torture chambers. The threat to be forcibly disappeared together with her daughter compelled the author to flee the country in June 2011 (Deknatel, 2021). From exile she continued to reflect on the relationship between commitment to justice and literature and received several awards for her work (PEN International, 2012).³³ Determined to continue witnessing and documenting, Yazbek managed to return three times undercover to Syria, in 2012 and 2013, clandestinely crossing the border from Turkey. These undercover crossings resulted in *The Crossing: My Journey to the Shattered Heart of Syria* (2016), a literary rendition of stories of civilians in high-conflict zones, to create international awareness about Syria's destruction and convey victims' voices: "I didn't write it for the people who told me their stories, because most of them are dead. The people who are still alive can barely afford to eat, so the book is not for them. I'm writing for the whole world to see what the people of Syria experience on a daily basis" (as cited in Papa & Suleiman, 2016). A powerful motivation for writing this journal was to portray the void or absence that Syrians experience, as indicated by the Arabic title *Bawabaat Ard al-'adam/ Gates of the Country of Nothingness*. Yazbek wants to counter the non-existence of Syrians, as an act of defiance and to contribute to justice (as cited Stephan, 2022). Furthermore, she is adamant to show Syrian women's role in the uprising, documenting the experiences of women who were marginalised increasingly. To amplify female voices, Yazbek published *19 Women* (2019) which also illuminates the underlying factors contributing to the failure of the uprising. Moreover, the author points out that victims are not devoid of capacities to resist their victimisation and continues to highlight ongoing resistance.

Beyond witnessing, the author wants to ensure that oppositional voices are not expunged and buried once more (Al-Samman, 2017, p. 216). This fear of erasure arose out of her intimate knowledge about the silencing of women and the personal trauma of ex-communication from her community and place of origin. By and large, her writing is as a response to the regime's intimidation that threatened to silence her and bury her alive, recalling the pre-Islamic punishment of *wa'd*, in which a girl,

³³ Yazbek was awarded the PEN Pinter International Writer of Courage for her memoir of the early days of the revolution, the Swedish Tucholsky prize in 2012, and the Dutch Oxfam/Pen award in 2013. With the funds from the PEN Pinter prize, Yazbek established several centres for women in Syria, which later evolved into the NGO Women Now for Development.

the *maw'ūda*, was buried alive for the act of treason in leaving the clan. According to Hanadi al-Samman, Yazbek revives the memory of this archaic practice, shifting its application to victimised citizens in the current Syrian context and underlining the similarities in the erasure of victims' narratives. The trope of the *maw'ūda* refers to voices who were forcibly silenced. Using this figure of speech from the personal realm of women, Yazbek reflects harm that afflicts the whole nation: "In Yazbek's diaries, the *wa'd* trope is activated as a symbol denoting despotic practices of authoritarian regimes" (2017, p. 146). Furthermore, by evoking this trope, she condemns the culprits, pointing her finger both against patriarchal violence and the inhumanity of a regime that systematically kills its own citizens. Beyond demonstrating this harm, al-Samman contends, Yazbek also wants to resurrect these buried voices from beneath the rubble (2017, p. 151). In sum, narrative witnessing is also a way to hold on to the memory of the revolution, going beyond the recording of suffering and the ethical imperative not to forget.

Yazbek became strongly engaged in bearing witnessing and truth-seeking, as elaborated in chapter 3, surfacing and foregrounding experiences of those who are often silenced or overlooked. While this commitment has led her to concentrate mainly on non-fiction after the start of the uprising, she defines herself first and foremost as a novelist. She had never planned to take such a deep dive into non-fiction, to the point of leaving novels aside for a number of years. Being unable to write novels and short stories was another form of exile, as she did not find the words to render the destruction she witnessed into language (interview, 6 September 2021; as cited in Stephan, 2022). Moreover, the writer also feels that the exposure to extreme violence caused irreparable personal harm. Five years into the conflict, Yazbek reverted back to writing novels and published *Planet of Clay* and *Maqaam ar-Rih/The Winds' Abode* (2021)³⁴. In the latter, she explores the transformation of the Alawite community, and the way in which the conflict has victimised this community that is often depicted through stereotypes. The author feels compelled to raise attention to complex victimisation, underscoring that while a large part of the perpetrators is of Alawite origin, the community has also suffered from the conflict. Furthermore, she aims to foster self-criticism within the Syrian artistic and justice communities: "I think it is very important that we become the voice of the victims, whichever side they belong to. I am not only talking about the opposition" (interview,

³⁴ This novel was published in Arabic in 2021. At the time of my empirical research, this novel had not yet been translated. It was translated into Dutch in 2022 and was not yet available in English by the time my dissertation was completed.

6 September 2021). Amidst the destruction of Syria, Yazbek seeks to amplify victims' voices through her work. Emphasising the importance of representing diverse groups of victims, she strongly opposes the hierarchisation of victimhood, whereby some victims receive more attention, to the detriment of the suffering of other groups.

While justice is a primary drive behind her writing, Yazbek insists that it cannot eclipse aesthetics. "First and foremost, literature is art and pleasure. Then comes the issue of justice, as it is an essential component of literature" (interview, 6 September 2021). Writing *Planet of Clay* allowed the author to pay attention to the subtleties of language and the primacy of the imagination. Even if it turned out to be challenging, Yazbek refused to advance graphic descriptions of harm: "how to speak about violence or a great tragedy like Syria without touching on blood?" (interview, 6 September 2021). Going against the tendency to visualize experiences of harm, the author obliges the reader to use their imagination. Yazbek posits that this turn in her writing did not meet the expectations of the outside world as the dominant tendency to reduce Syria to the conflict imposes a political lens: "There is voyeurism. The West considers us as political objects, and not as literary people" (interview, 6 September 2021). According to the author, this lens reveals a lack of appreciation for the aesthetic qualities of Syrian literary writing. These observations – echoed by Khaled Khalifa in the next section – underscore the importance of the close reading of both novels and the reader response research (in chapter 7), which centralise the texts and their narrative features, in order to avoid the risk of the essentialisation of artistic practices.

6.2.2 Khaled Khalifa

Khaled Khalifa is a novelist, poet and screenwriter whose trajectory shows many similarities to Yazbek's in terms of productivity, international recognition and justice-related perspectives. He gained international acclaim for his distinct literary style and his engagement with lived experiences of Syrians: fear, humiliation and resistance that ultimately led to the uprising of 2011 (Naëff, 2018). His novels centre around authoritarianism and the suppression of the memory of violence, broaching the political and psychological impact of both state violence and societal conservatism. Khalifa was one of the first authors to tackle the 1982 massacres in the novel *In Praise of Hatred* (2014), exploring a Sunni woman's embrace of sectarian hatred (McManus,

2014, p. 324). Due to practices of silencing and self-censorship, the regime's low-intensity warfare throughout the 1970s and 1980s and the ensuing massacres had largely constituted a blind spot in Syrian cultural memory (Ismail, 2018, p. 8). *No Knives in the Kitchens of this City* (2016) revolves around a dissident family in Aleppo, foregrounding the shame that arises after the failure to successfully challenge political, social and cultural subjugation (Naeff, 2018, p. 145). The author attests that living in a dictatorial regime has shaped his writing, turning resistance against all forms of authoritarianism into a key feature of his oeuvre (interview, 17 March 2021). As mentioned earlier, writing is socially conditioned as the habitus plays a key role in shaping the writer's choices (Bourdieu, 1991).

Khalifa's novels have been banned by the Syrian authorities, which has led him to publish his work in Beirut. Furthermore, in 2012, while attending the funeral of a murdered friend, the author was subjected to an attack by members of a paramilitary group and security officers, resulting in a broken hand (Marrouch & Sande, 2012). This act carries significant symbolism, reminiscent of the attack against cartoonist Ali Ferzat in 2011, whose hands were also broken by regime thugs. Despite the continuous threats of violence and the censorship, the author has refused to leave Syria. In a documentary film dedicated to his peculiar parcours, *Exiled at Home*, the author insists that it would be impossible to collect and share stories from his broken country while in the diaspora: "I don't want any other place. I can't go anywhere else and create a new memory" (Sinjab, 2019). Thus, as most of his friends left, he felt as if he had been exiled in his own country, forced to arrange his life around his friends' absences (Khalifa, 2017). Notwithstanding the hardship, Khalifa considers his presence meaningful, to witness Syria's destruction and to signal that he will not be deterred. He sees his writing as a powerful weapon, as he is convinced that "destroying the regime through literature is more efficient than destroying it through politics, because there is no political project so far" (interview, 24 June 2021). While the author sees the potential of literature to shed a light on injustices, he is adamant in his critique of the instrumentalisation of arts: "the worst thing that can happen to writing is to turn into a political report" (interview, 24 June 2021). He is equally critical of the tendency in cultural and political circles in the Global North "to look at our books to snoop on our societies", reducing Syrian writers to political commentators and favouring the production of narratives about the conflict. Just like Samar Yazbek, Khalifa objects to this reductive gaze that forfeits the aesthetic qualities of his work.

As he is sceptical of the trend towards writing about the revolution, Khalifa originally decided to refrain from addressing the conflict. Writing about harm should arise from a “cold” place, in his words, allowing some spatial and temporal distance from the turmoil (interview, 17 March, 2021). Devoted to writing historical novels, the author ventured into new terrain with *Death Is Hard Work* (2019), a volte face that came about upon his hospitalisation in Damascus after a heart attack in 2013, concomitant with the increase of regime’s bombardments of opposition areas. It was shocking for the author to see that while he received outstanding medical care, nearby neighbourhoods like Jobar were besieged and bombed. Another factor inspiring the novel’s conception were practical concerns over his own fate. What would happen to his body if he were to die? As death was everywhere and bodies piled up in the moratoria, metaphysical questions and anxieties made him revise his intention to keep silent (interview, 24 June, 2021). Nevertheless, he remains committed to the primacy of an aesthetic approach, shying away from overtly political writing. Khalifa continues to interrogate, in the words of Max Weiss, “the politics and pitfalls of perpetual immediacy and instant transmissibility”, thus problematising “the hegemony of speed” (2022, p. 256). While Khalifa questions the abundance of literary production about the revolution, which he defines as “instantaneous writing”, these narratives can with time be taken to a higher level. Moreover, he insists in interviews, writers cannot afford to remain silent in the current violent climate; they need to resist traditional or erroneous ideas and dissect authoritarian thinking (Ackerman, 2021; Daum, 2016; Hastrup, 2013; Moamar, 2022). In Khalifa’s view, writers play a key role in providing counternarratives, to dismantle “the narrative of tyranny and dictatorship” (Mahmoud & Mohammed, 2014). The regime’s attempts at forcible forgetting and its practices of obfuscating facts, as happened during the Hama massacre, strongly informed Khalifa’s writing (Van der Vliet Oloomi, 2017). As I discuss in the close reading, his work contributes to shaping memory by broaching experiences of living under a repressive regime.

Even though the author emphasises the realistic nature of certain incidents in the novel, he does not consider himself as a realist writer, nor does he feel compelled to create narratives that document the actual circumstances during the conflict. While he believes that novels might give readers an insight into occurrences such as the bombing of hospitals or violence against women, documentation is not his primary objective. Above all, he aims to convey that Syrians share similar aspirations and desires with other human beings (interview, 17 March 2021). In his opinion, writing has no sense if it is not close to victims. The engagement with the struggle

of fellow Syrians and the desire to foreground the complexity of experiences of harm, are central in Khalifa's oeuvre. However, as he feels that writing about the Syrian conflict is premature as the conflict is ongoing, he has returned to writing about historical events. The novel *Nobody Prayed Over Their Graves* (2023), set in Aleppo during the Ottoman rule, addresses the Armenian genocide. In his perspective, the current turmoil in Syria is not detached from history, as there are numerous similarities between the past and present: "death is haunting this place" (interview, 24 June 2021). Moreover, the author also wants Syrians to reread their own history as it holds important lessons for today. "Rereading recent history will help us not to repeat the mistakes of the past by depending on external powers that played in the region since the Ottoman occupation and destroyed its idea of coexistence" (as cited in Safi, 2023). The author acknowledges that this novel addressing historical events cannot be read only dealing with the past, it gives an insight in coping with loss and annihilations. Viewing literature as a fundamental aspect of human existence, Khalifa aligns himself with the duty to bear witness and to resist forcible forgetting.

6.3 Close Reading of *Planet of Clay*

6.3.1 Plot Summary

The novel centres around the predicament of Rima, a young teenage girl who gets embroiled in the conflict. After everyone around her disappears, she finds herself confined in a basement in Douma in the aftermath of the chemical attack on 21 August 2013. Prior to her ordeal, Rima lived a secluded life in a small apartment in Jaramana Camp in Damascus. She was isolated as a child because she was labelled mentally ill. Besides having "her brain in her feet" and feeling an irresistible urge to walk, Rima finds no use in "moving the heavy muscle inside my mouth called a tongue" (2021a, p. 16). She spends most of her time on her own, when her mother is out for work. Tied to the bed with a rope she is prevented from walking out. However, Rima does not suffer from her marginalisation, drawing and reading on "her first secret planet" under the bed (p. 238), conjuring up an imaginary world inspired by *The Little Prince*, *Alice in Wonderland* and *Kalila and Dimna*. Then the uprising starts and her brother Saad joins the revolutionaries. Oblivious to the turmoil, she does not understand what is going on. Yet, she notices that life has changed: "I had started to hear planes roaring overhead, our neighbours were disappearing, and

men in normal clothes and military uniforms would burst into people's houses. This was called a security patrol" (p. 22). One morning she goes out with her mother on a visit to Sett Souad, the librarian at the school where Rima's mother works as a cleaning lady, who is leaving Syria and wants to give them some of her possessions. Sett Souad had recognised Rima's giftedness from an early age and had provided her with books and drawing materials. The journey takes hours because of the checkpoints. The first time in two years that Rima sees the outside world, she has a premonition that something strange is going on as her mother is extremely tense. At the last checkpoint, Rima seizes the opportunity to slip away while an official checks whether her mother is on the wanted list. Her mother runs after her, ignoring regime officials' calls to stop. Firing a rain of bullets, they kill her and shoot Rima in the shoulder. "When I woke up, my mother had disappeared forever, and we had crossed the checkpoint" (p. 57). Her failed endeavour to slip away has abruptly cast her into a hostile world. This scene highlights how seemingly innocent actions, both Rima giving in to her irresistible urge to walk and her mother running after her, can have serious consequences in the context of war.

Upon recovering, Rima finds herself in a military hospital, the first of three unfamiliar places that each introduce her to new instances of suffering. A soldier informs her that her brother will collect her. Later, the nurse squeezes a girl into her bed, handcuffing her to the other bedpost. The girl smells of something rotten and her feet are blue and swollen, with blood trickling out of them (p. 66). Witnessing unfathomable violence against fellow patients in the hospital ward, Rima slips in and out of consciousness, wondering why her mother has disappeared and why her brother does not come to get her. Unaware of the uprising, Rima lacks comprehension of the deep-rooted connection between military hospitals and the torture system, nor does she realise that the majority of other patients present there have actively participated in protests. She tries to endure her ordeal by fleeing into her imagination, even if what happened at the checkpoint "has made her lose her memories" (p. 41). After three days, her brother Saad finally collects her. Going home is impossible, though, because of his activism and her mother's death. In another descent into hell, Saad smuggles Rima – tied to his wrist – in a hazardous trip to a besieged area between Zamalka and a nearby village in Eastern Ghouta.³⁵ What Rima experiences there in terms of violence, fear and depravation, eclipses the memory of earlier suffering. She is thrust into a community of insurgents where women and children are separated from men.

³⁵ After rebel groups took control of Eastern Ghouta in November 2012, the regime besieged this agricultural Damascus suburb as of April 2013 for a period of 5 years, the longest-running siege in modern history (UN HRC, 2018).

Through a hole in the door, she observes armed men as they enter and exit. Among them, she finds herself admiring one individual with a camera named Hassan, who turns out to be her brother's friend. Even if it is a strange environment, Rima enjoys the company of Um Saeed, an elderly widow who looks after her and a group of children whom Rima entertains while they are bombed incessantly. Then a bomb turns the courtyard into a pit, instantly killing Um Saeed and two other women: "The bodies had been scattered everywhere, and maybe they turned to dust. The bomb fell right on top of them. Their clay bodies disappeared" (p. 255). Unharmed, Rima falls into a coma-like sleep, sleeping for two days at a stretch.

Saad returns and stays with Rima for four days in the bombed house while he concocts a plan to leave her with another family. The night before the chemical attack, he finally reveals the truth about the siege, giving Rima the chance to reassess her perspective on the conflict. When the thunder of a new explosion sends them tumbling to the ground, Rima and Saad run away, tied to each other until "the sky flamed up and we heard a strange sound" (p. 66). His friend Hassan, with whom she falls in love, accompanies them. They run into a four-story building where they find entire families who succumbed to the sarin gas. Horrified by the situation, Saad requests Hassan to take Rima to the Arbin neighbourhood, much to his dismay, as Hassan yearns to be actively involved in the struggle. They are not safe as planes come back to attack the ambulances and shell survivors who climb to the roofs to escape the sarin gas. While on the run, they are exposed to another bombardment. They manage to survive, while Saad probably dies. Hassan drops her in a truck that takes them to the field hospital of Arbin, and makes sure that she does not succumb, by slapping her face and spraying water on her. Surrounded by bodies of those who succumbed, she realises that she narrowly escaped death. "I knew that I was dying. Everyone around me was dying. I saw several children go limp and close their eyes, and there was a man shouting at his son while spraying him with water: *Baba, don't go to sleep*. And I saw the boy close his eyes and sleep. I saw them all do this. They were trying to wake a group of lumps, limp and swinging in the water (p. 197).

After the chemical attack Hassan takes her to Douma, where she seeks refuge in a basement filled with stacks of cardboard and paper, accompanied by other survivors. Upon recovering, Rima finds herself lying on a bed, dishevelled and covered by stinking clothes, close to a window from which she sees a piece of the sky. The women who have to look after her, are clearly annoyed by her presence. Hassan comes back twice to check in on her briefly before dashing off with his weapon.

Although abandoned, Rima does not feel lonely. Oblivious to her cohabitants in the basement and the relentless bombing, she flees in her imagination, thinking of her saviour. When Hassan returns a third time, she is alone: the other families have escaped the relentless bombing. Although he is aware of the risk he exposes Rima to, Hassan feels obliged to follow Saad's instructions and ties her to a window. When he leaves to document the bombing, Rima finds herself alone in that grim place, suffering from deprivation and loneliness. The boxes of cardboard and a blue pen provide her with a source of distraction while she awaits his return. Undeterred by her isolation and the horrors she is facing – a dog running around with a child's hand in his mouth, the lack of water and food – she continues to believe that Hassan will come for her. Slipping in and out of consciousness, she loses count of the days and slowly perishes, ultimately dying alone in the basement.

6.3.2 “Presencing” Experiences of Harm

In this section, I elucidate how the novel deals with experiences of harm and trauma in the Syrian context, focusing on two related issues. First, I focus on the way in which the witness-narrator, who is an unreliable narrator, represents harm. I argue that it is precisely because of her alleged disability and the way she embraces her alterity that Rima is better equipped to deal with the ordeals of war than most people would be. Specifically, I focus on the narrative form characterised by a lack of narrative cohesion. I explore how this form either enables or inhibits empathetic reader responses to the traumatic experiences that the text aims to convey. Next, I examine the representation of traumatic experiences. Paying specific attention to the ways in which the text evinces the senses, I argue that the novel bears witness to an experiential form of trauma.

The novel straightaway presents the reader with the main topics: Rima's isolation, the threat of the airplane that circles over her head, her odd condition and her desire to leave a trace, to ensure that these experiences of harm are not forgotten. Testifying from the basement where she will perish, Rima is all too aware that her attempts to leave a record might be in vain. “Everything I'm writing to you could vanish, and it will be a strange fluke if you have the chance to read it, like the fluke that made me so different from other people” (p. 13). By conjuring up the presence of the narratee – the hypothetical person whom the narrator is assumed to be addressing – as a secondary witness, Rima tries to offset her loneliness. This also implicates the reader,

by addressing a responsibility in reading and responding to this narrative rendered through the voice of a vulnerable teenager. Unceasingly, Rima implores the narratee to stay with her, asking questions and even giving them advice on how to ward off the fear of the planes. Having been involuntarily involved in the violence, Rima has turned into a witness-narrator, making use of the stacks of paper and the abandoned blue pen to grapple with the complete arbitrariness underpinning her suffering. Throughout the text, she elucidates her urge to testify: to remember, to hold on to her imagination, to tell a story. Through the use of this narrative technique of a witness-narrator who draws in the narratee, as if they are part of this ordeal, the text foregrounds those horrific experiences of harm.

The narration is digressive, circular and fantastical, moving constantly back and forth between the narrative time and the story time. The first-person narration gives the impression of an eyewitness testimony. The use of narrative unreliability – a key feature of the novel as I argue below – signals that this is an individual account of harm, which might be flawed but is nevertheless truthful. Rima's isolation and odd condition give her a different perspective, making her a potentially more trustworthy narrator in some ways, as she lacks any political motives. The protagonist's inner world is evoked through the adoption of the technique of stream of consciousness, giving a human face to experiences of harm. At the same time, the surreptitious digressions break the flow of the narration, demanding an effort on behalf of the reader to mitigate the absence of narrative cohesion. Accordingly, the narrative also makes the reader conscious of the fact that they cannot grasp the full extent of the traumatic experiences, as discussed in chapter 7. At this point, it is worthwhile to consider how the narrative style impacts the possibility of sympathetic identification and the limitations of empathy. The readers' distance from lived experiences of Syrians such as sieges and chemical weapon attacks renders it quasi impossible to imagine that they could be like Rima, or to imagine her as an alternative version of themselves (Hunt, 2007, p. 32). The narrative style averts the danger of the reader's overidentification with the narrator through what Dominik LaCapra calls "empathic unsettlement": the reader bears witness by putting themselves in the other's position while recognizing the difference of that position (2014, p. 102). Throughout the text the reader is cognisant of the barrier that separates them from the protagonist. However, this distance, combined with the aforementioned climate of uncertainty and the issue of the unequal distribution of empathy for different victim groups and the hierarchisation of victimhood, also renders an empathic encounter challenging (Aschheim, 2016, p. 26; Craps & Rothberg, 2011, p. 518). Due to the increasing

invisibility of Syrian victims and the protagonist's alterity, the reading act could also turn into an experience of abjection, in which the reader feels – in the words of Samuel Durrant – an “object identification with the difference of the other” (2004, p. 47). When it is not possible to gain imaginative access to lived experiences, Durrant argues, the narrative focus might mainly lie on subaltern characters whose subject position the author does not share, emphasising their “invisibility as subjects” (2004). The latter is not the case in *Planet of Clay*, as the novel seeks to counter the invisibilisation of experiences of harm suffered by the protagonist and other characters. Yet, as discussed in the next chapter (7), the aforementioned narrative techniques of digression and narrative unreliability could contribute to a feeling of abjection on behalf of some readers.

Thus far, I have focused my attention on the narrative form and the way it allows or precludes empathetic responses. In the remainder of this section, I analyse how the narration addresses these situations of extremity. I suggest that it does so in two ways, by advancing mimetic representations of reality, and more importantly, by evoking suffering in a sensory manner. I posit that rather than evoking closeness to Rima's lived experiences, the references to the senses render it possible to recognise her humanity by “presencing” these unimaginable experiences of harm, or to speak of the unspeakable. My central argument is that although the text occasionally relies on mimetic representations to emphasise the realistic nature of events, its primary purpose is to immerse readers in the first-hand experiences of harm and let them feel the suffering. Before elaborating that argument, I shed light on some mimetic representations of harm in the novel.

Sporadically, the text resorts to mimetic representation of harm, all the while imposing the task on the reader to make sense of the suffering. Rima seeks to accommodate the narratee by sticking to a storyline and disclosing information that fits in an established framework. Her naïve and straightforward way of sharing her observations renders the narrative all the more shocking. For example, in one scene Rima observes a dog digging in a pile of rubble from her basement. When the dog runs away, she notices it is holding a small hand: “It was in the skinny dog's jaws. Its colour wasn't clear, like the colour of the cement” (p. 232). Seemingly careless, she describes the annihilation she witnesses with a focus on presenting the facts, devoid of any sensationalism.

These referential modes of testimony are particularly evident in the descriptions of the chemical attacks in Ghouta, which are at the centre of the novel. The attacks

are mentioned explicitly only once, when Hassan shouts “Chemical!” This was an expression that Rima did not understand in that context, associating it with chemistry at school. Throughout the rest of the text, the “story of the bubbles” (p. 154, p. 167) is evoked by effects, such as the sickening odour, the colours, and the pustules.

Now, in the cellar where I am writing to you, I am trying to write the story of the bubbles by drawing letters. I will be optimistic and assume you will be able to solve this riddle of letters and drawings. The important thing is that just then, while the sky above us was coloured by the lights of the fires, we heard the roar of nearby planes, and a scream filled the place, and everyone went outside and ran. The sky became orange, red, yellow, and I ran with my brother (p. 168).

The aftermath of the chemical attack is described in a realistic way, with survivors trying to escape exposure to the gas, double tap attacks, and the discrimination between men and women when it comes to treatment. Rima and Hassan are taken aback by the bodies scattered on the ground. While the men are naked, the women on the opposite side are fully dressed. “There were bodies of women thrown all around me, and the women were dead, and they were wearing all their clothes but they were soaked with water” (p. 193). This scene, based on confirmed evidence as conveyed by human rights activists like Razan Zeituneh to whom the novel is dedicated, presences the experience of women who are left to die, because men consider the taking off of women’s clothes haram, an act forbidden according to Islamic law.

At the same time, the text complements referential modes of testimony with experiential, sensory evocations of harm. Lying on the floor of the field hospital, Rima is reminded of a painting by Marc Chagall: “There was a room soaked in water and we were swimming in it like paintings, there were souls rising to heaven, children and women and men, more children and women than men. I was able to tell the souls apart from each other” (p. 190). The contrast between this and other sensory evocations of experiences of harm and the aforementioned realistic representations brings to mind Charlotte Delbo’s distinction between common and deep memory (2001). Delbo understands ordinary or common memory as representational, the memory that is connected with the thinking process and with words, that can be communicated to a wider audience and is pegged to an established framework of reference. Common memory is the language that enables memory to be transmitted and understood. Conversely, deep or sense memory registers the physical imprint of

the event. It involves seeing rather than thinking truth, and operates through bodily affect (Bennett, 2005, p. 26). Rima depicts in a sensory manner the immersion in death and horror: this time the living and the dead exist in close proximity. By emphasising her ability to distinguish the souls apart, she highlights that they are not just a mass, as portrayed in the media, but rather individuals with distinct identities. In this way, the novel stresses the importance of bearing witness through literary accounts of harm, with Rima as a witness-narrator whose sensory witnessing counters the factual accounts of harm that are common in media reporting.

6.3.3 Multiple Truth Claims

I suggest that the text plays with the theme of truthfulness in order to create affective resonance. Firstly, it toys with the concept of narrative reliability, highlighting that there are other forms of truth besides factual truth. In foregrounding experiential truths, the text aspires to provide a form of authenticity, as the voice of the victim offers a kind of truth that documentary evidence, reports, or legal determinations cannot provide. While the novel does not refer explicitly to these forms of documentation, it draws on eye-witness testimony by witnesses, one of whom was the famous lawyer and human rights defender Razan Zeituneh, who was kidnapped by a jihadi group (Kenner, 2013; Schülke, 2021). Secondly, I argue that the sensory witnessing, whereby traumatic experiences are transmitted through the senses, is a complementary form of truth-seeking, reminiscent of witness literature, that provides new forms of knowledge.

From the outset, in the opening scene, Rima addresses the narratee and provides a detailed account of her predicament and her inner life. As a witness-narrator, she attempts to build a relationship with this secondary witness, even if she is aware of the intricacies of this relation. On the one hand, she signals that she is not a reliable narrator, drawing the attention to her untrustworthiness, and relating her digressions to her lack of formal training, thus imbuing the narration with a childlike character. On the other hand, she is determined to be taken seriously, and she frets over the secondary witness not believing her and rejecting her account. Hence, she insists on knowing the world despite her lack of exposure to it:

I know the world, and it is a secret that no one else knows. My secret is that I have known the world all along. I really did know the outside world, because of my muteness, and you're probably surprised by that but I assure you that I

learned all about the world by stopping my tongue from moving. And through books (p. 221).

Rima's unconventional way of seeing the world makes her stand out as an ideal witness-narrator about these experiences of harm that often defy rendition through discourse. The choice of narrator is a solution to render the futility of recounting horrendous events possible, in order to make something happen and turn the reader into a witness too (Davidson, 2003, p. 164). Addressing a secondary witness who might be familiar with the conflict, although not directly involved in it, the witness-narrator rarely refers directly to the conflict or the perpetrators of harm. Rima does check whether the narratee has sufficient background to understand what is happening: "Do you know what a revolution is? A revolution is what makes planes drop barrel bombs on us" (p. 147). Repeatedly, Rima implores the narratee to stay with her, to take a leap of faith, acknowledging that she might be asking too much, that her testimony will disappear or that the narratee might be lost in the story (p. 121). This might be seen as an implicit reference to the reigning climate of distrust over truth claims in the Syrian context. By no means does Rima aspire to deliver a comprehensible account; she repeatedly apologizes for her lack of coherence and is aware of her digressions: "Let's go back to the story so that you and I don't turn into splinters of broken mirror in the fairy ball and get all the facts mixed up" (p. 108). What she demands is belief in her subjective testimony, alternating factual witnessing with more experiential forms of testimony. Yet, Rima is aware that in order to be believed and effectively appeal to the narratee's responsibility, she must adhere to an established narrative structure and present factual information.

The remnants of the bomb I saw were nothing more than metal fragments that didn't look like anything. When it fell from the plane it turned into a beast, and I couldn't understand how they could manufacture these things all at once just to throw them over these small, narrow houses which looked like old scribbles! Doesn't this matter to you? Because I have to arrange the story for you, just like I did with the story of the checkpoint and my mother's fall, and just like I did with the bald girl. Supposedly a story has a beginning and an end (p. 144).

This choice of narrator adds an additional layer of responsibility upon the reader. They are challenged to respond to the narrative's revelations and complexities, and to discern its truthfulness.

It is noteworthy that Rima insists on the truthfulness of her tale, on its evidentiary nature as it were, with her testimony serving as evidence of the harm that has occurred: “Don’t think that what you are reading is a novel. What I’m writing is the truth.”³⁶ This brings to mind Charlotte Delbo’s testimony about her camp experiences: “Today, I am not sure that what I wrote is true. I am certain it is truthful” (Delbo & Githens, 1968). Here, the narrator – all too aware of her marginalisation as a consequence of her alleged mental disability – contends that she provides the truth, to convince the narratee that she is not an unreliable narrator.³⁷ Rima’s ability to testify is restricted by her limited knowledge of the outside world and her condition, rendering her an archetypal naïve narrator. Her unreliability might be twofold, both factual, because of her limited knowledge of the conflict, and normative, because her judgements do not accord with conventional notions. Paradoxically, her unreliability makes Rima “an ideal witness” because of her unique perspective on the conflict – untainted by biases – and her ability to draw on a different sort of knowledge that might be more fitting to capture the unfathomable. Moreover, she manages to render a factually correct account of the siege, the bombardments, and the aftermath of the chemical attacks. Despite her idiosyncratic expressions, Rima’s judgements strike readers as sound: she deals with horrific suffering, manages to survive, understands that everyone around her disappears and accepts that she too will disappear. As I argue below, the text encourages readers to reassess their perspectives on reliability.

A second issue I want to highlight, is the difficult relation between experiences of harm and representation. Rima contends that words fail her and that any attempt to render her experiences through words is to no avail. Rather than relying on *logos*, she prefers communicating through drawings. “Drawing is better than words. If I had my paints, I could make you understand me much more clearly” (p. 219). Ultimately, she is forced to rely on *logos* as she only has a blue pen. This insistence on the fallibility of words is reminiscent of witness literature, a literary genre that foregrounds experiences of extreme situations that originates in the literature of the Shoah. As mentioned in chapter 3, the leading first-generation scholars of literary trauma theory argued that it is extremely difficult or even impossible, to reproduce traumatic events adequately in language. While I follow more recent scholarship that pushes back against the notion of unspeakability (Craps, 2013; Gibbs, 2014; Luckhurst, 2013), I do see value in the evidentiary, experiential literary mode

³⁶ In the Arabic text: الواقع /*al-Waqiʿ*, reality, the real, material world (Hans Wehr dictionary).

³⁷ Wayne Booth first introduced the notion of an “unreliable narrator” (1983), describing a narrator as reliable when they speak for or act in harmony with the norms of the literary work or the implied author, the construct that the reader creates. Conversely, an unreliable narrator deviates from the viewpoints or intentions of the implied author. What is relevant for this analysis, is how general effect of unreliable narration foregrounds peculiarities of the narrator’s psychology.

described to transmit pain, and to generate an affective response.

6.3.4 Epistemic Resistance

From an early age, Rima resists social norms and expectations. Both her self-chosen muteness and her desire to walk, symbolize her penchant for resistance. Her environment, however, fails to grasp her character and intentions. Even her mother – who had refused to take her to a mental hospital as a child as “her brain is fine” – fails to investigate the paradox between her daughter’s muteness and her ability to recite the Qur’an. The only person who recognises and stimulates the young girl’s giftedness is the librarian Sett Souad. Rima’s urge to walk is both intuitive and rational: it is not only a manifestation of her desire for freedom, but it also signals her resolve to choose her own path. Rather than stemming from an erratic mind, this determination flows from independence of thought. She is a walker who obeys her inner voice and adheres to reason, rather than a lost wanderer who roams around idly. The novel’s Arabic title *Al-Mashā’u*, the walker, refers to Aristotle’s Peripatetic school, whose members are the Peripatetics, or *al-Masha’un*, those who are walking/wandering. Samar Yazbek relates Rima’s behaviour to this movement of the mind, defined by rationality (interview, 6 September 2021). Rima’s choices are deliberate and are manifestations of her resistance. Her imposed immobility and muteness are connected: as long as her environment prevents her from walking around freely, she will not break her self-imposed silence and follow their rules. Rima’s condition symbolizes the struggle of many Syrian women who are silenced. At the same time, her fight is emblematic for literature’s prominence in times of war, according to the author: “As the famous saying goes “O death, all arts have defeated you”. Rima’s voice is this voice” (interview, 6 September 2021).³⁸ Thus, *Planet of Clay* can be read as a novel that pays tribute to the power of artistic practices in times of war, signalling that the imagination is more powerful than reality.

Fundamentally, Rima’s refusal to talk is a conscious choice, and therefore an expression of resistance. Even if she loses her speech during a moment of shock, ultimately she sees no use in speech in the context of the systematic violence around her. At the age of four, taking advantage of a brief moment of inattention, Rima rushed off to the street where she was quickly encircled by a group of people: “They asked me my name and what my family was called, and at that moment I lost the power to speak - or so I believed because I couldn’t remember my voice, and I couldn’t remember

³⁸ Reference to the Palestinian poet Mahmoud Darwish.

anything except how to chant, to recite the Qur'an using *tartil*" (p. 18).³⁹ When asked by a girl with whom she has to share a bed in the hospital whether she is mute, she answers affirmatively, while she insists to the reader that she is not mute:

I could recite the Qur'an, but I had no wish to speak. And I loved reading *The Little Prince* out loud when my mother and brother were out of the house. How could I tell her that I had never found any need to move my tongue (p. 86)?

Rima prefers staying silent as long as she is not seen and heard. Rather than playing along by rules she rejects, Rima prefers fooling the world around her, to the point of betraying her mother and brother. Yet, those who are willing to pay attention and share the power of the imagination, such as Sitt Souad and the children in her first shelter in Ghouta, hear Rima's distinct voice and can interact with her. The broader environment's inability to hear Rima alludes to the silencing of dissent. This evokes Arundhati Roy's words: "there's really no such thing as the "voiceless". There are only the deliberately silenced, or the preferably unheard" (2006, p. 330). In sum, while the text adheres to the traditional trauma aesthetic, the fact that the protagonist's silence is self-imposed defies the reader's expectations, as many representations of traumatic pain feature characters who are struck mute by their harrowing experiences. Conversely, Rima's muteness is a conscious, deliberate choice rather than a symptom of trauma. The fact that she can recite the Qur'an and could speak if she wanted to, seems to align the novel with critiques of the axiomatic "trauma paradigm" (Craps, 2014; McNally, 2005a; Pederson, 2014).

Taking the issue of voice and resistance a step further, the author insists that Rima echoes the voice of Syrian women and women in the Arab world, victims who refuse to be forced into passivity. Samar Yazbek objects to how discussions about women's status in the Arab world more broadly are often reduced to sexual freedom or legal equality with men; there are other forms of freedom that women aspire to: "Rima wants to liberate her mind, and to go beyond it, so she objects, and her method of objecting to societal violence and the violence of war is to stop talking and to walk without stopping" (interview, 6 September 2021). In the following analysis, I hone in on Rima's remarkable capacity to tap into various sources of knowledge, enabling her to articulate the otherwise inexpressible. Through the vivid evocation of her senses, she effectively conveys experiential knowledge, overcoming the inability to

³⁹ *Tartil* means harmony and order. It is a Quranic term that is used for the recitation of the Qur'an, articulating and reflecting on the verses.

represent experiences that resist cognitive processing. It could be argued that Rima's unconventional way of seeing the world allows her to tap into different ways of knowing. While her environment fails to look beyond her alterity and recognise her intelligence, she benefits from her isolation to become a knower. Coercion does not abate but rather nurtures her desire to be free. Even if her seclusion deprives her from essential information to grasp real-world dynamics, she is better equipped – due to her mental strength – than most other people to endure the ordeals of war. While Rima misses her mother and brother, she manages to navigate the shadowy underworld to where she is resigned. Even in hell she envisages being free:

I would be alone at last and I would walk, and I would understand the end of all the walking and the movement of my feet, where my brain lived. I thought how I would keep walking, and perhaps on my long journey I would move my tongue again, and see wonderful things, and perhaps I would jump onto a strange, faraway planet (p. 74).

Rima associates speech with freedom. When the time is ripe, she will end her muteness. While her environment fails to grasp her intelligence, she retains control.

Even if she is not considered a knower and she is not well equipped to transmit information, Rima wants to be seen as a knower. Rima is cognisant of the impression she makes and her otherness, yet this does not deter her from passing on her knowledge. Despite the lack of recognition, she also insists on her brightness: “If I had succeeded in speaking, I would have been a maths scholar for sure, my mother always said that I was bright” (p. 117). As Rima juxtaposes prodigious ability and disability, I suggest that we consider her as an idiot savant. Idiot savants are noted for exceptional mnemonic skills, artistic talents, and musical skills (Treffert, 1988). Inspired by Rosella di Rosa's analysis of Eliza Morante's Antigone in *La serata a Colono*, I further argue that Rima is a model of defence for humanity in times of war (2018). She continues to care about others, and show empathy despite the rejection she receives. Just like Antigone, Rima is endowed with qualities that extend beyond traditional interpretations, allowing her to see different facets of reality and to better endure the horrors of war. This manifests itself in her first shelter. When everyone runs for cover from the planes, Rima remains standing where she is. While they think she is mad, she knows that running for cover is futile:

The strange thing is, I thought every one of them was an idiot when they were

crawling like columns of ants scurrying for cover under the plane's roar. Why were they doing that? They would have died anyway if a plane had dropped a bomb on the area—only chance would save them (p.116).

Despite her initial ignorance about the war, Rima displays remarkable presence of mind when faced with bombardments and chemical attacks. Her ability to withstand the injustices she has experienced during her early life transforms her into a capable survivor. She is fully aware of her impending fate and the perspective of fading into oblivion. “The pen hasn't run out yet but the blue has faded. Some of the letters disappear and I rewrite them ... Perhaps I will stop at any moment” (p. 313). While she does not give up the hope of being rescued, she harnesses the power of her imagination to reconcile herself with her fate and transcend the horror of a slow and solitary death.

6.4 Close Reading of *Death Is Hard Work*

6.4.1 Plot Summary

Khalifa's novel recounts the hazardous journey of three siblings who travel across fragmented Syria to bury their father in the north of the country. At the deathbed of his father Abdel Latif, Bolbol promises to fulfil his last wish that “his bones would rest in his hometown beside his sister Layla” (2019, p. 3). Residing in the besieged rebel town S., Abdel Latif had lived separated from his three estranged children. When his end neared, his new spouse Nevine refused to have him buried in the local cemetery next to her first husband, and rebel fighters had to smuggle the emaciated, starving man to Damascus. There, his son Bolbol tended to his ailing father during the final months of his life. Out of a sense of duty and obligation, he had made the unrealistic promise to bury his father in his ancestral village, Anabiya.

Right after his father's passing, Bolbol becomes deeply regretful of the promise he made, fully aware of the challenges and complexities involved in fulfilling it due to the ongoing conflict that makes a dignified burial unattainable. He anxiously frets over his father's return to Damascus, realising that if Abdel Latif had passed away just three months earlier in rebel town S., his only responsibility would have been to receive the news of his death, without the weight of the impractical promise. Yet,

much to his regret, the scenario of a peaceful, distant burial had not materialised, and now “death had become hard work. Just as hard as living in Bolbol’s view” (p. 41). In this manner, Abdel Latif had successfully exerted his influence over his fainthearted son one last time, drawing him into the conflict, despite Bolbol’s deliberate efforts to distance himself from both the political upheaval and his family’s affairs. He lives on his own in a regime-friendly Damascus neighbourhood, isolated from his neighbours, fearful that they might rape him for suspecting him of concocting a conspiracy. He is terrified to be linked to his revolutionary father and tries to hide his background, cursing his place of origin, the rebel town S. Abdel Latif’s favourite saying is that “the children of the revolution are everywhere” (p. 48), yet Bolbol is anything but a son of the revolution. Because of his father’s futile – and ultimately selfish – request, he is obliged to travel to rebel-held territory. Despite his resentment against his father who – even in death – prevents him from living the life he settled for, Bolbol is determined to keep his promise and implores his siblings Hussain and Fatima to join him.

Spending time together for the first time in years, they set out on an unpleasant and tense journey in Hussein’s minibus. In normal times, this trip of less than 400 km north of Damascus would take about five hours. However, three years after the start of the 2011 uprising, Syria is a fragmented country, riddled with checkpoints controlled by the Assad regime on the one hand and various rebel groups and even the Islamic State on the other. The siblings are exposed to arbitrary violence and detention by both Syrian regime soldiers and a jihadi group, they witness gruesome scenes of abandoned corpses and are confronted with harrowing corruption. The journey is extremely delayed by mishaps and brings to the surface strong tensions between the siblings, originating in the complex relationship with their father. The trip further embroils the relations between the siblings, even resulting in a physical fight when Hussein wants to throw the body out into the open air and kicks Fatima who tries to stop him, and Bolbol rushes at Hussein. Moreover, the journey brings back memories of the past, of their problematic family relations, and most notably of their aunt Layla who had committed suicide to escape an arranged marriage. Her brother Abdel Latif had been unable, and unwilling, to stand up for her, an aberration that haunted him for the rest of his life.

The journey brings no closure in terms of coming to terms with the past and mending family relations, but adds to the siblings’ grudges. The bickering over the fate of the rotting corpse, its disintegration and the lack of dignity, even strike Bolbol numb, to the point of no longer caring if stray dogs would get hold of the body. In the end, the

siblings make it to the village, but they are unable to fulfil their father's wish. Their cousin, a combatant in a jihadi group who temporarily rules the village, decides that the body will be buried at the other side of the cemetery, separated from Layla. "The grave was isolated in a distant corner of the graveyard. He had lived at a distance and had to be buried at a distance - but in the end he had a grave, and that was no trivial thing" (p. 178). Ultimately, Abdel Latif remains an outcast, even in death, as he was unable to get redemption. It is unclear whether he can cross the *barzakh*⁴⁰, the purgatory, and make it to the other side. Likewise, Bolbol is unable to realise his dreams and make it to the other side of the border. Despite his intention to leave the country for Turkey, he finds himself unable to cross the border at the Bab as-Salama crossing and returns home with his cousin. The ordeal has led to a personal transformation, persuading him to re-embrace his – almost forgotten – original name Nabil.⁴¹ Yet, he is unable to break definitively with his past. Bolbol returns defeated to Damascus in the company of his siblings subdued, intent on resuming his normal life.

6.4.2 “Presencing” Experiences of Harm

Death Is Hard Work falls under the trauma paradigm, even if it might disrupt conventional expectations regarding how fiction can represent traumatic experiences and the form a narrative of Syrian trauma might assume. The novel is construed as a linear and straightforward narrative, shying away from experimental strategies. I argue that classical, straightforward textual strategies can be just as effective in conveying experiences of harm as avant-garde, modernist strategies, concurring with Stef Craps (2013, p. 39). Moreover, I argue that *Death Is Hard Work* is not structured with the intention of eliciting empathy from its readers. The text works towards the readers' recognition of harm. To support this stance, I analyse the narrative structure's role in facilitating or hindering empathetic reader responses. Moreover, I scrutinise how the text depicts daily reality in a context of civil war; it does not mimic the experiences but adheres to mimesis to evoke traumatic suffering. I also examine intertextuality as a lens through which lived experiences are presented, highlighting the evident references to William Faulkner's *As I Lay Dying* (1996) and Abu l-'Alaa al-Ma'arri *Epistle of Forgiveness* (van Gelder & Schoeler, 2013).

⁴⁰ The Persian word “barzakh”, means limbo, barrier, partition. It is used in Arabic to denote a veil or a barrier. “Al-Barzakh” is the period between a person's death and his resurrection.

⁴¹ Bolbol is a nightingale or a small bird. It is a nickname of Nabil (nobel) and can also be associated with “balbala”, to disquiet, rouse, trouble, disturb or “tabalbala”, to feel uneasy, to be confused.

Death Is Hard Work can be interpreted as a subdued *cri de coeur* about the living hell Syria has become, through the storyline of a family drama. In doing so, the novel paints another picture of what life in warzone is like, one that is less covered by trauma narratives in the Global North. While it belongs to the trauma genre, the text can be differentiated from trauma narratives dominant in the Global North, that show a preference for avant-garde narratives and post-structural techniques. The idea of trauma as a failure of understanding gave rise to the notion that the experience can best be represented through the disruption of conventional modes of representation, and hence a preference for avant-garde narratives (Craps & Buelens, 2008). As Alan Gibbs notes, the aesthetic and thematic norms of the dominant trauma genre in the Global North suggest that there is a template to render traumatic experiences, attesting to notions such as the unspeakability of trauma, “which risks making trauma sublime” and foregrounds Western-based perspectives (2014, p. 26). Gibbs challenges the widespread assumption that trauma is only representable through the employment of radically fragmented and experimental forms (2014, p. 26). Leaning closely to realist writing, *Death Is Hard Work* lies at what Gibbs calls “the opposite end of the spectrum of trauma representation” (2014, p. 32).

The novel challenges the widely held belief that trauma inherently prevents the possibility of narration, thus questioning the supposed unspeakability of trauma. While it cannot altogether be dismissed, accepting the idea that trauma is beyond words, or unspeakable, could add to the erasure of lived experiences. In examining how the text plays with the notion of speakability, I suggest that it attempts to evoke experiences of harm through the appeal to literary realism, shunning non-linearity and experimental narrative techniques. While the text combines instances of punctual and insidious, long-lasting trauma – the horrific road trip and the structural violence that the siblings have undergone – it does not conform to conventional literary techniques in the trauma genre, nor does it feature characters who suffer from flashbacks, nightmares, and do not have access to memories of the originating cause of their suffering (Gibbs, 2014, p. 26). The opening scene sets the tone, indicating how the narrative is construed to accommodate an account of extreme harm rendered in a distant, ironic way:

Two hours before he died, Abdel Latif al-Salim looked his son Bolbol straight in the eye with as much of his remaining strength as he could muster and repeated his request to be buried in the cemetery of Anabiya. After all this time, he said, his bones would rest in his hometown beside his sister Layla; he

almost added, Beside her scent, but he wasn't sure that the dead would smell the same after four decades (p. 3).

It could be argued that the cursory narrative style reflects the protagonists' subjection to maddening experiences of harm and their barren inner world. The use of an authorial, omniscient narrator, shapes the novel's detached style. Through sporadic use of character focalisation, the reader acquires an occasional insight into the protagonists' inner world, allowing them to gain some proximity to the protagonists who – apart from Abdel Latif, who continues to possess a strong will as a corpse – mostly passively undergo the events and are bereft of agency.

The factual style used to depict the siblings' comatose state stands in clear contrast with the flowery language used to convey Bolbol's feelings for Lamia, his college sweetheart to whom he never declared his love, allegedly because she is a Christian, but in reality he is paralyzed by fear:

Discovering love is like seeing a bouquet floating down a river. You have to catch it at the right time, or the river will sweep it away: it won't wait for long. You have only a few intense, mad moments to give voice to your profound desires. In fact, there had been plenty of bouquets floating tranquilly by, rocking gently close at hand, easily within Bolbol's reach (p. 65).

There is a stark contrast between the embellished, lyrical descriptions, conveying strong sentiments, and the matter-of-fact language, devoid of emotionality that is used in the remainder of the novel. This is the sole section in the novel that directly appeals to the reader's emotions, drawing them into the characters' sentimental life. It alludes to the remnants of humanity, something that cannot be crushed in a person even after they have turned into a ghost of their former self.

Yet, overall the text does not aim at making the reader feel empathy. Without seeking recourse to symbolic language, the novel gives an overview of the traumatic experiences Syrians are exposed to, in particular human rights violations such as enforced disappearances, incarceration, torture, sieges, bombings of civilian infrastructure, and sexual and gender-based violence. The narrative superficially presents some chilling instances of extreme suffering. When imprisoned for the first time, Bolbol summons up tales of horrendous torture endured by detainees. "The facts related by those fortunate enough to be released from cells like these were

discussed and circulated everywhere, too terrifying to be believed” (p. 30). Yet, the details about the Syrian prison system and the Syrian polity more largely are missing: it is up to the reader to explore these crimes in detail. The detached style, devoid of emotionality, disrupts readerly expectations about a novel exploring the Syrian conflict. The novel’s matter-of-fact, ironic style makes the deaths and suffering seem like everyday events that no one cares about, not even those experiencing them. I argue that this narrative strategy offsets readerly expectations, as this is not what readers in the Global North – largely exposed to the dominant aesthetic trauma narratives that propose more personal accounts of harm or provide a teleological perspective – (have come to) expect from trauma fiction (see also chapter 7). One concrete example is the numbness of the characters and their overall comatose state, making the text shocking from the perspective of the reader who is used to the numbing of the senses of faraway spectators who are plagued with Syria fatigue. This disruption of readerly expectations foregrounds the people who are caught up in the thralls of war. Moreover, as I argue below, it potentially opens a space for the acceptance of the protagonists’ alterity as the reader lets go of balancing conflicting feelings and accepts that there is no redemption or a hopeful end.

The novel describes lived experiences of Syrians and their exposure to violence, casting Syria as an inferno and a site of devastation. In this context, it is interesting to look at Abdel Latif’s decomposing body as a trope that plays at different levels. On the one hand, it alludes to the decomposition of Syria, a country that falls apart as a result of the actions of different perpetrators. On the other hand, it also represents the futility of life and the absence of dignity in times of conflict. The corpse represents a family’s dignity, and it must be properly buried, yet this comes at a high price. This raises the question of whose dignity or rights are more important: those of the dead or those of the living? How can mourning take place when people’s vulnerability is not recognised and when they seem to fall outside of humanity (Butler, 2016, p. 20)? Mourning is a luxury in a place that faces annihilation: “In recent months, when people died, no one bothered asking after the hows and the whys. They already knew the answers all too well: bombings, torture during detention, kidnappings, a sniper’s bullet, a battle” (p. 40). The harm is so vast that people do not attempt to capture it: “So many people had disappeared in the previous four years, it was no longer even shocking; there were tens of thousands whose fates were unknown” (p. 29). When Bolbol, in order to control an anxiety attack, tells a taxi driver his father died an hour ago in the hospital of old age, the driver mockingly informs him that three of his brothers as well as all of their children had died a month before in an air strike.

“Both went quiet after this; the conversation was no longer on an even footing” (p. 7). The novel makes strikingly clear that death becomes so commonplace that it does not even move people anymore: “tragedies are so mundane” (p. 14) that there is little room to share experiences of suffering, thus preventing the protagonists from acknowledging their pain. This does not necessarily refer to the unspeakability of trauma, but rather to the absence of possibilities to reflect on the suffering and share the pain.

The protagonists are living dead who have given up on their dreams and forcibly engage in an absurd endeavour that is ultimately senseless in their view, and throws them into a new world that is devoid of kindness. Their only coping strategy is silence, as they feel utterly dejected and bereft of emotions.

Silence had settled over the minibus. Hussein stayed silent to stifle his anger; Fatima was trying not to breathe, so they would forget she was there. The sounds of missiles and anti-tank bombs were getting closer; Hussein said dispassionately, “They’re bombing Homs,” before retreating back into his silence. They were all hoping for a miracle to come and save them from this desolation, the fear they couldn’t put into words, which burrowed into them all the same. These lulls offered a rare opportunity to talk but always came at inappropriate times, when no one was capable of speaking (p. 51).

The closer they get to Anabiya, the more the protagonists are at a loss for words. When Bolbol is arrested by an Islamist faction for his erring lifestyle, Fatima loses her voice. “Fatima moved to the front, tried to speak, and couldn’t. She knew she would never be as she was. She was mute, and that was that. She lost all desire to try speaking again and surrendered to her new world” (p. 168). Fatima’s asphyxia is the result of an acute shock, the descent into a hell that she was unprepared for, on top of the accumulation of extreme experiences of harm. Her muteness is a continuation of a lifelong of silences and the silence of deep shock and also bears a relationship to the generalized silence in Syria. I contend that her acute muteness must be read as a result of a punctual traumatic experience on top of undetected, insidious trauma, rather than as a trope for the general unspeakability of trauma in the Syrian context. In this manner the text pushes us to distinguish between the unspeakability of traumatic experiences (the acute impact of the brutal violence faced by the characters) and the presumed unutterability of the generalised violence in the Syrian context, and reconsider the widespread assumption of unspeakability.

The novel brings to bear what Elaine Scarry calls “the difficulty of imagining other people” (1996, p. 98). It presents readers with shocking details that make them aware of this unfamiliar context, posing a challenge to jump into the lives of the protagonists. The onus of sense-making lies on the reader who are confronted with uncomfortable experiences that allow them to see both the “reality” of their own life and the alternative reality the narrative presents (Booth, 1988, p. 177). While the text makes the reader aware of their distance to the Syrian context, it does create a sense of familiarity for the readers in the Global North through references to canonical Western literature. These could be interpreted as ways of making the Syrian victims visible and giving them a place in the experience of readers in the Global North. The plot is reminiscent of the novel *As I Lay Dying* by William Faulkner, the account of the hazardous odyssey of the Bundren family across the Mississippi countryside to bury the deceased mother Addie in the cemetery of Jefferson⁴². At the same time, the plot is also a universal one, addressing a recurrent topic in global literature: how to bury the dead in a dignified way in situations of duress, recalling Antigone’s ordeal. First and foremost there is the failed quest, because the individuals do not give a proper meaning to the ritual; they either lack the spirit or are in conflict with it (Kerr, 1962). While it is hard for the protagonists in *Death Is Hard Work* to respect the ritual of burial, it cannot be denied that they lack the spirit to honour their father’s memory and to respect his revolutionary ideals.

The absurdity of the endeavour brings to mind a second important reference, namely existentialist philosophy, in particular Albert Camus and Franz Kafka. *The myth of Sisyphus* by Albert Camus (1942) is evoked by the Arabic title *al-Mawt Āmal Shaqq*, which can be translated literally as *Death Is Hard Labour*. The labour points to the sheer senselessness of the enterprise to bury a corpse in a dignified way when death is omnipresent. Furthermore, this labour is pointless as it reverses the habitual order where the well-being of the living is prioritised over the demands of the dead, because “as a general rule, corpses don’t care that much about where they’re buried” (p. 18). Thus, the novel captures the absurdity of the war, which turns human beings into helpless creatures. This evokes *The Castle* by Franz Kafka (1999) which revolves

⁴² The universal plot also sparked a controversy after the novel’s publication. Novelist Lina Hoyan Al-Hassan pointed to the similarity between this novel and an article she had published in 2014 about the painful endeavour to retrieve her deceased brother’s body from Islamist militants. It took her five days of negotiations and a hazardous trip in order to bury him. While not denying the similarities, Khalifa claims not to have read the article prior to the completion of his manuscript. Al-Hassan insists that she shared her account in person with Khalifa. Yet, as a participant in that conversation points out, there is no need for a literary quarrel about the origin of the plot; the reference to Faulkner is hard to miss (Isa, 2016).

around bureaucratic paralysis and countless, intangible obstacles. A case in point is the arrest of the corpse by the security services at a Damascus checkpoint. In a place where life has no value, and corpses are thrown into mass graves because of the lack of graves, Abdel Latif's corpse is of value to several security services who had been looking for him for two years. The lesson being, on the one hand, that even death offers no escape from the cruelty of authoritarian regimes, and, on the other hand, that no one is considered innocent by those regimes. Lastly, the descent of the corpse into the Syrian *inferno* also recalls Dante's *Divine Comedy*. Yet, contrary to Dante's symbolic place, the hell that Khalifa depicts is a living hell on earth, where the checkpoints and the obstacles that the siblings encounter could allude to the different layers of hell (interview, 24 June 2021). In contradistinction to the deceased in the *Divine Comedy* and *The Epistle of Forgiveness*, a book by the medieval Syrian poet Abu l-'Ala al-Ma'arri that made a strong impression on Khalifa, Abdel Latif does not embark on a journey to the afterlife.⁴³ As I demonstrate in the next section, the revolution turns out to be another mirage in a life marked by mirages, of Arab nationalism, social progress, and personal achievements. Progressively, all his ideals were shattered and turned out to be lies, preventing him from getting redemption.

6.4.3 Multiple Truths Claims

The novel scrutinises ambiguities of revolutionary ideals and victimhood in the Syrian context. Through a first focus on the characters of Bolbol and Abdel Latif, I demonstrate that revolutionary ideals often clash with reality. Through a second focus on sexual and gender-based violence, I highlight the complexity of harm in the Syrian context, pointing to different forms of structural and epistemic violence stemming from societal conservatism and political struggles.

A first major truth-related issue that the novels tackles, is the self-representation of revolutionaries. Bolbol is a typical anti-hero who represents the average Syrian. Although he does not strike the reader as generous or remarkable, they gradually get a better understanding of him through character focalisation. While profoundly angry with the regime, Bolbol is afraid of its brutality. To stay out of trouble, he has adopted the aforementioned strategy of "acting as if" (Wedeen, 1998), displaying the president's picture in his living room in case of a visit by the security services. Yet, his

⁴³ *The Epistle of Forgiveness* is a long reply by the poet al-Ma'arri to a letter by grammarian Ibn al-Qarih. Imagining his death and arduous arrival in Heaven, where he meets famous poets and philologists, the letter mocks Ibn al-Qarih's hypocrisy. He also gets a glimpse of Hell, and talks to the Devil and heretics (van Gelder & Schoeler, 2013).

embarrassment over his masquerade is awkwardly clear when a young, revolutionary doctor visiting his father is surprised to see the president's portrait.

The next day, Bolbol explained his position in the neighbourhood, implying that he himself was a clandestine revolutionary. The doctor didn't care for this obvious dissimulation, considering Bolbol's tack to be little better than collaboration with the regime, but he well understood Bolbol's anxiety ... (p. 48).

This character gives a better insight into the complexity of pretending to be neutral while also resenting the authorities, turning him into a universal symbol of fear. Despite his efforts to make something of his life, to blend into his neighbourhood, Bolbol feels a sense of abjection in an environment where he is an eternal outsider, and his world is growing narrower every day. While he is deeply lonely, he refuses to belong to a community, even if this turns him into a social outcast or a coward. Not only does Bolbol doubt the meaning of the revolution and what would be achieved through violence, but he also resents the revolutionaries and more so, the jihadi rebels, as they share the contempt for civilian life with the regime. Through this character, the reader becomes aware how hard it is to break the barrier of fear, one of the main pillars of the state's – and subsequent perpetrators' – coercive authority. His scepticism over the uprising and the promise that it will prevail, put him in the camp of the *al-rumadiyahun*, or the "grey people", the derogatory term used by revolutionaries for people who sit on the fence. Yet, it could be argued that Bolbol remains truer to his inner convictions than his father, or other revolutionaries. Moreover, Bolbol retains his political agency to a certain degree, he stands by his convictions, going against the grain of his family or his neighbourhood. Again, the text defies mainstream tendencies in trauma fiction, where the victims are robbed of their agency and are largely depicted as passive and crushed persons. In this sense, the novel can be seen to admonish the reader not to judge too quickly as a "distant spectator" and assume that they would have the courage to stand up against oppression.

The contrast between the characters of Bolbol and Abdel Latif highlights the problematic binary between brave revolutionaries and cowards. However, Abdel Latif's character also illuminates how revolutionary ideals frequently emerge from personal failures. Proudly pronouncing himself a revolutionary, Abdel Latif believes that the revolution will prevail as the children of the revolution are everywhere. Yet, a huge gap looms between his convictions and his actions. Effectively, Abdel Latif sees

the revolution as the ultimate opportunity to get redemption for the failures in his life. At the end of his life he married his former sweetheart Nevine and tended the graves of the martyrs. Although he was a respectable teacher, he was never really accepted in S. and had to feel this rejection the hard way when Nevine refused to have him buried in the local graveyard. This was not the first time his illusions were shattered. When he was a teenager, his favourite son, Hussein, had stood up against him and condemned his hypocrisy, pointing out that he cared more about his image than about the truth. Tackling his customs and traditions, Hussein ridiculed his father for not knowing what went on in his neighbours' houses. "He didn't know that in this utopia, families sold their daughters to rich Arab tourists who demanded some enjoyment while passing through (of course, legitimised by a temporary marriage contract)" (p. 101). Hussein thought that his father had been cruel and pointed out that he was constantly afraid, of the past, present, and future. Abdel Latif had resented his son's betrayal. When Hussein left home and got involved in drugs and ended up in prison, he did not intervene. His friends had to intercede to obtain his release. Just as he had done in the case of his sister Layla, Abdel Latif had looked the other way. His request to be buried in his village of origin is part of a desire to counter a life of rejection, by his children, his spouses and the community at large. Furthermore, he hopes to get redemption for the failure to defend his sister. He had not stood up against his family who had forced her to marry a man against her will, which had made him complicit in her death: "Her choice to burn on the roof on her wedding day was a clear message to everyone: she would never forgive them. She could have committed suicide in a myriad of ways, but she wanted her story to live" (p. 79). In many ways, Layla's act of defiance makes her a true revolutionary. She inspires young people and her story continues to live, as I discuss below. While this had filled Abdel Latif with pride, it also confronted him with his own cowardice and his opportunistic behaviour. The ultimate failure to reverse his fate and be buried next to his sister seems to indicate that he will not get repair; he will not be remembered as a revolutionary.

A second major truth-related issue that the text highlights, is the obfuscation of the persistent violence against women in Syrian society, past and present. Here, Laura Brown's notion of "insidious trauma" (1995), introduced in chapter 3, comes to mind. Challenging the punctual model positing that trauma is always the result of a single event, Brown argues that events must not fall "outside the range of human experience" in order to qualify as traumatic stressors. Drawing attention to private, secret, insidious traumas, she argues that we must understand "how some experiences have been excluded and turned inward upon their victims, who are then blamed for

what has happened to them” (1995, p. 102). *Death Is Hard Work* makes the experiences of women, who suffer routinely from oppression and sexual violence, central without explicitly foregrounding them, highlighting the way in which violence against women continues to be invisibilised. The first shocking account is that of the self-immolation of Abdel Latif’s sister Layla who had chosen suicide over a forced marriage. Her family wanted to close the subject and erase her memory, diverting the attention from their responsibility for her death:

Her story might be too painful to be forgotten, but everyone was willing to try. They conspired to efface it by concocting fairy tales to cover the truth, relying on the sound principle that if you really want to erase or distort a story, you should turn it into several different stories with different endings and plenty of incidental details (p. 176).

Layla’s shocking death reminds the reader of the self-immolation of the Tunisian street vendor Mohammed Bouazizi, whose act serves as a catalyst of the Arab revolutions, argues Catherine Coquio (2022, p. 232). While the young man wanted to protest police violence, Layla wanted her body to be a torch, illuminating other women. Despite her family’s inability to erase her memory, Layla also did not transform into a formidable icon for fellow women. Instead, her memory persisted in a muted manner, manifested through poetry (2022, p. 232). Nonetheless, Layla does continue to haunt the memory of the living, and her story is shared among lovers who are encouraged by her refusal to marry against her will. Layla’s story epitomises the struggle of many Syrian girls in the 1960s and 1970s who aspired to emancipation and personal freedom, popular slogans following Syria’s independence. In the countryside this often led to tragedies in rural communities, an environment that Khaled Khalifa is well acquainted with.

This violence has largely been eclipsed because it is considered taboo and there are hardly any avenues to discuss it openly and reverse the invisibilisation of harm. This is also painfully clear when it comes to contemporary violence against women. This it is evoked matter-of-factly, in an indifferent manner, which makes it even more shocking to the reader. This is striking in the passage in which Fatima, who is clearly affected by the occurrence of sexual violence, wants to share her discomfort. However, she does not find the right tone or moment. She seizes the opportunity in the van to share the story of her sister-in-law, who had been released from prison the previous week.

The girl's face had turned yellow, she had lost half her body weight, and her head had been shaved to the bone. At night she raved deliriously. Fatima was sure she had been raped while she was inside. Hussein was ready to provide some pithy response, but Fatima went on, saying that the girl had scabies, too, so her family had been forced to isolate her in an old chicken coop on the roof, after all of which her fiancé dropped her and demanded compensation from her family (p. 21).

Her brothers do not appear to be affected by the ghastly details of the suffering that the girl endured, nor the further imprisonment and dehumanization – being treated as a commodity – that await her upon her liberation. This indifference adds to Fatima's worries about sexual violence. When the siblings are incarcerated she asks an old woman if the secret police effectively rape women in detention. The woman mockingly answers: "Men too" (p. 33). The reader is appalled by the cruel indifference related to sexual violence, a taboo in Syrian society that largely remains unaddressed or worse, a crime for which the victim is often blamed and punished. As highlighted in the theoretical framework in chapter 3, literary writings can surface unheard voices. Fatima brings to bear violence that has been systematically invisibilised and even erased, as is evident from her testimony that only meets indifference. The reader cannot remain indifferent but is urged to call on their imagination to fathom horrendous details of wrongdoing that becomes "truer than truth".

6.3.4 Epistemic Resistance

The element of resistance against epistemic violence is present throughout the novel, which challenges dominant narratives of the regime, armed groups and patriarchal society. The text clearly inscribes itself in an dissident logic while also critically questions the motives of oppositional groups and the course that they have taken. On an individual level, it examines the aforementioned binary of brave revolutionaries against cowardly citizens. These elements have been raised and explored in the previous sections. This brief section is mainly concerned with two strands of resistance against epistemic violence. The first is the peaceful political opposition movement that was increasingly sidelined as male performativity came to dominate narratives of resistance. The second is the resistance to the tendency of Syria fatigue, or the global indifference about suffering in the Syrian context.

Despite the failure of the uprising, many revolutionary communities refuse to give up their resistance and resume practices of silencing and self-censorship, holding on to the revolutionary spirit in the periphery. The text demonstrates that family members, especially mothers, play a key role in the search for the disappeared. When Nevin's son Haitham is arrested for providing medical relief to the wounded, she is contacted by a regime official who summons her to pick up his body from the military hospital in Mezzeh. The receipts for the bodies of her son and his friends stipulate that officially they died in a car accident or as a result of some mysterious illness. The fleeting mentioning of the receipt reveal the bureaucracy at work in keeping track of the number of deaths in regime prisons, underling how thought through and planned the regime's actions are. Nevin is determined to reassemble his mutilated corpse, in order to pay her respects to her son and as an act of defiance against the regime she loathes. Against the advice of friends who tried to dissuade her, Nevine is intent on reassembling the dismembered corpse of her son, because other people had also buried the remains of their children.

It wasn't easy to put their friend back together. Haitham's body didn't have any fingers, and the fate of those severed fingers remained a mystery, though his face and most of his other limbs had been returned. He had been shot in the back of the head before being cut up. When they were finished, the body was carried out in a shroud. Nevine lifted the shroud from his face and looked into his eyes for the last time, wanting her hatred to reach its fullest extent (p. 148).

Here, Antigone comes back to mind: Nevine wants to give her son a proper burial, insisting on human dignity in the face of this brutality. This desire pushes her to inflict even more harm onto herself, the message being that no matter how much violence the regime will use, dissidents will not bow. They are all too well aware that the violence of the regime has a clear epistemic function. Through their epistemic resistance, they highlight the meaningfulness of their lives and ideals.

The crude descriptions and the hyperrealism of this passage attest to a desire to provide counter-narratives to the Syrian drama, representing crimes that have gradually been obfuscated. The text exposes the complexity of "presencing" experiences of harm while the suffering is increasingly ignored or even dismissed internationally. Syrian lives are generally not deemed vulnerable, as the increasing characterisation of the conflict as one between the regime and IS has pushed victims to the background.

Thus, victims have not only to a large extent been denied visibility and recognition: their victimhood is also questioned as a result of the narrative warfare. As a response to this epistemic violence, the text holds up a mirror to the reader who has become numbed and seems unable to see and recognise the harm. By giving an important place to the hermeneutically disadvantaged, who are deliberately excluded and prevented from voicing their opinions in their own society, such as Layla, Bolbol and Fatima, the novel pushes back against the Syria fatigue, whataboutism, and the alleged uncertainty over evidence of crimes in the Syrian context. At the same time, the text resists romanticisation of harm and the deliverance of some form of narrative closure. In his analysis of human rights novels, James Dawes states that “what draws readers through the landscapes of ruined bodies is the hope of a just conclusion” (2009, p. 204). The reader understands that there is no hope of catharsis in the end of *Death Is Hard Work*, even if the characters are transformed by the journey. What is at stake is the struggle against the impossibility of a dignified life and death. By foregrounding the hermeneutically disadvantaged who casually bring the most horrific crimes to the surface, the text centres the reader’s attention around overlooked forms of oppression. Hence, it offers both a re-evaluation of traumatic experiences and the ongoing resistance against different forms of epistemic injustices. *Death Is Hard Work* advances a multifaceted understanding of harm and withstands an optimistic discourse of heroism and redemption.

6.5 Conclusion

Planet of Clay and *Death Is Hard Work* epitomise a new trend in Syrian literature towards memorialisation and the construction of a narrative memory of experiences of harm. First and foremost, the novels “presence” various instances of individual and collective suffering, ensuring these are not expunged, neither by the regime, nor by other annihilationist forces such as IS. Both novels foreground ordinary people, and even hermeneutically disadvantaged people, shedding light and highlighting the agency of those who are typically “invisibilised” in oppressive societies. Instead of focusing on anonymous victims or mass groups, these novels centre on individuals and their personal stories within family settings. By highlighting how these individuals hold on to their dignity amidst immense suffering, the novels offer unique perspectives on life in the context of war that differ from what readers might be accustomed to in non-fictional accounts.

However, while traumatic experiences could be representable, the question is how they will be received by readers, what affective and cognitive responses they can generate. Both authors reflect on the difficulty of representing Syrian lived experiences. The texts seem to be grounded in the understanding that readers in the Global North are less affected by atrocities perpetrated in the periphery, less likely to be appalled, and less able to empathically connect (Aschheim, 2016). Through their distinct approaches to affective responses – *Planet of Clay* via sensory knowledge and *Death Is Hard Work* through its matter-of-factly approach of multivarious traumatic experiences – they allow for a form of engagement that can be understood as “empathic unsettlement” (LaCapra, 2014, p. 102). By highlighting the distance with the reader’s life and the lack of hopeful perspectives or closure, I argue that the texts enable the reader – who is cognisant of the distance that separates them from the characters’ experiences – to make sense of the experiences of harm by appealing to their imagination to fill in the absences.

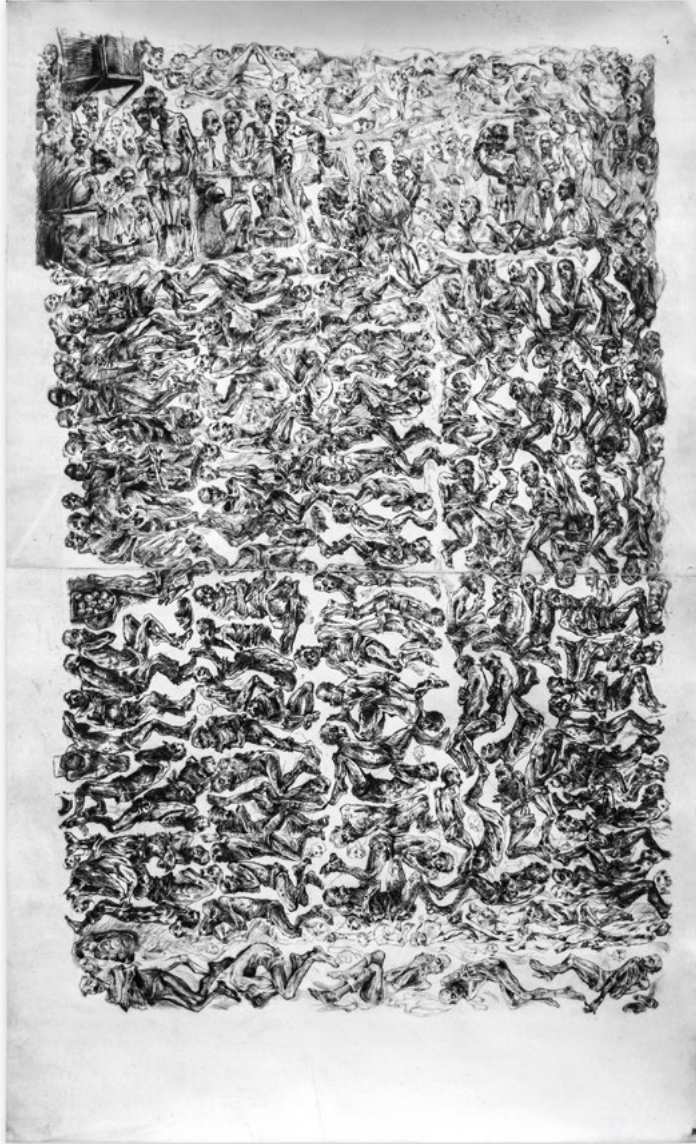
Both novels also push back against the understanding that has long prevailed in trauma theory, that trauma is unspeakable. Through the use of distinct narrative techniques, they highlight that traumatic experiences can to a certain degree be represented and “presenced”: even if it is impossible to fully capture the complexity of experiences of harm in the Syrian context. In this context, it is essential to distinguish between the (un)speakability of trauma itself and the unutterability that emerges after direct exposure to brutal violence. This distinction gains clarity through the comparison of Layla’s self-immolation and the continued resonance of her stories, with Fatima’s acute asphyxia, stemming from the brutalities she bore witness to throughout the journey. The novels push back against the assumed unspeakability of insidious trauma and show that it could be potentially harmful, contributing to the erasure and invisibilisation of experiences of harm.

Additionally, these texts demonstrate the need to complement forensic truths with personal and narrative truths, moored in different understandings of experiences of harm. Essentially, the novels shy away from historical representations and forensic truth, and what Cary Nelson calls “a stable, positivistic sense of the availability of historical facticity and adjudicable literary meaning” (1989, p. 13, cited in Vogler, 2012, p. 179). Neither text makes any claim of providing a veridical account, yet they both aspire to truthfulness: they foreground experiences of harm that are both experientially and metaphorically true (Booth, 1988). They fill an important gap that

the scarcity of stable referents to truth, ensuing from the climate of uncertainty and narrative warfare, has created. As such, they manage to create new spaces for the surfacing truth claims that have long been – and continue to be – invisibilised and erased.

“At its best, literature can bring us together with the fate of others, distant and foreign. It can create within us, at times, a sense of wonder at having managed, by the skin of our teeth, to escape those strangers’ fates, or make us feel sad for not being truly close to them. For not being able to reach out and touch them. I am not saying that this feeling immediately motivates us to any form of action, but certainly, without it, no act of empathy or commitment or responsibility can be possible.”

David Grossman,
Confronting the Beast



The old cage in detention center branch 227
by Najah al-Bukai.
Drawn in 2017, engraved in 2019.

VII. Reader Responses to *Planet of Clay* and *Death Is Hard Work*

In this chapter I look into reader responses to the novels *Planet of Clay* and *Death Is Hard Work*, examining whether and, if so, how literary writing generates different perspectives among actual readers on injustices in the Syrian context. My point of departure is that engagement with fiction is a dynamic process that has the potential to allow readers to jump into the lives of faraway others. I posit that the exposure to literary accounts evokes affective or cognitive responses on the side of the reader, albeit not necessarily an ethical or empathic response. Relating back to the overarching research question how narrative practices visibilise experiences of harm and the findings of the previous chapters, I centre this chapter around two core objectives. On the one hand, I look into the world-making power of these literary texts. Here, I also examine whether and to what extent actual readers respond to the texts in the way the authors might have intended. On the other, I scrutinise whether the meanings and effects that the literary analysis has revealed actually come across to actual readers.

The chapter proceeds as follows. First, I elaborate on the methodology underlying the focus groups and I provide a brief overview of the theoretical framework, addressing reader response theory and the scholarly debate on empathy and cognitive criticism. Then, I examine the respondents' literary analysis of the novels. Next, I zoom in on the discussions on victimisation and trauma. Consequently, I shed a light on the affective and the cognitive responses that these novels have provoked. Finally, in the discussion section, I relate the most relevant findings to the theoretical framework and scholarship on trauma theory.

7.1 Methods

7.1.1 Reader Response Theory

As mentioned before, my research draws upon methods from both narrative studies and social sciences. This approach is essential due to the multidisciplinary nature of the research project and the scarcity of empirical studies on the impact of reading literature. To address this gap, I have conceptualised the empirical component of the investigation based on standard social science methods. In designing the theoretical framework for focus group discussions with actual readers, I have relied on reader response theory. By combining insights from narrative studies and social sciences, I aim to explore affective and cognitive responses to literary narratives in the Syrian context. However, it is important to make a caveat before addressing the integration of various theoretical and practical aspects of this literary investigation. In the realm of literary studies, reading fiction is often associated with lofty outcomes and transformative potential. My expectations for this research project were also influenced by my personal experience as a reader and my familiarity with scholarship such as Martha Nussbaum's *Poetic Justice: The Literary Imagination and Public Life* (1997) and James Dawes' *That the World May Know* (2009). This inclination towards the positive effects of reading served as an additional motivation to conduct an in-depth empirical investigation.

To explore the relationship between readers and specific texts, I adopt reader response theory as a starting point. Instead of providing a comprehensive overview of reader response theories, I draw on this theory to conceptualise the reader's contribution to the meaning of a text. Reader response theory stands in contrast to text-centred theories such as *New Criticism and Formalism*. Rather than focusing on authorial intentions or the supposedly ahistorical aesthetic value of texts, reader response theory foregrounds the activities and responses of readers.⁴⁴ Reader-oriented theories postulate that readers actively make, or co-construct, meaning: readers bring their own experiences, perspectives, and interpretations to the reading process, influencing the way they understand and make sense of the narrative (Schneider-Mayerson,

⁴⁴ Developed by American and European scholars, among others Wolfgang Iser (1972, 1978a, 1978b) and Stanley Fish (1980), this school of criticism flourished from the 1970s through the 1990s. It is not a homogenous theory, as it unites diverse approaches grounded in hermeneutics, stylistics, semiotics, and psychoanalysis. Its common denominator is the investigation of the reader's contribution to the meaning of a narrative.

2018, p. 475). Consequently, the meaning of a text is not solely determined by the author's intentions, but it emerges through the dynamic engagement between the reader and the text (Schneider, 2010).

In the context of this dissertation's attention for the reader's meaning production, Wolfgang Iser's conception of the interaction between the reader and the text holds paramount importance. Iser sees reading a narrative as a dynamic and active set of mental processes in which past information is continually related to current understanding and hypotheses about future information. The reader fills in various forms of gaps in the text through recursive anticipation and retrospection, relying on her real-life and literary experience. It is the very convergence between the text and the reader that brings the text to life and reveals its dynamic character (1978b, p. 274). The text produced by the reader's response is called by Iser its "virtual dimension," representing the "coming together of text and imagination" (1978b, p. 275). Iser's notions of non-linearity and consistency are also vital in examining actual readers' experiences. He emphasises that reading is not a linear process; for instance, second readings may reveal previously missed connections. Moreover, readers strive to understand the content of the text within a consistent framework, attempting to make sense of any unfamiliar elements encountered within the text (1978b, p. 285). When the experience shifts their perspectives, the reader engages in a recreative process between "illusion-breaking" and "illusion-forming", allowing the assimilation of unfamiliar experiences (1978b, p. 289). The accommodation of defamiliarizing experiences is what I perceive as "jumping into the lives of faraway others." However, it is crucial to critically consider the reliance on the autonomy of the reader. An individual reader is part of a larger "community" of readers and reads according to the conventions of their specific "interpretive community." Therefore, the reader's response is influenced by the conventions of reading to which they have been exposed, shaped by their socio-historical context and educational background (Fish, 1980).

While reader response theory has faced criticisms, it is the most apt reader-oriented approach for the purpose of this literary investigation. Its emphasis on the active role of readers in co-creating meaning and its exploration of affective and cognitive responses align well with the goals of the research (Schneider, 2010). A deficiency of reader response theory is that it deals mostly with hypothetical readers. Few reader-response scholars have conducted empirical research, making the approach prone to criticism from scholars in other branches. Moreover, coining the notion of the

“implied reader”, Iser insists that this concept is a function of the text, a construct that cannot be identified with any real reader (1978b, p. 285). The examination of the affective and cognitive effects of reading on actual readers is vital for the purpose of this research. Therefore, I do not adhere to Iser’s notion of the “implied reader” as a transcendental model. Instead, I opt for a reader-oriented approach that focuses on understanding how actual readers respond.

7.1.2 Reader Responses

In order to understand whether and, if so, how literary writings affect readers’ perspectives on experiences of harm and victimisation, I have conducted empirical research through focus group discussions about the novels *Death Is Hard Work* and *Planet of Clay*. I set up five focus groups in January and February 2022 involving 31 participants. The sample is restricted as it consists of a relatively homogeneous reader population of highly educated, experienced Flemish readers. The participants were recruited firstly via social media. This resulted in 16 positive responses organised in three focus group discussions: a hybrid meeting (seven participants, 7 January 2022), an online discussion (five participants, 29 January 2022) and an in-person discussion (four participants, 7 February 2022). Secondly, outreach to the educational organisation Avansa – experienced in organizing reading groups – generated a positive response by a reading group in Ghent (seven participants, 11 January 2022). Thirdly, outreach to book clubs resulted in a positive response by a book club in Bruges (eight participants, 26 January 2022). Prior to the meeting, I have informed participants about the set-up of the research and the aim of the focus group and asked them to read both novels. The topic list that guided the discussion was centred around their reading experience, views on the Syrian conflict, new insights on justice evoked by the novels, the treatment of victimisation and trauma in the novels, the different approach to these issues in media reporting and literary writing and affective response. After the focus group discussions, I coded the data and analysed them subsequently through grounded theory. In order to contextualise the findings, I interpreted the findings against the background of media reporting on the Syrian conflict in leading Flemish media that are popular among the profile of the focus group participants such as De Standaard, De Morgen, Knack, VRT TV and radio news bulletins and current affairs programs.

7.1.3 Narrative Empathy: Affect and Cognition

The main theoretical stake of this section is to examine the (non-)occurrence of cognitive and affective reactions, relating to the question of the world-making power of literature. The main question that underlie the investigation of reader responses to *Death Is Hard Work* and *Planet of Clay*, is whether, and if so how, fiction can cultivate the reader's narrative empathy and contribute to responsiveness? In essence, I am concerned with the potential of literary experiences of harm to influence readers' beliefs, knowledge and behaviour. Starting from the premise of literature's unique ability to evoke emotions in readers compared to non-fictional accounts, it is crucial to acknowledge that this does not always result in an unequivocally positive response. In examining reader reactions to Syrian novels, it becomes imperative to address the intricate aspects by offering a succinct overview of pertinent scholarly work related to the interplay between literature, affective, and cognitive responses. For the purpose of this literary investigation, I focus closely on five aspects: a) assumptions about the causal link between reading literature and empathy, b) the value of empathy, c) the lack of empirical evidence about the relationship between reading and empathy, and d) the risk of readerly disengagement and e) cognition as a distinct function of engagement with literary texts.

For one, we need to critically engage with widely made assumptions on empathy and how it might generate affective and cognitive responses.⁴⁵ Empathy is a form of mental simulation, in which a subject "tries on" mental states (of the characters) potentially available to us but at a given moment differing from their own (Zunshine, 2006). Martha Nussbaum makes the case that reading novels enables readers to engage their empathy and make moral judgements. Reworking Adam Smith's idea of the "judicious spectator", she contends that literature enables the reader to mentally enter the plight of another person (1997, pp 72-77). In line with Nussbaum's ideas about the power of the literary imagination, Richard Rorty argues that reading novels enriches the reader's moral awareness, allowing them to cultivate solidarity (1989). However, this firm belief in fiction's potential to generate empathy has been challenged by other scholars. Suzanne Keen advises against attributing ambitious expectations to narrative empathy, and expecting it "to achieve what real-life empathy fails to do" (2007, p. 152). Literature can undoubtedly generate empathy,

⁴⁵ Empathy has been studied by many scholars (Zunshine, 2006; Nussbaum, 1997; Keen, 2007; Mar et al., 2009; Stonebridge, 2020). The capacity of human beings to engage intellectually and emotionally with imaginary worlds places narrative empathy at the intersection of aesthetics, psychology, and philosophy (Keen, 2007, p. 34).

but first and foremost, it reinforces our recognition that there are other points of view in the world (Scarry, 1985). As other theorists such as Benedict Anderson (2006), Louise Rosenblatt (1968) and Wayne Booth (1988) attest, reading narratives provides readers with new ways to imagine others' humanity and foster imaginative possibilities. Rather than placing a high premium on empathy, Rachel Potter and Lyndsey Stonebridge claim that literature is good at generating "ambivalence, contradiction and paradox; at pinpointing, often in uncomfortable ways, what it is that is so difficult about imagining others" (2014, p. 7). To conclude, we should avoid excessive emphasis on fiction's potential to generate empathy but might rather look into its ability to engage the reader in projecting themselves in the lives of others and – ideally – to feel a sense of responsibility towards them.

Secondly, besides calling attention to the lack of strong causal links between reading literature and empathy, we also need to critically reflect on its validity. It is widely assumed that empathy is a force for good, and that empathy can entail behavioural changes. Yet, some critics question this assumption. Empathy, argues Paul Bloom, strengthens our biases and could push us in the direction of parochialism and even racism: "Empathy is a spotlight focusing on certain people in the here and now. This makes us care more about them, but it leaves us insensitive to the long-term consequences of our acts and blind as well to the suffering of those we do not or cannot empathise with" (Bloom, 2017, p. 6). There are limits to empathy: while it is relatively easy to feel empathy for those who are close by, it is harder to connect to distant others. Even when we feel others' distress, there is often nothing we can do to alleviate it (Hoffman, 2001, p. 197). Linking this to the relationship between empathy and reading, we need to critically reflect on the way in which empathy can provoke action, and whether this should be expected. Empathy is a weak glue for transnational political solidarity, argues Arielle Stambler: "it is easy to capture but hard to sustain, empathy disavows the power relations that subtend the reader-victim relationship" (2022). Feeling with others can be one of the motivations undergirding solidarity, but we should not attribute too much value to the ethical, social, and political consequences of empathy.

Thirdly, a crucial critique that deserves increasing consideration is the absence of empirical evidence concerning the effects of engaging with narratives. Suzanne Keen demonstrates that evidence for the prosocial effects of reading literature is mostly mixed or inadequate and that fiction is not necessarily a force for good (2007, p. 71). The link between feeling with fictional characters and acting on behalf of real

people is questionable (Keen, 2007, p. 76). Similarly, drawing on Aristotle's *Poetics*, Frank Hakemulder challenges the notion that literary representation conveys a "more profound or universal understanding of reality" than other sources such as historical monographs, newspaper reports, or courtroom proceedings (2000, p. 8). In a groundbreaking study on the effects of reading literature, Hakemulder depicts fiction as a moral laboratory, where the plausible implications of human conduct can be studied in a controlled and safe way (2000, p. 150). He shows that reading a chapter from a novel addressing women's rights in Algeria has a stronger effect on the participants' position than reading an essay on the same topic. Nevertheless, the author refrains from making strong claims about the potential role of literature on people's lives and pleads for more empirical research (2000, p. 152).

A fourth question related to affective response, is the burden of affect and the risk that exposure to representation of harm might fuel readerly disengagement. An under-researched issue in this domain is the way in which literary writing can strengthen the gap with faraway others and reaffirm readers' pre-existing ideas. In this respect, Ivana Ančić perceives a central paradox of cosmopolitan approaches to rights and responsibility, "constituted in the fact that while such approaches appear in response to a perception of an increasingly interconnected and globalized world, they in fact obscure the messy material web of existing global structures of inequality and domination which create the conditions for harm and exploitation, and which implicate the reader within that web" (2022). Reading literature can erase the responsibility of the reader towards others and entrench the distance. Besides, exposure to literary narratives can also induce pity, thus reinforcing the distance rather than reversing the condition in which distant others suffer passively (Hakemulder, 2000, p. 55). Representations of experiences of harm that stir the reader while generating a feeling of powerlessness, can create a barrier. Moreover, empathic over-arousal which causes discomfort can cause aversive reactions (Hoffman, 2001, p. 197). In addition, reading literature can nurture negative emotions such as anxiety, frustration, indifference and hostility. As Marco Caracciolo argues, engagement with fictional characters can induce states of cognitive dissonance and lead to an aversive reaction (2013). He perceives readers' strategies for mitigating cognitive dissonance in their connection with characters as lying on a continuum between two extremes, labelled "attitude change" and "imaginative resistance." In the most unfavourable scenario, readers resort to "imaginative resistance," preventing them from forming an empathetic connection with the characters (2013, p. 28). This could potentially lead to reader disengagement. When investigating reader responses to experiences of

harm, it is crucial to consider the emotional burden these accounts may evoke and the commitment it demands from readers.

Finally, cognition is an important and distinct function of engagement with literary texts. In my analysis of narrative empathy, I differentiate between affect, or empathy, on the one hand and cognition on the other. Suzanne Keen warns against quarantining narrative empathy in the zone of either affect or cognition, as it involves both: “when texts invite readers to feel (...), they also stimulate readers’ thinking” (2007, p. 28). Nonetheless, as I am exploring the question whether reading fiction can alter readers’ perspectives on injustices, I single out cognition as cognitive responses represent an important outcome of reading fiction.⁴⁶ Although it is widely acknowledged that literature can deepen our understanding of the real world, this is generally not seen as an important function. The epistemic value of literature, which is fundamentally an aesthetic and linguistic construction, is not its inherent feature. While some strands within literary theory point out that literature has some referential relationship to reality, fiction is generally conceived as an appeal to emotion rather than to reason, stimulating readers’ affective responses (Nikolajeva, 2014, p. 5-6). Yet, we can state that readers rely on real-life experience and knowledge to understand fiction, and gain experience from fiction to explain and understand the real world (Nikolajeva, 2014, p. 25). Conversely, it is also interesting to consider how literature’s fictionality affects the process of acquiring new knowledge. According to Keen, “the perception of fictionality releases novel-readers from the normal state of alert suspicion of others’ motives that often acts as a barrier to empathy.” (2007, p. 168). Marco Caracciolo makes the case that despite the ontological divide between reality and fiction, “readers’ engagement with literary stories brings into play—and allows them to negotiate—real-world values” (2013, p. 33). Confronted with experiences that differ strongly from what they are accustomed to, readers approach literary texts with different demands. This move away from a focus on evidence, facts, and thus forensic truth aligns with the aforementioned function of artistic practices to foreground “thick truths” and represent unfathomable experiences of harm.

In conclusion, we must exercise caution when attributing overly ambitious goals and expecting specific affective and cognitive responses to the exposure to literary narratives during research on readers’ reactions to fiction. While literature can

⁴⁶ Cognitive approaches to literature are studied in the discipline of cognitive criticism, a cross-disciplinary and mainly theoretical approach to reading, literacy and literature, rethinking literary activity such as the interaction between readers and literature and ways literary texts are constructed to optimise reader engagement (Zunshine, 2006; Stockwell, 2019).

indeed evoke affective and emotional responses, it is not guaranteed. In an ideal situation, literature enables readers to embrace new perspectives they might not have been aware of previously. Nonetheless, we must bear in mind that literary narratives can also cause readers to turn away and to refuse to engage. In what follows, I build on these theoretical considerations to study reader responses to *Planet of Clay* and *Death Is Hard Work*.

7.2 Analysis of Reader Responses to *Planet of Clay* and *Death Is Hard Work*

7.2.1 *Planet of Clay*

The appreciation for *Planet of Clay* strongly varied, generating distinct affective responses. One group was overall very critical about the novel, whereas other groups were less pronounced. As I elucidate below, the main criticism related to the literary style and the way in which traumatic experiences are conveyed. However, this did not impinge on the sense of universality that was widely attributed to the novel.

Nonetheless, *Planet of Clay* evoked very different, contrasting reactions. While it was an oppressive experience for one set of readers who felt emotionally disconnected, another group was profoundly touched. The former group felt that the graphic accounts of suffering – rendered in poetic language – and the alterity of Rima’s character and ordeal were not conducive to their involvement. The latter group indicated that the meticulous descriptions of suffering evoked emotional responses. The use of poetic language and the sensory approach were quite prominent and evoked a mixture of feelings among readers. Some readers appreciated the lyricism, also for allowing the reader to take some respite from the harshness (groups one and three). A critical group found the poetic style vexing, feeling as if it was meant to shock readers. Despite some participants expressing irritation with the flowery language, they still acknowledged that it made Rima’s torment more tangible (groups one, three, and four). The sensory approach and the vivid descriptions of colours and smells, especially concerning the chemical attacks, were perceived as compelling elements that foster empathy and made the novel both enjoyable and tragic simultaneously (groups one, two, and five). Several readers were deeply affected by the lyrical descriptions of odours, even though they evoke the horror of the

dissipating gas following the chemical attack. There was an overall consensus that the novel effectively portrays the brutality of the conflict, even to the extent of overdoing it. For some, the accumulation of ordeals exceeded their capacity to process cruelty. One reader experienced reading the novel as traumatic: “That’s the reason why I found it difficult to finish the book and I gave up at a certain point” (group three). In all groups, certain participants gave up as they found the reading experience distressing. It is noteworthy that the most significant criticism centred on the explicit depictions of harm, despite the general admiration for the narrative’s authenticity. It can be assumed that objections to the direct portrayal of experiences of harm had a negative impact on some readers, even though critical participants acknowledged that the novel effectively captures the essence of the “poetry of cruelty” (group three).

There was a widespread understanding – even among critical readers – that the style was key in emphasising the horror of the conflict (groups one, two, three, and four). Three elements that were discussed in depth are a) the protagonist’s experiences, b) the narration, and c) the use of intertextuality. Firstly, presenting the story from the perspective of a teenager trapped in a war zone made it relatable, as minors are perceived as innocent and trustworthy, evoking stronger feelings of empathy (group one and four). It was widely recognised that Rima is not an average teenager: she suffers from a syndrome – possibly a form of autism – that pushes her to walk and affects her speech. Rima’s plight sparked intense discussions, particularly focusing on the perceived paradox between her loneliness and her resilience. Several groups mentioned scenes in the hospital, where the teenager finds herself surrounded by mistreated individuals (groups one, two, and three). Certain readers were deeply affected by Rima’s positivity and her ability to continue drawing and writing, which led them to observe a disconnection between her torment and her behaviour (groups two and five). Her loneliness, primarily resulting from her affliction, and her death in complete isolation were also sources of frustration for some participants (groups one, two, four, and five). A second focal point was the use of narrative techniques, notably the abundant use of flashbacks and the first-person narrator. Readers who appreciated these techniques felt that they effectively conveyed the traumatic experiences, making the novel akin to a testimonial (groups one, two, and five). Conversely, some readers found the diary-form of storytelling made the story appear chaotic. Lastly, the use of intertextuality created a connection for some readers. They stated that referencing *The Little Prince* strengthened their engagement because it provided a shared reference point (groups one, three, and four). However, other readers perceived the references to *The Little Prince* as artificial, as if it was meant to

appeal to a Western audience (group four). In essence, as discussed further, there was a prevailing sense of relatability, primarily driven by sympathetic identification with the protagonist, even if some readers found it challenging to relate due to Rima's illness and her unique situation.

The novel's emphasis on the importance of literature and its attention to aesthetics sparked intense debates. A central topic of discussion was the role of creativity and art during times of conflict, allowing people to maintain their sanity (groups three and four). These discussions also prompted comparisons with the Shoah, particularly drawing parallels with Anne Frank's experiences. While the context is very different, this connection was evoked by the theme of keeping a diary about daily life in a conflict setting (groups four and five). Moreover, another analogy arose regarding how diary-keeping can contribute to people's resilience. One reader pointed out that "there are situations where people are held back, and their talents become something to latch onto, something that keeps them going" (group four). Throughout the novel, Rima's artistic abilities are emphasised. One respondent pointed to the scene where Rima asks one of the children she entertains to draw an elephant: "it shows how committed she is to creativity. Because it's in those moments that she's really living" (group three). It struck several readers that Rima's ability to appeal to her imagination allows her to live life to the fullest, even in the most deplorable circumstances. Moreover, it also equips her, according to one reader, with an immense flexibility to come to terms with her destiny: "At a certain point she says: all that you see above you is the sky, while what she is actually seeing is the basement where she spends so much time... I think that's wonderful" (group one).

7.2.1 *Death Is Hard Work*

The appraisal for *Death Is Hard Work* centred both around its content and its style. Even readers who did not value the novel highly attested that it left a mark. There was a general sense of appreciation for Khalifa's writing style – ranging between absurdism, realism and symbolic realism – and the insights his novel generated about the conflict. The novel triggered in-depth reflections about a) the issue of the arbitrariness of war, how it instils a sense of dehumanization; b) the factual, semi-realistic style, c) the elaboration of the characters and d) the affective and cognitive responses.

Up front, what came out as central themes are the absurdity of the conflict –

epitomised by the odyssey with the corpse – and the torturous family ties. The odyssey is mostly a logistical but also a metaphysical issue. To what extent are the living willing to care for the dead? What does dying mean in a place where death is everywhere? (group five). The Kafkaesque, nightmarish situation with the corpse – reaching a pinnacle upon its arrest – was seen as an embodiment of the arbitrariness of the conflict (group one). While the absurdity rendered the story implausible or had an alienating effect to some participants, they believed that it adeptly portrays the reality and the disintegration of the family. Yet, it emerged that the novel is not seen as political as the conflict simmers in the background and the narrative shuns a pedagogical approach. While conflict-related elements such as checkpoints, the presence of armed groups, random detention and torture are addressed, there are no details about how the conflict unfolded. The novel resonated with several readers as a family saga, where the gradual reconstruction of a painful history of a dysfunctional family took centre stage, almost overshadowing the hardships of burying the corpse. The torturous family history is given prominence, paralleling the dissolution of the family with that of the country. The complexity and significance of family ties, exemplified by Abd al-Latif's extraordinary last wish and his sister's tragic suicide, emerged as central themes that deeply resonated with readers.

The general consensus among readers was that the novel effectively portrays how wars dehumanize and desensitize individuals. Apathy becomes a coping mechanism to escape predicaments. However, this desensitization further erodes people's humanity, as several readers observed in the way corpses are handled or how death is trivialized in the narrative. Death is normalised to such an extent that dying of old age no longer provokes feelings of compassion. The lack of empathy that Bolbol's loss evokes among his compatriots, caused outrage (groups one, two and three). However, this lack of empathy also offers a crucial insight into the harsh reality, where apathy becomes a means to escape from confronting that reality, as one participant noted. "People no longer ask how others died, because they can guess: either the person succumbed in a bombardment, was shot by a sniper, or was killed by religious militias or the Syrian regime. People know the script: it actually plays out around them" (group five). The overall absence of strong emotions alludes to people's numbness in a protracted conflict, locking "people in a stage of non-living, a pre-death life" (group five). The moral dilemmas and quandaries faced by the siblings regarding the corpse symbolize the erosion of fundamental values. The portrayal of the relationships between the characters underscores the pain of belonging to a dysfunctional family within an impaired society. However, readers' perspectives on the characters varied:

some found them flat and had difficulty relating to them, while others saw them as round despite the distant narrative style. Bolbol emerged as a poignant representation of the fundamental doubt and powerlessness underlying conflicts. Although initially unimpressed, several readers grew to appreciate Bolbol as they found him to be a relatable, typical anti-hero who acknowledges his lack of bravery and aspires to a normal life (groups one and three). Several readers testified being gripped by Bolbol's inability to stand up for himself, it allowed them to feel more empathy for the fate of Syrians (groups one, three and four). However, Bolbol is not merely a passive, static character who is negatively impacted by the war; he constantly adapts to the situation as evidenced by his decision to re-adopt his birthname Nabil (groups one, three and four).

Overall, the narrative style received praise from readers. Discussions on narrative techniques revolved around the variety of styles and the alternating use of absurdism and realism. The factual style was acknowledged as a compelling way to convey the feeling of numbness and impending death. It vividly depicted the hopelessness and the brutal reality that one reader described as a "reign of terror" (group one). One group particularly appreciated the sophistication of the realistic style: "you could almost smell the corpse" (group three). The descriptions of torture struck a chord with a respondent who referred to trials against Syrian regime officials taking place under universal jurisdiction in Germany (see chapter 3), among others against doctor Alaa M. who tortured people. "What do we read in this book? They retrieve the corpses and notice that they are badly mutilated by torture. Yet, the doctors' note indicates that they died of natural causes. So, these stories are real. ... How should I say it, the novel is truthful, it sheds a light on situations of harm" (group three). The mimetic representation of violence was deemed, by some, to give the narrative an aura of veracity.

The ironic style of the text made the novel more accessible and engaging for some readers. However, it also resulted in a sense of distance, as the emotional toll of traumatic events on the characters remained abstract. Similarly, while the factual and realistic style was largely appreciated, it simultaneously created a sense of detachment. The detailed descriptions of the rotting corpse and the accumulation of horrific events were also disheartening for some readers. As one participant noted, "Everything was just a little too close together, their crusade just seemed to be endless. There wasn't really a moment of respite in the book" (group four). This observation stands in contrast to readers who appreciated the language and the

experimental style. The latter was evident in the use of lyricism, which added to the novel's appeal for some readers (group two, three and five). Its poetic dimensions came to the fore especially in the context of Bolbol's passion for Lamia: "For instance, the way in which he describes love by comparing it to someone who passes with a bouquet of flowers and fails to take the flowers, missing his chance" (group two). The juxtaposition of realism and lyricism and the experimental style were generally appreciated. This requires an open-mindedness on behalf of the reader: "It is tough to get through largely because the structure of the book reflects the chaos playing out on the ground" (group five). There was an overall understanding that the crafty use of narrative techniques contributed significantly to the sense of absurdity and desensitization, which are considered the main traits of the novel.

While the majority of readers appreciated the avoidance of a pedagogical approach, there was a general recognition that the distant style, surreal plot, and experimental approach hindered an emotional connection. Although some readers were moved by the depictions of attacks against civilians and the cheapness of human lives, this realisation did not necessarily elicit a strong affective response. In this context, a respondent referred to an interview with Syrian dissident Yassin al-Haj Saleh, who contends that an Arabic or Syrian life is regarded as less valuable than a Western life. The respondent suggested that Khalifa's novel effectively illustrates how our moral compass would respond differently if the events depicted occurred in a Western city like Liège. "As readers we would find it unacceptable that people would die in droves there" (group five). While this reader appreciated how Khalifa highlights the arbitrariness of valuing lives differently, they did not feel morally disenchanted, attributing this sentiment to the narrative style. There was a widespread consensus that the style of the novel did not facilitate the generation of empathy. Although there was a general understanding that the novel effectively portrays how war erodes people's humanity, it proved challenging to attribute this insight specifically to the Syrian conflict. Possible remedies to make the novel more poignant were discussed in one group (group five). The question of temporality was raised: what if Khalifa had published the novel ten years later? Instead of the current narrative, could literary auto-fiction rendered with more emotion by a witness-narrator be more captivating? Despite these fundamental questions about the narrative's development and style, they did not diminish readers' appreciation for the novel's sophistication. As I discuss in the section on affective response, even readers who did not enjoy the narrative style or feel a strong connection still asserted that the novel left a mark.

7.2.3 Comparison between the Novels

Discussions about the comparison between both novels brought to the fore strongly diverging degrees of appreciation, and an overall appreciation for the absence of a pedagogical approach. There was widely-shared acknowledgment that both novels give an insider's view of the conflict and the horror of civil war, albeit in a very distinct manner. It was widely agreed among the groups that whereas the style in *Death Is Hard Work* is more factual and ironical – giving the reader the possibility to escape the harshness – *Planet of Clay* is more emotional, absorbing the reader completely, to the point of exasperation. A participant noted that *Planet of Clay* “is all about pain, pain, pain and how hard it is to stay in the country. While the other book shows characters who have a life, it gives an insight into the culture, the families etc. In *Planet of Clay* that is not the case. The only thing that book did well was emphasise the poetry of pain and cruelty” (group three). The sense of hopelessness in *Planet of Clay* dissuaded several readers, who were quite adamant in their criticism, and they would not recommend the novel to others. In contrast, they would recommend *Death Is Hard Work*. Yet, some readers also had reservations about that novel's seemingly journalistic style and the graphic descriptions of the corpse: “Just let them bury their father so it can be over for all of us. That was my general feeling when I read the book” (group four). For those readers appreciated or preferred *Planet of Clay*, they stated that it touched them more profoundly because it is written from the perspective of a teenager. A couple of readers who had no affinity with the region stated that they found neither novel enjoyable; they could not connect with them. All things considered, sympathetic identification proved difficult.

The scant references to the political context emerged as key traits in both novels. A reader noted that in *Death Is Hard Work* “we get more of a bird's eye view of how the war unfolds: the problem of the detentions, the denunciations, the checkpoints. ... While in *Planet of Clay*, we are dealing with torture, gas attacks and chemical weapons” (group one). Another reader believed that this approach effectively conveyed the experiences of Syrians who found themselves trapped without access to water and food: “When she begins to describe the colours of the sky and it turns out to be a gas attack, that was really one of the most confronting parts of the story” (group five). Even if the novels did not necessarily give readers a better understanding of the war, they illustrated both the plight of civilians and their strong will for survival. What emerged strongly is how the protagonist in *Planet of Clay* resists her fate and tries to stay sane and survive through writing (groups two, three and four). Despite

the varying levels of analysis, readers were collectively struck by the manner in which both novels underscore the importance of arts and imagination in the context of conflicts (groups two, three, four and five). Another general observation is how both novels aptly address the oppression of women, epitomised mainly by the fate of Layla in *Death Is Hard Work* and the fully clothed women after the chemical attack in *Planet of Clay*. The novels elucidate how conflicts also exacerbate social grievances. Nonetheless, the absence of an explicit political approach was experienced as an asset. As I expand upon below, readers filled in the blanks themselves, sometimes reaffirming preconceived ideas about the conflict that they – mistakenly – saw confirmed in the novels, such as the notion that it is difficult to clearly identify the perpetrators.

7.3 Readers' Perspectives on Experiences of Harm

7.3.1 Victimization

In this section, I examine how readers of both novels considered experiences of victimisation in the Syrian context. The discussions centred around four topics: a) sweeping victimisation in the Syrian context, b) the ambiguous victim-perpetrator binary, c) the notion of the ideal victim, d) the contrast between resignation and resilience. In all of the groups, hegemonic understandings of the conflict and clichéd notions of victimisation influenced the discussions, often unintentionally overshadowing the actual realities of the victims. I elaborate on how these discussions occasionally veered off course, straying from the authentic experiences of the victims.

Firstly, there was a general agreement across the different focus groups that in this context of widespread crimes, everybody is a victim. However, while several readers alluded to the painful fact that the conflict victimizes all Syrians, there was little attention given to the crimes and their impact on people's lives. It seems that in contexts of sweeping, collective victimisation where crimes are so widespread, it becomes hard to conjure up the lived experiences of victims: few readers expanded on the injustices faced by the characters. While it was generally appreciated how the novels made the conflict more relatable, various participants explained that, all in all, they had little affinity with the Syrian context. They felt that this lack of rapport hampered the establishment of a connection or sympathetic identification. This

poignantly brings to the fore how outsiders often have a prescribed storyline about victims, influenced by media reporting and sensational stories about victimisation (Lamb, 1996). When dealing with narratives about the Syrian conflict, actual readers seem to find it hard to jump into the lives of the victims. This aligns with the observation in scholarly research on victimisation, which suggests that when victims do not fit into predetermined categories or conform to the ideal victim archetype, the recognition of their victimisation becomes more challenging (McEvoy & McConnachie, 2012; Rudling, 2019; Schwöbel-Patel, 2018). As a consequence, there may be a tendency to downplay the seriousness of the crimes or the perpetrators' responsibility. This phenomenon was evident in two specific discussions that I briefly explore, focusing on the interplay between victims and perpetrators.

In one group, a participant (R1) shared how it affected her that the country she had visited in 2008 is now in tatters (group two). While she acknowledged that Hafiz al-Assad had committed atrocities in the past, she observed that people seemed to live quite well: "There were obviously dissidents, but that was a minority. Most people made do. And every family had a picture of the leader at home." Another participant who had also visited the country prior to 2011 (R2) challenged her and explained how people feared the regime, trying to share the story of a dissident professor who was fired. R1 interjected that "in Hama there had been thousands of deaths, that's true. But probably that's also a part of being human... they just experienced it. And after all these struggles they could catch their breath and then suddenly the situation is terrible again." This respondent seemed unaware of the brazenness of her statement that left a silence before another, unrelated subject was broached. In R1's perspective, the Assad regime prevented the country from falling apart, and she seemed more inclined to condone the perpetrators rather than question their responsibility for the annihilation of the country.

In another group, a discussion about the consequences of sweeping victimisation arose. Similarly, it derailed, to the point of obscuring the suffering of Syrians exposed to it (group five). When addressing victimisation, one well-informed respondent (R1) contested the way in which the media present the conflict. R1 stated that the media often portray the conflict in a black-and-white manner, boiling it down to President al-Assad, as if removing him would solve all of the issues. They stated that "What emerges from the book is that it would be a lot more difficult than that" (group five). Insisting the conflict is "a big mess", R1 posited that *Death Is Hard Work* does not show that many victims, only casually mentioning people who are shot. In response,

a respondent with expertise in international human rights law (R2) pleaded for more nuance, explaining that in instances where Assad bombs a hospital, “there are clear victims and perpetrators.” Interestingly, R1 stated that the author did not elaborate on this issue, to which R2 responded that the author does indeed show victims and perpetrators in *Death Is Hard Work*. Trying to explain R1’s controversial statement, another respondent (R3) interjected that victimisation in *Death Is Hard Work* is less striking, whereas the protagonist in *Planet of Clay* corresponds more to the typical image of victims. R2 argued that the absence of stereotypical perpetrators in the book should not blind readers to the reality; the facts speak for themselves. “When a hospital is bombed, I don’t know who pushed the button. Still, these are acts that violate basic human rights.” The insistence on the possibility and necessity to assign blame brought the crimes back into the debate. Without R2’s input, the discussion could have shifted towards the relativization of the harm Syrians are undergoing. These two examples clearly indicate that reading narratives about harm does not necessarily evoke an empathic encounter. Quite on the contrary, cognitive biases may lead readers to register aspects of the narrative which confirm their beliefs and ignore others which do not.

Secondly, and closely related, it proved to be hard to differentiate between victims and perpetrators. Several readers argued that in a context where everyone is victimised, everyone can be a perpetrator. This observation falls in line with the growing popular interest in the victim-perpetrator dichotomy and the acknowledgment that perpetrators can be victims and vice versa. While generally well-intended, I would argue that acknowledging the complexity of victimisation can also entail the risk of minimizing the perpetrator’s responsibility. This is clearly demonstrated by one reader’s observation that “to some extent, we have a picture of who the good ones are in the conflict in Syria. Yet, these people can also be perpetrators. This has also occurred” (group one). This commonplace understanding was widely echoed, generating a troublesome conflation between victims and perpetrators. Unaware of the controversial nature of her statement, one reader stated that it was not possible to ascertain “which was the good side or the bad side in the conflict. There was just misery for everyone” (group four). In their perspective, the crux of the matter was that responsibility for crimes cannot be assigned, and consequently, the victimisation of a large part of Syrians cannot be recognised. Strikingly, this reader concluded that the novels did evoke pity and empathy, attributing a positive function to these affective responses. However, this conclusion needs to be problematised. The question arises as to whom this pity or empathy is directed when both the perpetrators and the

victims are faceless or even interchangeable. It appears that the affective response is a gut feeling – unrelated to the Syrian context – provoked by the suffering of an individual. Moreover, it raises questions about the extent to which distant spectators or readers are capable or willing to be transformed by the narrative and to let go of their a priori notions of victimhood. This goes back to the question of the “ideal victim” and the challenges that readers encounter to effectively jump into the lives of others.

Relatedly, a third central topic that emerged is the conceptualisation of the ideal victim, unconsciously engrained in many readers’ thinking about violent conflicts. As raised earlier, the protagonist’s victimhood in *Planet of Clay* is undisputed. There was a widespread understanding that Rima corresponds to the image of the ideal victim: an innocent girl who is subjected to horrific violence and ultimately abandoned. Across the board, the view was held that women are much more prone to being victimised, rendering it easier to recognise women’s victimhood (groups one, two, four and five). It was even stated that Rima and her mother “seem to be victims of the highest degree” (group three). Similarly, it was argued that children are the most vulnerable and that their victimhood is uncontested, contrary to adults. This demonstrated a bias related to stereotypes about passive victims that undergo violence.

As an illustration, it was noted that Rima does not really behave like a victim: “She is always looking for possibilities to express herself. Maybe she really is a victim, but she might not feel this way” (group two). Victims who possess agency do not fit the image of passive subjects who self-identify as such, making it hard to conceive that Rima possessed the strength to resist her victimisation. Furthermore, these observations underscore the problem of the hierarchisation of victimhood. In addition to differentiating between “real” and more equivocal victims, the recognition of unequivocal victimhood was also anchored to high moral standards (group one, two and four). One reader stated that Rima is clearly a victim: “But anyone else, every grown-up, can be a victim one moment and a perpetrator another. The professor seems like a good guy, but when his daughter disappears, he begins to hate” (group two). The last comment reverts to the problem of the idealisation of victims: they need not show any inclination to do harm towards others. The recognition of victimhood was even rendered contingent on the condition of non-participation in the conflict, thus significantly lowering the threshold for the status of the perpetrator (groups one and four). One participant noted that Syrian civilians are victims, even if they contribute to the conflict: “at the same time it’s also civilians who will turn in

their neighbours for some reason, because they can make some profit out of it, or for any other reason to turn in someone. That person remains a victim, just like his neighbour. But at the same time, that person is also a perpetrator” (group one). This reflection aligns with the sacrosanct perspective on victimhood, where victims not only need to be pure but also faultless. As the revolutionaries are also to blame, they are placed on a par with other perpetrators, without differentiation between their wrongdoings.

All in all, an interesting paradox emerged in which the bar for the recognition of victimhood is higher than that for the recognition of perpetrators (as a generic category). This makes it easy for distant readers to look away, as they see their apprehension confirmed that many of those involved are perpetrators; consequently, they perceive that there are few “real” victims. What is more, it reflects a disappointment with the failed uprising and a limitation in the use of the notion of “ideal victims” to paradigmatic conflicts. Interestingly, several readers referred to the Second World War and other situations of suffering they viewed as more straightforward with regard to the victim-perpetrator dichotomy. In this context, the notion of “good guys versus bad guys” was raised several times (groups one, two and five). A participant compared reading *Death Is Hard Work* and *Planet of Clay* – which avoid differentiating between “good guys” and “bad guys” – to reading books about the First or Second World War, which make it easier for readers to empathise with the characters (group one). These discussions about the ideal victim confirmed the difficulty for readers to critically assess their ideas and existing knowledge about conflicts such as the Syrian one. While these texts were intended to showcase the complexity of victimisation in the Syrian context, they inadvertently seemed to reinforce dominant ideas about victimhood. Once again, this reaffirms that it cannot be expected that literary texts have the potential to undo preconceived ideas.

This leads to the fourth issue that surfaced widely, namely the opposition between resignation and resistance. There was a general trend of appreciation for the way in which the novels underscore people’s resilience. There was also some esteem for the absence of a clear-cut situation of victimhood in *Death Is Hard Work* (groups one, three and five), which brought to the fore people’s determination to get on with their lives against all odds. As one participant noted, “Bolbol and his brother seem to supersede their situation as victims” (group three). Rather than looking at the vulnerability of these characters, and focusing on the sense of weakness, argued another participant, we should value their strength: “Actually all the people described in the book are

survivors. That requires the opposite of weakness” (group five). This resistance connected with some readers, prompting reflections about how we would react in a similar situation: would we be that strong? (group two). The tension between resilience and resignation in *Death Is Hard Work* stood out for one reader: “In the Middle East in general people are so resilient. And actually people have to be that resilient. But still, it’s becoming something people no longer want to be because they already have undergone years and years of misery” (group five). This reader underscored the dangers of overemphasising people’s resilience in times of war: it can also entail the relativisation of their suffering and reinforce the belief that people accept their fate. This reflection coincides with Lucy Bond’s and Stef Craps’ reservations in *Trauma* about the increased attention to the notions of resilience and post-traumatic growth: “these categories are best approached with a sceptical eye insofar as they (are used to) promote political quietism” (2019, p. 137). They warn against a classic bootstrap logic in which the burden of success or failure is placed on the individual and lets the traumatizing system off the hook. As I will further demonstrate in the next section, this is a real risk that materialised during the reader response investigation. Some respondents created a divide between “us” and “them”, finding it hard to experience sympathetic identification. Thus, they distanced themselves from the experiences of harm or endowed victims with exceptional strength and an almost superhuman capacity to resist harm.

7.3.2 Traumatization

Similar to the exploration of the multiple dimensions of victimhood in the Syrian context, the discussion about trauma in both novels revealed the challenge for readers to grasp the nature and effects of trauma through the exposure to literary accounts. The debates centred around three main topics: a) the vast traumatization in the Syrian context, both in terms of longevity and the multiplicity of harm, b) the specificity of harm, and c) the difficulty to convey traumatic experiences aptly.

Firstly, there was a wide recognition across the different focus groups that both novels render traumatic experiences compellingly, either elusively or in a direct, confrontational way. The complexity of trauma, in terms of the longevity, its multifarious manifestations and lasting consequences, strongly emerged in the discussions. One issue that stood out is the unresolvedness of previous traumatic experiences. In this respect, Layla’s suicide and the efforts to occlude her story were raised in several groups (groups one, two and three). Some readers highlighted how

Death Is Hard Work reveals the repercussions of earlier traumatic events that continue to haunt the protagonists. These past grievances left little room to “accommodate what is happening in the present moment,” according to a reader: “Maybe it’s also true that you don’t know you’re being traumatized at the time. It’s all about the way you deal with it over time. I would like to see what this book would have been like had it been written post-war” (group five). Writing about traumatic experiences that are still fresh, when the conflict is ongoing, is different from approaching trauma from a temporal distance. What is striking in this discussion, and goes back to an earlier observation about temporality, is the notion that it is possible to distance oneself from trauma. Yet, the sheer impossibility of dealing with harm also stood out for some readers. “There is such a large group of people who have been traumatized and have never been able to do anything about it. Oftentimes not even realising what effect it has on them, and just continuing with their lives” (group five). This is then associated with the issue of resignation as a strategy for survival. Nonetheless, as I underscore in the next section, the recognition of the ubiquity of traumatisation did not necessarily lead to a strong consciousness about its impact.

Secondly, while there was a consensus about the immensity of the harm, several readers unwittingly minimized the depth of trauma either by glossing over the harm or by questioning whether it can be understood in the same way in Syria as in the Global North. To illustrate this, I zoom in on a discussion on different aspects of trauma. A participant commented on the exceptional resilience of people in *Death Is Hard Work* and wondered whether what Syrians experience can be captured by this notion, as they are habituated to undergoing different kinds of suffering and have been oppressed for a long time: “Whether or not those are real traumas, I cannot quite say. It’s a general feeling of life, which must be very hard to bear. I am not sure whether it can be called a trauma. Of course, when someone is murdered or when the sister sets herself on fire, that is terrible, that might be a trauma. But otherwise, those people are actually used to suffering on many different levels” (group two). This discussion brought to the fore that understandings about trauma might differ, revealing the dominant assumption in the global North that trauma is a singular, extraordinary event that happens within a determined timeframe. This contrasts with the reality for many people in conflict areas for whom traumatic experiences are an everyday reality (Craps, 2013, p. 57). Evoking the generalised violence in the Middle East, there was general agreement with the assumption that prolonged exposure to harm entails habituation. Making the case that people in the region are more used to cruelty, another participant – evoking some indignation – made the link with old

histories of clan fights, going back to the Old Testament. The pervasiveness of harm made several members in this group question whether the language of trauma as we know it adequately captures it. Inadvertently, the novels thus reinforced the distance between the readers' experiences and that of the characters.

Thirdly, a unanimous realisation emerged that adequately capturing experiences of trauma is an impossible task. Postulating that traumatisation cannot be conveyed in words, some readers believed that the detached descriptions of traumatic experiences in *Death Is Hard Work* might best approximate trauma. A respondent who assists a Syrian refugee testified that this person does not elaborate on his experiences because they are too raw. She associates trauma with silence, "not total silence though. But it certainly does not come with flowery descriptions" (group two). There was also a general understanding that Rima's muteness and Fatima's acute aphasia allude to traumatisation and reveal the plurality and vastness of trauma in this context of war. The recognition that harm is challenging to express through discourse generated reflections about the importance of communicating through alternative means, as exemplified in *Planet of Clay*. Rima's ability to flee in her imagination enables her to persevere (groups two, three and five). One participant felt that she was not only writing to get her experiences out there, but also to process her trauma: "That was clearly an active process, much more active than *Death Is Hard Work*. In that book they didn't really have the energy to contemplate what was happening to them. They just let it happen, and kept trucking on without reflecting too much about all the things they experienced" (group four). In summary, the discussions about trauma revealed that the texts evoked affective responses in actual readers, albeit different from what the authors had intended. The novels enable readers to delve into the characters' minds through imagination and connect with the lives of distant others. However, the lack of a shared understanding of trauma and the prevailing notion of trauma as an exceptional, acute phenomenon seem to create difficulties for readers to empathise with the characters, who are victims of trauma.

7.4 Discussion: Affective and Cognitive Responses

In this section, I discuss readers' affective and cognitive responses to both novels using the theoretical framework introduced at the beginning of this chapter. I begin by considering the causal connection between engaging with these narratives and developing empathy for distant Syrians. Next, I explore the boundaries of empathy. Then, I move on to the burden of affect. Lastly, I investigate the learning experiences and new insights that readers have gained.

7.4.1 Jumping into the Lives of Syrians

The specificity of literature, which accommodates sympathetic identification and empathetic encounters, can be an entry point to lived experiences of distant others. This has been evident for most participants in this project as well. Literature provided them with the opportunity to try on different perspectives and experience the mental states of others (Keen, 2007; Zunshine, 2006). There was a widespread acknowledgment that these novels offered a human face to the Syrian conflict, making the experiences of Syrians more relatable by bridging the emotional distance often felt when reading non-fiction (groups three, four, and five). Across the focus groups, a common understanding emerged that fiction leaves a more profound impact as it makes experiences tangible and fosters a sense of closeness. Regarding the reasons for readers' alienation from the Syrian context and the suffering of the population, there was a consensus that uneventful, repetitive media reporting on the conflict has led to feelings of indifference or even desensitisation towards Syrian civilians. One participant explained that explicit images from the Middle East in the news bulletins had desensitised them (group four). They rarely heard someone quietly tell their story, instead, they often saw screaming, agitated people on the street. The peaceful and quiet atmosphere that a book provides allows them to hear a person's story, leaving a more profound impression that helps to connect with the narrative and sense the victim's humanity.

Touching on the specificity of literature versus non-fiction, readers attested how the novels offered a fresh perspectives and led to more openness to being emotionally engaged. This is a clear sign of the aforementioned effect of fiction's fictionality. The appeal to the reader's imagination was seen as contributing to closeness, as it facilitated an affective response. In this regard, engaging the imagination to activate

the senses, visualising the places described in the novels, or attempting to evoke the smell of sarin gas played a crucial role (groups one, two, and five). Comparing the impact of the novels to seeing the documentary *For Sama*, one reader stated that these literary texts allowed for a stronger emotional engagement: “Those explicit images of war and horror from *For Sama* leave less of an impact. The emotions and humanity of it all hit closer to home through reading” (group four).

7.4.2 Limits to Empathy

As previously discussed, it is essential to approach the assumptions about the impact of reading literature on reader’s empathy critically and recognise the limitations of empathy. Reading fiction does not automatically lead to a deeper understanding or change in readers’ perspectives, even though it may have a more potent effect compared to exposure to non-fiction, as highlighted by Frank Hakemulder (2000). While fiction might – momentarily – help to cross the abyss with distant others’ lives, and allow readers to jump into the unknown, it can also inadvertently reinforce preconceived notions and solidify the perceived distance.

This paradox was evident in several groups, where many readers expressed being emotionally moved by (one of) the novels while also acknowledging a significant sense of distance from the events and characters portrayed. There was a disconnection between being touched – or experiencing empathy – and feeling closeness – or projection into the lives of others. This has largely to do with the unfamiliarity of the Syrian context, the sense of hopelessness and the exposure to graphic descriptions of violence which dampened reading pleasure. Several readers expressed feeling a strong distance from the characters’ lived experiences. Rima’s alterity and the siblings’ endeavour in *Death Is Hard Work* created an alienating effect. Another reason for the enduring distance is the fact that these texts deviate from what readers expect from fiction about experiences of harm or from trauma fiction.

Readers are part of a community, as Stanley Fish upholds: individuals interpret texts as part of an interpretive community (1980). While this idea could reinforce a relativistic approach towards literature, I argue that this notion of community can indeed be observed among actual readers. Literary texts about the World Wars remain a significant point of reference for fiction about conflicts, as confirmed in the focus groups. However, this often seems to result in a sense of detachment from contemporary traumatic experiences instead of promoting a recognition of their

universality. Discussions about the intricacies of the conflict evoked comparisons with the Shoah and other contexts of harm which are better-known in a European context. As a result, some readers struggled to recognise parallels between traumatic experiences in different contexts. Relating these specific instances of harm to other contexts made it easier for readers to find a point of reference. However, it can also be argued that by comparing Syria to other conflicts, they overlooked the unique aspects of the Syrian conflict. The novels did not seem to encourage readers to study the dynamics of the Syrian conflict in more detail or consider its specificity. Instead, some readers' pre-existing ideas about civil wars were reaffirmed, or insights about the Syrian conflict were extended to more familiar crisis situations.

Thus, fiction can strengthen the divide with faraway others and fuel preconceived ideas. Building further on Ivana Ančić's observation about the ways in which global structures of inequality are often obscured (Ančić, 2022), I argue that both readers' a priori knowledge and the openness to disruption are key to move past primary reactions, grappling with the burden of affect to accommodate new information. As discussed in the previous section, it is challenging for readers to make sense of the complexity of victimhood and multilayered traumatisation in the Syrian context. The difficulty or impossibility of fathoming the abuses, can induce primary reactions such as fleeing or freezing. It is revealing in this respect that a number of participants admitted not being able to finish reading *Planet of Clay*. Another primary emotion and an unsteady basis for an emphatic encounter is pity. A respondent who expressed feeling a deep sense of pity for Rima, felt conflicted about this emotion as she was aware that it was quite basic (group five). Even readers who indicated that the texts evoked feelings of outrage and empathy, grappled with jumping into the characters' lives. Some readers who did feel empathy indicated that this was not conducive to constructive engagement, as the situation in Syria is so hopeless and there is little that outsiders can do to affect change (group one and three). Another respondent who felt outrage over the chemical attacks, acknowledged simultaneously that this would quickly fade away given the absence of ways to channel it: "The question is, that outrage, what do you do with it ultimately?" (group one). It is widely agreed that literary texts do not need to generate a feeling of spiritual upliftment. Yet, when they instil a feeling of hopelessness, proving readers with no avenues to channel their affective responses, they can create a feeling of impotence or indifference. Thus, exposure to literary texts that leave readers confused can be detrimental to their responsiveness.

7.4.3 Learning Experiences

Reading fiction indeed fosters an openness that media reports often fail to elicit, as discussed earlier. Several participants noted that instead of evoking a strong emotional response, the novels provided them with new insights about the Syrian conflict. However, when examining these learning experiences, it is essential to be critical about the presumed world-making power of literature.

Confirming existing views that the perceived fictionality releases readers from suspicion and allows for a different acquisition of knowledge, participants revealed being more open to learning when reading a novel. They do not feel the same fatigue as when watching a media report or reading a newspaper article. Whereas not taking a strong interest in the Syrian conflict prior to reading the novels, most participants indicated that these literary texts gave them a better understanding of the toll and the human aspect of the conflict. Moreover, several readers said, the novels made them realise that the conflict is much more complicated than they thought, allowing them to revisit some of their ideas or to be open themselves to the lived experiences, particularly through the sensory approach of *Planet of Clay*. While there was overall appreciation for the way in which these narratives reveal real-life situations that are often obscured in media reporting, one reader expressed his frustration over the fact that “this is one of the most documented conflicts, and we actually need novels to gain an insight” (group one). In general, the human perspective and the lack of humanity during times of conflict were notable themes that emerged prominently.

Firstly, what stood out strongly is how conflicts dehumanize people, robbing individuals of their agency, ultimately giving them hardly any other option but resignation. Telling for several readers was the pervasive fear and arbitrariness of experiences of harm. This arbitrariness – symbolized for example by the checkpoints in *Death Is Hard Work* – gave an insight into the constant terror that Syrians are subjected to (group one, two, four and five). Thus, readers better understood how wars make it impossible for people to stand up as an individual and resist their oppression. For several readers, Bolbol epitomises this passivity that people adopt out of a desire to stay out of the conflict. While common people try to avoid being implicated, a reader argued, they are unwillingly involved: “There are strong supporters of the regime, but a much larger group just sits in between and never plays an active role on behalf of this or the other side” (group four). Consequently, the novels reminded many of the reason why Syrians, and people in conflict areas more generally, flee their country. When Syria

is mentioned in the media, this is often in the context of the refugee crisis, a reader noted, yet the reasons for the exodus have faded to the background. The novels dismantled that image of a Syrian collective of refugees and rendered Syrians visible as individuals, whether on the run or not. They also deconstructed some popular beliefs about refugees as they demonstrate that emigrating is not an option for many people for financial, logistical and emotional reasons (group one). Thus, these texts also presented readers with the complexity of staying or leaving in a conflict area.

Secondly, many readers were shocked by the pervasiveness of the violence against civilians. In particular the chemical weapons attacks and the ill-treatment of civilians in hospitals stirred some discussions. One reader testified that though she had followed the media reports about the chemical attacks in 2013, it was *Planet of Clay* that presented her with a clear picture of these attacks: “I have seen those photos and they are horrific. Yet, by reading about these attacks, I effectively realised that this is how it effectively was” (group one). Another reader thought that the description of the Ghouta attack was the most gripping section: “an act so deplorable that it is tough to describe in words, but the book’s attempt was really touching” (group four). Even if the novels do not provide a background to the conflict, several readers stated that they gave them a better understanding of the violence inflicted on Syrians. A participant stressed how *Planet of Clay* demonstrated different aspects of the brutality of wars: “You get an account of boys who were really hurt, and were treated even worse in the hospital, while everyone watches” (group four). The cruelty related to torture shocked a number of readers. A reader thought that *Death Is Hard Work* provided an interesting perspective on the less spectacular aspects of conflict: “Oftentimes you only see the extreme aspects. Whereas this book deals much more with the checkpoints, the things that make life difficult, the different factions of the military etc” (group five). The daily nuisances that conflicts cause were a stark reminder of the more mundane aspects of wars.

Thirdly, and relatedly, the novels gave many readers a better understanding of the dynamics of the Syrian civil war from the vantage point of civilians. As raised earlier, they demonstrated its mundaneness. Moreover, they underscored the complexity of this multidimensional conflict. A new dimension to some readers was the fact that normal life goes on, that people are mainly preoccupied in their daily life with logistical issues, rather than with questions of life and death. As one reader put it, war is shown to be a logistical issue for those who do not participate in the hostilities: “When we think about war, we think mostly about war movies: some action and a

little bit of drama. But here, there's almost no story arc, there are just nuisances when it comes to not being able to do even the most basic things. Everything turns out to be a logistical nightmare" (group five). Furthermore, the novels demonstrate how convoluted the conflict is, making readers aware of the multitude of parties involved, an aspect that different participants had hardly considered before reading the novels (groups one, two, three and five). Several readers were struck by the presence of jihadi groups and foreign fighters, revealing the extent to which foreign parties are interfering in Syria (groups two, three and five). While they had heard about these groups, they did not realise to what extent they were in control of large swathes of the country.

Nonetheless, the lack of affinity with the conflict causes hegemonic perspectives to strongly impact the way in which readers make sense of the conflict. Yet, few readers critically assessed hegemonic views that circulate around this conflict because these are not seen as problematic, or they are not seen at all: hegemony eclipses marginal views. The virulent influence of hegemonic narratives was illustrated by some of the statements about victimhood or traumatising, eclipsing the injustices. On that account, it can be questioned whether these literary texts entailed a better understanding of the depth of the justice impasse and its impact on people's lives. It is telling that only a few readers explicitly mentioned the atrocity crimes and remedies to overcome the accountability gap. Only two out of 34 correspondents – both of them lawyers – touched on justice processes in the Syrian context, specifically criminal proceedings in the form of universal jurisdiction cases. This engendered a discussion about criminal proceedings against the Assad regime and the possibility of establishing an international criminal tribunal in one group (group five). When the application of the transitional justice toolkit in the Syrian context was mentioned, a participant who is well versed in the field of transitional justice wondered about its applicability in the Syrian context because of the ongoing nature of the conflict (group three). It would appear to be the case that the complexity of the Syrian context, in which there is a proliferation of perpetrators, makes it hard for outsiders to capture the implications of the justice impasse.

To conclude, the novels foregrounded the human dimension of the conflict to most readers and elucidated some aspects of the conflict that they were not aware of. Several readers attested that they adjusted some of their ideas about Syrian culture and the conflict. At the same time, when talking about this learning experience, it became clear that pre-existing knowledge, or the master narrative, also determined

the readers' capacity to accommodate new insights. Inadvertently, some readers toed the line of dominant thinking about the Syrian conflict, according to which it is supposedly impossible to unequivocally ascertain who the perpetrators are. The same goes for the complexity of the victim-perpetrator equation. Several readers explicitly indicated that they were at a loss as to how to make sense of the experiences of certain characters who did not correspond to the image of the ideal victim. They found it difficult to empathise with an imperfect character who is not innocent or vulnerable, as women and children are. Notwithstanding these critical findings about the potential of literary texts to open up the readers' justice imagination, these texts do offer new insights into experiences of harm.

7.5 Conclusion

To conclude, I relate the findings back to the authorial intentions and the textual analysis from the previous chapters. Do actual readers respond in the way authors might have intended? And do they actually pick up on what a close, theoretically-informed reading of the texts reveal?

Both authors clearly indicate that they attempted to shed light on victimhood in the Syrian context, that they wanted to foreground experiences that have been eclipsed in media contexts. While doing so, they upheld aesthetic standards and produced well-crafted literary texts. These go against the grain of depicting the conflict in easily digestible terms, rendering an uncritical involvement impossible. The texts estrange and unsettle readers and render their involvement complicated because they challenge some hegemonic ideas about victimhood and traumatising. The texts disrupt expectations about giving insight into traumatising and victimisation in situations of harm, clearly refusing to commodify human suffering, as human rights bestsellers tend to do. *Death Is Hard Work* does not push the reader in the direction of sympathetic identification, as it does not present ideal victims. Conversely, while *Planet of Clay* offers a view of victimhood that is more relatable, it still fails to meet the expectations of several readers. Readers grapple with the difficulty of judgment, due to the seemingly contradictory aspects of victimhood and perpetratorhood that coexist, the multilayered nature of traumatising and the absence of a teleological perspective or traditional tropes of human development and rights.

The reader responses of the focus groups corroborated the view that literature has the capacity to make readers see alternative realities, and visibilise experiences of harm that were hitherto invisible. Across the focus groups there was an understanding that the novels prompted the readers to reconsider dehumanization. This is in line with the notion that literature is a strong co-creator of ideas about rights and justice, creating imaginative terms by which it is possible to see injustice, and ideally to comprehend it (Potter & Stonebridge, 2014). At the same time, the findings substantiate that many readers struggle to accommodate imaginary features that are different from their realities, to break away from their interpretive community. While they appreciated the complexity that these literary texts offer, they found it difficult to embrace the ensuing ambiguity.

My research findings confirm the need for scepticism over the correlation between literature and empathy. While many respondents confirmed that reading these novels touched them and generated empathy, they also indicated that this did not necessarily create a strong affective link with the characters, nor did it provoke moral outrage. Moreover, the discussions about victimhood and traumatisation demonstrated that empathy was not the strongest takeaway. Several readers recognised that it was not straightforward to feel empathy for the characters in these novels. In a similar vein, both Syrian novels visibilise oppression from the point of view of victims, thus attempting to grasp injustice from the inside, from the position of the powerless (Stonebridge, 2020, p. 30). In doing so, they undo some of the hegemonic narratives about injustices in the Syrian context, where victims' experiences are largely spoken for. However, the narration of Syrian experiences of harm is an uphill battle, because of the aforementioned Syria fatigue and clichéd narratives that dominate media and popular culture, as well as policy circles.





Freedom Bus, Berlin © Mohammad Abdullah

VIII. Conclusion

This doctoral dissertation aimed to examine how justice-related narrative artistic practices counter the erasure and invisibilisation of injustices and further justice processes in the Syrian context. In this concluding chapter, I first reflect on the problem of the invisibilisation and erasure of crimes and I summarise the primary findings of the research on justice efforts initiated under the umbrella of transitional justice, with a specific focus on informal initiatives and the role of artistic practices. Next, I discuss how narrative artistic expressions can complement justice efforts. This twofold focus allows me to bring together the thesis' two sets of findings, and notably to shed light on questions related to the potential of literary writing to contribute to justice-related debates. By “presencing” experiences of harm, foregrounding multiple truth claims, and furthering epistemic resistance, fiction can enable readers to jump into the lives of distant people and, possibly, allow them to reconsider their perspectives on injustices. In the following section, I zoom in on how narrative artistic practices challenge the emerging forms of silence and epistemic violence that Syrians are subjected to, through the discussion of the findings of my close reading of two Syrian novels and empirical reader response research. Finally, I reflect on avenues for further research.

8.1 Erasure and Invisibilisation of Crimes in the Syrian Context

This research project originated from the observation that despite extensive documentation of crimes in the Syrian context, their visibility is waning in media and policy circles in the Global North. As I established in chapter 2, this waning attention can be attributed to several factors. Firstly, there is a phenomenon of “Syria fatigue”, arising from the failure of the revolution, the complexity and longevity of the conflict, the refugees crisis and the absence of hopeful perspectives. These developments have overshadowed the initial interest in the Syrian uprising within the Global North and have led to a diminished empathy towards those who are suffering far away. Additionally, Orientalist and stereotypical perceptions of the Syrian conflict and the broader region have negatively affected the interest in lived experiences of harm among general audiences in the Global North. The success of the narrative warfare waged by the Assad regime and Russia, along with the repercussions of feasibility politics that became dominant in the Global North after the 2013 chemical weapons agreement and the rise of IS, have further influenced the diminishing focus on justice and accountability.

Two dynamics of omission are simultaneously at play here. Firstly, invisibilisation occurs, leading to a situation in which certain voices or issues become increasingly irrelevant in public processes of communication and deliberation. While these omissions cannot be attributed to a specific actor or act, invisibilisation can entail censorship or self-restraint and further obfuscate certain crimes, thus reinforcing the marginalisation of victims’ experiences. A second instance of omission is erasure, when acts of omission arise from explicit actions and discernible choices made by identifiable individuals or groups. It is a process in which (a set of) actors silence certain voices, push certain topics off the table, or narrow down justice narratives. In this conceptualisation of erasure, it is the identifiable act and the identifiable actor which are crucial. As I showed in chapter 4, when studying the Syrian context, it becomes evident that erasure and invisibilisation are significant historical and contemporary phenomena that have played a formative role in shaping the Syrian polity and kindling the resistance against the Assad regime’s reign of terror. Even if crimes such as the 1982 Hama massacre were largely absent from public narratives, Syrians explored truth-seeking efforts before the 2011 uprising. These dissidents were not under any illusion that accountability would be an option in the “kingdom of

silence”. Still, they actively resisted forcible forgetting, fully aware that the regime would attempt to erase its crimes from official records, and that the lack of interest in the Global North was likely to further contribute to the obfuscation of those experiences of harm. Moreover, the forced absences, especially of the missing and detained individuals, continued to push Syrians to resist injustices.

Syrians who invested in truth-seeking initiatives wanted to reveal the details about the silenced crimes and prevent forcible forgetting. Artists who addressed injustices in their writing were motivated by the same desire: to prevent the regime’s crimes from being erased. These endeavours to create a memory of experiences of harm, or memorialisation, are evident in various forms, including literary writings that address the reality of political prisons and the violence of the security services. This important observation indicates that justice efforts and artistic practices in the Syrian context have intrinsically been connected. The pursuit of justice through documentation and truth-seeking finds a complementary partner in the artistic realm. Syrian writers, and artists more broadly, have consistently shed light on state violence and injustices, thus preventing forcible forgetting and contributing to the creation of a collective memory.

This tradition of dissent against authoritarianism and the endeavours to prevent forcible forgetting, and advance truth claims, reached a pinnacle after the 2011 uprising. The onset of the revolution brought about hope for political change and the establishment of a new polity founded on principles of citizenship and belonging. Artists and justice actors, no longer restrained by fear, boldly addressed injustices and participated in constructing a *res publica*, where the pursuit of justice was openly discussed. Their struggle against erasure and invisibilisation gained significance and continues to this day, especially as the regime employed policies of annihilation to suppress revolutionary practices, thereby transforming the uprising into a fully-fledged civil war. The advent of the civil war has resulted in a multitude of perpetrators who perpetuate fresh instances of erasure.

Additionally, more passive forms of invisibilisation, or unremembering in this instance, emanated in the Global North where Eurocentric standards of memorialisation, strongly dominated by the memory of the Shoah, influence the perception of the suffering of faraway others. Engagement in what Michael Rothberg calls “multidirectional memory” often proves challenging as a zero sum logic seems to be entrenched whereby remembering one violent context comes at the

cost of forgetting another (2009). Yet, the memory of the Shoah can also instigate mnemonic change (Huyssen, 2001), as evidenced by Syrian diasporic artists and justice actors who, through encounters with European memory culture, engage in critical memory work. As a case in point, Rothberg zooms in on an essay by human rights activist Wafa Mustafa whose father has been disappeared by the Assad regime and who unites histories of violence, disrupting established German modes of Shoah commemoration (Mustafa, n.d.). In Rothberg's view, these sorts of writings "offer a relational, multidirectional remembrance that neither denies the specificity of the Holocaust and its lessons for Germany's present nor elevates that specificity into a sacred and untouchable event" (2022). The manner in which Syrian activists and artists engage in critical memory work in Europe stands as a remarkable instance of atypical mnemonic change, serving as inspiring responses to the instances of invisibilisation of experiences of harm.

For this project, this double dynamic of omission through erasure and invisibilisation is important in two ways. On the one hand, it has inspired the set of research questions regarding the strategies that justice actors and artists use to resist the erasure and invisibilisation of crimes perpetrated against Syrians. On the other, it has triggered a set of questions regarding how to visibilise specific kinds of harm, as well as the complex dynamics of addressing, remedying and resisting harm within justice struggles. These questions are answered in the next two sections, which first examine Syrian and international justice efforts to overcome the erasure and invisibilisation of experiences of harm. Then, I zoom in on the role of artistic practices in foregrounding instances of erasure and invisibilisation.

8.2 The Role of Transitional Justice in the Pursuit of Justice in Syria

8.2.1. The Potential of the Transitional Justice Toolkit in the Syrian Justice Impasse

To prevent crimes from being deliberately erased by the Assad regime or other perpetrators, or inadvertently invisibilised due to ineffective multilateral and state-led responses to the conflict, Syrian and international justice actors have turned to the transitional justice paradigm. Syrian entrepreneurs began experimenting

with the transitional justice toolkit at the onset of the uprising in 2011. In this early mobilisation, the international support by governments and institutions in the Global North played a pivotal role, alongside local activism. However, due to the regime's persistent violence and the transformation of the uprising into a civil war, these early entrepreneurs were compelled to let go of a comprehensive transitional justice program with maximalist aspirations of a political transition, institutional reform, accountability and reparations. Even though the prospect of a transition rapidly evaporated, the transitional justice paradigm has never been officially renounced. The entrenched non-transition and the proliferation of perpetrators, forced Syrian justice actors to relinquish the idea of a comprehensive transitional justice program without letting go their desire for a transition or their engagement with certain dimensions of transitional justice. They held on to the paradigm as a means to prevent the complete breakdown of justice and accountability efforts, concretely shifting to more minimalist objectives in the domain of documentation, criminal accountability and truth-seeking. As a result, significant initiatives emerged to uncover the truth about the disappeared and the missing, as well as criminal accountability proceedings under extraterritorial jurisdiction. While these initiatives are far removed from the original revolutionary objectives, and are the object of intense debates among Syrians, they should not be dismissed as merely symbolic. First and foremost, they exemplify the unwavering determination of Syrians to pursue justice, even in the face of the failed revolution and inadequate international responses. Put differently, they do not succumb to the regime's and other perpetrator's dictates and the globalised indifference, and continue to counter erasure and invisibilisation. Furthermore, the experiments with the transitional justice toolbox demonstrate that the implementation of transitional justice initiatives in ongoing conflicts defies strict categorisation.

Indeed, in the Syrian context, the pursuit of justice has become closely associated with the adoption of the transitional justice paradigm, even though is a complex and contentious endeavour marked by murkiness and experimentation. I contend that it has resulted in an approach that balances idealism, pragmatism and creativity. Its concretisation has given rise to contradictory perspectives surrounding the adoption of transitional justice initiatives and their desired outcomes in the Syrian context, as I demonstrated in chapter 4. Moreover, there is ambiguity surrounding the transitional justice paradigm itself. Initially embraced as a means to disrupt the normalised status quo of impunity and ongoing crimes, the paradigm of transitional justice has faced simultaneous rejection from many Syrian justice actors. The model version introduced by Western institutions, which hinges on the objectives of accountability,

truth, institutional reforms, guarantees of non-recurrence, memorialisation and reconciliation, does not fit the Syrian context. Nevertheless, it has emerged as the sole means of pursuing justice and advancing resistance within this context of an entrenched non-transition. Consequently, as I have expounded upon in chapter 3, Syrian justice actors blended various transitional justice initiatives to make the paradigm relevant in an ill-suited context. This has resulted in a mix of standardised and non-standardised approaches to (transitional) justice.

However, the transformation of the uprising into a civil war strengthened the defeatism in the Global North regarding the feasibility of justice efforts in the absence of a transition or resolution of the conflict. This mindset has effectively connected the uprising's failure and the tenacity of the regime to the perceived unfeasibility of advancing justice. I argue that it has limited the justice imagination within policy, media circles, and public opinion in the Global North. As a result, Syrians were increasingly faced with binary thinking that questioned the possibility of an alternative to the Assad regime within the current political configuration. Its impact was twofold. Firstly, it has affected the ability of observers in the Global North to see and recognise the injustices, involuntarily sending the signal to Syrians that they would have to bear with the atrocity crimes and the perspective to be stuck in this limbo. Secondly, it has placed constraints on the development of strategies to advance justice and accountability. In this context, it is important to highlight that the challenges that institutional actors face are enormous. The Syrian authorities' annihilation policies, combined with the protection they receive from Russia and China within the Security Council, pose formidable barriers to the investigation and the prosecution of international crimes. Some major obstacles are the ongoing violations of international law, the lack of access to the country – and thus to prime crime sites – by UN bodies or international institutions such as the Commission of Inquiry, and the restricted access of the OPCW.

This dissertation sought to address how Syrian justice actors have responded to the ongoing atrocity crimes, the ensuing practices of erasure, and the shift in the Global North from “the responsibility to protect” mindset to the primacy of feasibility politics, contributing involuntarily to the invisibilisation of crimes. In response, Syrian justice actors have proactively advanced a three-pronged approach, characterised by the blending of idealism, pragmatism, and creativity. This combination has led to the development of innovative strategies, where artistic practices hold significant potential. In this dissertation, I have shown that Syrian justice actors' resolve to persist in implementing transitional justice initiatives in an imperfect environment is not a

result of an inability to adapt or a misinterpretation of the circumstances. Instead, it highlights their agency and flexibility. In the face of ongoing crimes and the growing international passivity, they had no option but to shift towards an experimental approach and leverage the transitional justice toolkit to facilitate accountability. Moreover, they could draw upon the deep-rooted tradition of dissent against authoritarianism, as well as the endeavours in truth-seeking and memorialisation, in order to further advance their justice efforts and resistance against injustices. As highlighted in chapter 4 elucidating the evolving justice efforts, the significance of resistance in utilising transitional justice tools needs to be emphasised. This prominence can be attributed to the intertwining of justice actors' embrace of the transitional justice paradigm with the origins of the uprising and its revolutionary aspirations. Over time, these aspirations were overshadowed by oversimplified interpretations of the conflict prevalent in the Global North, which predominantly portrayed it as a sectarian struggle and failed to acknowledge its underlying root causes and to render visible the actual nature of the violence perpetrated mostly by the Assad regime. This has prompted Syrian justice actors to use their own imagination in order to open up new justice avenues. In doing so, they have also invited stakeholders in the Global North, either justice entrepreneurs or political actors, to stretch their political, moral and justice imagination and reassess their – often restricted – perspectives on resistance, disruption and accountability.

The research has revealed that Syrian justice actors emerged as the primary drivers of the innovative utilisation of the transitional justice toolbox. Nevertheless, it is crucial to recognise that this achievement was facilitated by the existence of a transnational justice network. This came about organically through the collaboration between Syrian justice actors, primarily within the diaspora, and international stakeholders in civil society organisations as well as formal institutions. Syrian justice activism lacks a central epicentre rooted in one single location, and it does not rely on a unified strategy among justice actors. Instead, it thrives on a decentralised and diverse approach, with various actors contributing to the pursuit of justice. As such, (transitional) justice efforts within the Syrian context has become a transnational endeavour, spearheaded by Syrian entrepreneurs and bolstered by robust support from (international) NGOs, private justice entrepreneurs, state institutions, and UN bodies. This new justice architecture network arose as a result of the unwavering efforts by Syrian CSOs and activists – both within the country and increasingly in the diaspora – and the early and ongoing involvement of international justice actors. In unpacking the development of this transnational network, I have demonstrated

how – despite its deficiencies and the ongoing contestation – the transitional justice toolkit was adapted to allow for concrete initiatives to overcome the accountability gap, among other things, by investing more strongly in multilateral documentation efforts or strategic litigation. While these efforts are far removed from the initial adoption of the transitional justice paradigm in Syria, its innovative adaptation has facilitated initiatives focused on documentation, criminal accountability, and truth-seeking. These endeavours, born out of necessity and the three-pronged approach of idealism, pragmatism and creativity, proved to be pivotal in mitigating the repercussions of feasibility politics, the impact of the Syria fatigue and narrative warfare. Although these initiatives are no panacea for justice, the research highlights that they have played a significant role in the recognition of experiences of harm, generating disruption within the established justice architecture shaped mainly in the Global North. They have spearheaded initiatives that disturb and question existing processes and practices and advance disruption as a radical change in existing industries or institutions (Destrooper, et al, 2023). In doing so, these justice actors have effectively challenged the erasure and invisibilisation of experiences of harm, at a time when these practices have intensified and the justice mobilisation in the Global North dwindled.

8.2.2 Innovative Responses to the Justice Impasse

A. DOCUMENTATION

Documentation occupies an essential position in the Syrian struggle for justice and accountability. From the start of the uprising, activists, filmmakers, and citizen journalists have invested heavily in documenting human right abuses. When the initial goal of eliciting an international response to stop the atrocities proved impossible, they focused on documentation to prevent the reoccurrence of the forcible forgetting and to obtain the recognition of the crimes. Because of its centrality and its transformative potential, it could be argued that documentation is a stand-alone transitional justice mechanism in the Syrian context (Aboueldahab, 2018). Documentation can even be considered as the spider in the web of transitional justice initiatives: both as the primary tool and the source of disruption of the deficient, limited international justice mobilisation. It has formed the foundation for truth-seeking and memorialisation endeavours, and it has additionally triggered innovations in the domain of criminal accountability.

The innovative potential of documentation has been illustrated clearly in the realm of criminal accountability. To accommodate the shift from activism for human rights and democracy to furthering accountability, Syrian CSOs increasingly focused on providing evidence for criminal proceedings. Thus, what started out as grassroots initiatives, transformed into a sustained effort of collecting documents by a plethora of CSOs and individuals. While this dynamism has led to an unprecedented accumulation of evidence, it has also raised expectations that cannot be fulfilled due to the scarcity of avenues where such evidence can be used. Moreover, a considerable portion of the documentation is not suitable for criminal justice purposes as it was not collected for that specific purpose. As a result, the importance of transnational cooperation and the role of the IIM as a central repository becomes evident. The IIM strengthens Syrian documentation efforts, but its effectiveness is contingent upon the material provided by Syrian justice actors. I argue that this transnational cooperation contains an innovation in its own right, in the sense that it challenged the existing, failing international justice architecture and turned out to be a more viable alternative, pooling the resources and expertise to challenge the justice impasse.

In the Syrian context different epistemic communities have collaborated to strengthen documentation efforts. In this context, artistic practices and the power of imagination they foster have proven to be key to strengthening documentation efforts and investigative work. As Fuller and Weizman demonstrate, in the realm of the arts there is a strong interest to work on problems and modes of knowledge historically linked to other fields and disciplines, with many artists engaging in the development of research, investigation and community building (2021). In the Syrian context numerous artists, despite not explicitly identifying themselves as justice actors, share many commonalities with the justice community. Many of these artists in the domain of cinema and visual arts, such as filmmaker Wa'ad al-Kataeb, painter Najah Albukai or visual artist Khaled Barakeh, also engage in the visibilisation or the documentation of experiences of harm. In doing so, they have also highlighted the epistemic functions of artistic practices, creating epistemic friction and contributing to the awareness of the Syrian conflict (Mihai, 2022, p. 49).

In sum, documentation serves as a vital safeguard against the resurgence of forcible forgetting through the creation of a multifaceted historical record, or the establishment of unofficial archives that comprise testimonies, personal narratives, and the forensic evidence of crimes, thus preventing the erasure and invisibilisation of crimes. This is also clearly illustrated by the strong importance that victim groups

attach to documentation: they consider it the cornerstone of their work. Furthermore, its lasting impact can be seen in the realm of resistance, as it provides counter-stories against the regime's attempts to obscure crimes and the dominant narratives surrounding the Syrian conflict in the Global North, which often overshadow the actual experiences of Syrians.

B. CRIMINAL PROCEEDINGS

Criminal justice continues to be one of the cornerstones of transitional justice, also in the Syrian context. Given the entrenched non-transition, the absence of domestic remedies, and the unfeasibility of establishing an international tribunal or referring the case to the International Criminal Court, universal jurisdiction has emerged as an interim measure to concretely pursue accountability. The principle of universal jurisdiction, enabling the prosecution of international crimes committed in a foreign country, is being progressively implemented in the Syrian case. In ten European jurisdictions, ongoing or concluded cases of war crimes or crimes against humanity committed in Syria are taking place. Despite the increasing criticism from critical transitional scholars concerning an overemphasis on legal approaches, this research project highlights the paramount importance of universal jurisdiction cases in the adoption of the transitional justice paradigm in the Syrian context. First and foremost, it is the sole concrete judicial avenue for Syrian victims of international crimes to seek criminal accountability in the face of near-absolute impunity. Moreover, these cases investigate crimes committed by perpetrators affiliated with the regime or associated militias, thereby challenging the predominant focus on prosecuting foreign fighters and generating new justice narratives in the Global North surrounding accountability in the Syrian context. While international NGOs and judicial institutions in Europe play a leading role, it is crucial to acknowledge the pioneering role of Syrian NGOs in this domain. They initiated the push for strategic litigation, and laid the groundwork for broader efforts in seeking justice and accountability.

Artistic practices and informal initiatives also play a complementary role in the pursuit of criminal accountability. This was notably evident in the al-Khatib trial, where journalists, activists, artists and scholars capitalized on the increased attention for injustices in Syria, particularly the omnipresence of the political prison and the pervasive use of torture. Through podcasts, documentaries, artworks, and articles, they address gaps and raise the attention to issues that have not been adequately addressed in the trial proceedings, such as the pervasive problem of enforced

disappearances. These attempts at creating a more comprehensive understanding of the injustices are crucial, considering the ongoing narrative warfare and the limited comprehension in the Global North of the nature of the Syrian justice impasse. For some witnesses in the al-Khatib trial, who had experienced the practice of “disappearing behind the sun”, the recognition of individual and collective harm and the repossession of their agency were crucial motivations for testifying (Ghrer, 2022; 75 Podcasts, 2022). While these trials are far from perfect and do not amount to comprehensive justice, they offer a sense of relief to some victims, in the sense that the trials imply an acknowledgement of the widespread practice of torture by government officials and the collective suffering endured by Syrians, albeit to a limited extent. The establishment of this formal justice space allowed victim groups and CSOs to create additional spaces for engagement, for example by organising sit-ins or flashmobs outside of the court. Universal jurisdiction trials, in turn, stimulate further efforts in areas such as memorialisation, historical research, and truth-seeking. From the perspective of many victims, these trials also serve as a form of resistance, providing them with an avenue to express their justice needs.

C. TRUTH-SEEKING

Against the background of the deadlock in the formal justice architecture, justice actors have pushed for both formal and informal truth practices. Syrian justice actors actively invest in a myriad of truth-seeking initiatives, ranging from creative and artistic practices, advocacy initiatives to stronger involvement in formal mechanisms such as the IIM. In the absence of other formal initiatives such as a truth commission, the IIM is the most important formal venue for truth-seeking that currently exists in the Syrian context. The scarcity of other formal avenues, the climate of uncertainty related to truth claims, and their unfulfilled right to truth, has pushed Syrian justice actors to increasingly focus on truth-seeking and hone in on new avenues.

While Syrian justice actors attach great importance to forensic truths, which form the foundation of documentation efforts and criminal justice proceedings, they appreciate informal initiatives in their own right. For one, they are intimately aware of the detrimental consequences of narrative warfare and emphasise the need to prevent the obfuscation of experiences of harm, promoting the right to truth. Next, informal truth initiatives can be a meaningful complementary approach in the run up to or the orbit of formal justice initiatives, as happened in the context of the al-Khatib trial. As a result, there is a growing number of artistic practices in the domain of literature,

cinema and visual arts that engage with the notion of truth. As I will explain in the next section, artistic engagements with the notion and practice of truth-seeking have succeeded in visibilising experiences of harm that have largely been marginalised in dominant representations of the Syrian conflict. Finally, and relatedly, this truth-activism has sparked the emergence of initiatives that better address the needs of victims, particularly in relation to the crime of enforced disappearances, which lies at the core of the regime's strategy to maintain control over society.

Because of the massive current and historical occurrence of this practice, hundreds of thousands of Syrians are affected. Yet, addressing this issue has proven to be extremely challenging. The widespread nature of disappearances, along with the non-cooperation of perpetrators, and the lack of mechanisms to address this crime, has generated an international passivity. This non-action compelled Syrian victims and their families to drive initiatives to determine the fate of the missing individuals. To see their right to truth fulfilled, victim groups have established the *Truth and Justice Charter* (ADMSP et al., 2021) and advocated for the establishment of a mechanism to determine the fate of the forcibly disappeared and the missing. Their efforts have inserted this largely overlooked issue in the international agenda, winning political backing for the establishment to create an Independent Institution on Missing Persons in the Syrian Arab Republic (UN Media Centre, 2023). This research project illustrates how the victim movement, despite its limited experience, demonstrates impressive organisational capacity and creativity, thus altering the landscape and the trajectory of Syrian (transitional) justice activism. This informal activism, rooted in the understanding that victims' needs and perspectives are often marginalised, shares many similarities with artistic practices in terms of furthering resistance and shying away from teleological approaches.

To conclude, despite absence of a political transition in the Syrian context, the malleability of the transitional justice toolkit allows for non-standardised approaches and initiatives to be developed by justice actors who seek to push for some form of truth, accountability or repair. The empirical research highlights how Syrian justice actors have assimilated the transitional justice toolkit to experiment with its tools and concepts to allow for the recognition of crimes, enable accountability, cause disruption and further resistance against authoritarianism. Because of the scant formal avenues and the entrenched non-transition, their efforts are primarily situated in the domain of documentation, truth-seeking and criminal accountability.

8.3 The Potential of Syrian Literary Writing to Foreground Injustices

Artistic practices in the Syrian context have equally undergone significant transformation, mirroring the transition from optimistic revolutionary aspirations to mourning over the failure of the revolution and the proliferation of experiences of harm. The transformation of the conflict has led to a heightened focus on truth-seeking and memorialisation. Numerous artists have incorporated experiences of harm into their creative expressions to make sense of this suffering, to express their commitment to the quest for justice or to voice their resistance against injustices. Artistic practices have firmly asserted their presence as a distinctive form of expression in the realm of protest and resistance (Larzillière, 2022). Moreover, artists have also addressed the erasure of crimes by the regime and other perpetrators and the invisibilisation of those crimes as a result of clichéd understandings of the conflict in the Global North. While this increased trend toward justice-centred narrative artistic practices is noticeable across a range of artistic disciplines (e.g. visual arts, cinema and performative arts), I have specifically concentrated on contemporary Syrian literature, as this captures well how the tradition of dissent has reached its pinnacle after 2011 and how fiction can contribute to truth-seeking and memorialisation. It needs to be highlighted that although dissidence is a key characteristic of Syrian literature, by no means do I presume that all Syrian writers engage with justice-related issues and resistance in their work. For the purpose of this research I have zoomed in on those writers who address justice-related issues.

In this thesis, I have explored how fiction can prompt readers to embrace complexity, potentially evoking affective or cognitive responses. Drawing on data obtained through interviews, I have pointed out three tendencies in Syrian literary writing : a) “presencing” lived realities and experiences of harm; b) engagement in truth-seeking; c) and furthering epistemic resistance. In this concluding section, I apply this framework to the close reading of the novels *Death Is Hard Work* and *Planet of Clay* as well as the reader response research. This allows me to present the most significant takeaways regarding the potential of Syrian literary writing to visibilise experiences of harm and, consequently, open up the readers’ justice imagination.

8.3.1 “Presencing” Experiences of Harm

This research has sought to study how artists, specifically writers, address injustices that they observe and endure, while refraining from explicitly identifying as a justice actor. There is a prevailing sense among Syrian writers that literature can contribute to dissent and resistance without necessarily foregrounding positive heroes or adopting a teleological perspective on suffering or justice. Many writers have embraced the 2011 uprising, while also engaging in critical reflection on its shortcomings. The empirical chapter on overcoming erasure in Syrian literary writing (chapter 5) reveals that many Syrian writers acknowledge and grapple with the suffering and the ensuing loss of humanity and represent this in their work. However, their intention is not necessarily or unequivocally to bring about change. Instead, their aim is to bear witness to atrocities and convey their proximity to victims of human rights abuses. Several interviewed authors professed an urge to “presence” lived realities, to prevent that these are forcibly forgotten. Many writers, as well as other artists, act upon the observation that Syrian society transitioned from a revolutionary project to a struggle for dignity and survival in the post-revolutionary phase. This has resulted in Syrian voices becoming increasingly marginalised, glossed over, or even superfluous. Several interviewed writers referred to their familiarity with forcible forgetting, and how it encouraged them to artistically represent familiar and new experiences of harm. Among the interviewees, there is a widely held belief that literary writings have the ability to visibilise lived experiences and shed a light on hidden stories.

Syrian novelist Khaled Khalifa attests to his profound connection with Syrian victims and his desire to provide counter-narratives. While he does not attempt to chronicle crimes, he hopes that through his novels readers might gain an insight into the events unfolding in Syria. His novel *Death Is Hard Work* presents a chilling account of three siblings’ harrowing road trip across war-torn Syria to fulfil their father’s final wish of being buried in his ancestral village. Through the appeal to literary realism and the evocation of multifaceted traumatic suffering, the text attempts to represent the reality of Syrian lives. The reader response research (chapter 7) reveals that readers of *Death Is Hard Work* gained a better understanding of the pervasive nature of injustices and the impact of past and present traumas. Simultaneously, through its ironic and matter-of-fact style, the novel challenges perceptions (in the Global North) of what a Syrian trauma fiction might typically encompass, subverting readers’ expectations. As the reader response research also suggests, instead of evoking empathy, the novel highlights the normalisation of suffering and death in Syria. What emerges

prominently from the close reading of the novel (chapter 6) is not so much the unspeakability of trauma, but rather the difficulty to recognise crimes that risk being erased (such as widespread detention and bombings of hospitals) or invisibilised (such as sexual and gender-based violence). Relating this to the complementarity between arts and justice efforts, this novel reveals how literature creates epistemic friction and brings to the surface invisibilised experiences. As Mihaela Mihai argues, “friction is successful when the imagination stretches to prosthetically include previously dissonant instances—of victimhood, complicity, or resistance—within our repertoire of hermeneutical resources” (2022, p. 53). While we should not have overblown expectations of literature’s world-making power, this research confirms that fiction can mediate novel readers’ experiences, provided that they can welcome dissonance and ambiguity.

In a similar vein, Samar Yazbek invites readers to be open to ambiguity and augment their awareness of experiences of harm in the Syrian context by stepping into a fictionalised account of harm. The author equally feels very close to Syrian victims of violence and pronounces herself a strong supporter of the uprising. In *Planet of Clay*, she provides a fictional account of the siege of Ghouta and the chemical attacks, relying on evocative descriptions of “the story of the bubbles” through sensory experiences such as nauseating odours, colours, and festering wounds. It emerges from the close reading (chapter 6), that the text employs various modes of testimony and narrative techniques to “presence” unimaginable experiences of harm. By doing so, the novel evokes a visceral, emotional response on behalf of the reader. At the same time, the reader realises that they cannot fully grasp the traumatic experiences. They bear witness by putting themselves in the protagonist’s position while recognizing the difference, thus averting overidentification through what Dominic LaCapra calls “empathic unsettlement” (2014). According to the findings of the reader response research (chapter 7), the novel effectively conveyed the impact of the harm being inflicted on ordinary people. At the same time, for some readers, the sensory approach and graphic descriptions of harm made an empathic encounter challenging. It is important to recognise that the authors’ intention to “presence” experiences of harm and portray violence can have a (unintentional) negative impact on readers, creating cognitive dissonance that cannot be accommodated and can in some instances provoke readerly disengagement.

Literature’s capacity to “presence” experiences of harm cannot fill the gaps that justice efforts fail to address. We cannot expect fiction to overcome the justice impasse. Yet,

the power of the imagination can speak to one of the most problematic paradoxes that mark the Syrian conflict: the abundance of forensic evidence about atrocity crimes has not contributed to the “presencing” of Syrian lived experiences in policy and media circles in the Global North. Indeed, factual approaches and evidence have not resulted in a stronger comprehension of the complexities of the Syrian conflict. However, literary writing (both fiction and non-fiction) can speak to these absences. The prevalent genre to assert human rights claims, combining the collective pursuit of justice with individual stories of suffering, is the personal life narrative (Schaffer & Smith, 2004). Syrian prison writings are an important manifestation of this genre, with for example Mustafa Khalifa’s *The Shell: Memoirs of a Hidden Observer* (2016) attracting a wide international readership. Shareah Taleghani points to the poetics of recognition evident in prison narratives: “The evocations of vulnerability in Syrian prison literature have paved the way for a type of ‘sentimental education’ of the readers of such works. At the same time such texts also generate allegories of the failures of political recognition that plague the international human rights system” (2021, p. 21). Along the same lines, I argue that the novels I have scrutinised in this dissertation, and justice-related literature more broadly, can foreground different forms of suffering and invisibilisation, allowing the reader to contextualise them in the human rights regime while also recognising the limits of that regime and the international justice architecture.

Literature can articulate human rights claims and justice needs that fall outside the institutionalised human rights regime and provide sites for the imaginative reflection of other subjectivities, such as atypical victims that do not correspond to the image of the ideal victim (Goldberg & Moore, 2013, p. 10). Thus, it can enable the recognition of vulnerability and injustices, as well as the necessity for remedies, while also highlighting the shortcomings of the international justice system. Literature has the potential to make experiences tangible and foster a sense of closeness, serving as an entry point to lived experiences of distant others. This has also proven to be the case for most participants in the reading groups: these novels have allowed them to try on different perspectives and establish a relatability to the experiences of Syrians by bridging the distance inherent in non-fictional accounts. This was evidenced by the outrage experienced by some readers over the chemical attacks and the violence against women addressed in the novels. The empirical research data from the reader response research demonstrated that through the engagement with narratives, readers reconsidered the phenomenon of dehumanization in Syria, thus acknowledging or developing a better understanding of experiences of harm

that they were unaware of before reading the novels. This aligns with the notion that literature plays a significant role in co-creating ideas about rights and justice (Potter & Stonebridge, 2014). Using their imagination, readers can recognise injustices and possibly develop a deeper comprehension of their nature and impact. The active-meaning that results from the engagement with fictional accounts of harm forms a stark contrast with the exposure to hegemonic narratives of harm in media accounts that inadvertently further tendencies of invisibilisation.

8.3.2 Multivocal Truths

The findings that emerge from the empirical research on literary writing support justice actors' claim of the significance of truth-seeking. Artistic practices have the ability to foreground multiple truths and underscore the importance of embracing ambivalence and paradox. The research about Syrian writers' intentions (chapter 4) brought to light how their knowledge about the erasure of Syrian experiences and narratives fuels their dedication to seeking the truth. Moreover, several interviewed writers have observed the paradox between the massive documentation of crimes and the dwindling interest in Syrians' experiences internationally, contributing to the invisibilisation of harm. Overall, they avoid providing definitive answers and instead open spaces where different truths are explored. Linking this back to the research question of how Syrian writers foreground experiences of harm, this dissertation demonstrates that many writers are devoted to truth-seeking in order to highlight these experiences, while also striving to offer a more nuanced understanding of the Syrian context. As such, writers attempt to provide counter-narratives by giving prominence to subjective experiences. It emerged from the research that overall writers do not attempt to convey objective truths, but rather to invite readers to re-examine their own perspectives and their relations to the truth claims and the experiences of faraway others. This serves as a stepping stone for deeper engagement with narratives about violence that extend beyond this specific novel.

Specifically examining the novels, in *Death Is Hard Work*, Khaled Khalifa invites readers to align themselves with Syrian victims, challenging the prevailing notion that it is hard to identify the victims and impossible to ascertain the truth in the Syrian context. In his view – even though he does not foreground ideal victims – the novel leaves no room for doubt regarding the crimes that lead to the protagonists' victimisation. The author equally refuses to present exemplary revolutionaries, challenging the notion that revolutionaries are inherently virtuous. Instead, the

author emphasises the unrecognised agency of those who remain neutral, portraying the average person through the protagonist Bolbol, with whom he strongly identifies. However, reader response research indicated that readers found it challenging to pass judgment and fully comprehend the complexities of victimisation in the absence of a more conventional black and white perspective. As a result, it can be argued that artistic truth-seeking in the Syrian context is an intricate endeavour due to the difficulties of judging from a geographical, cognitive, and emotional distance. Readers need to be aware of the necessity of, and willing to embrace, ambivalence, paradoxes, and accommodate to the idea that not-knowing does not mean that they cannot make judgements about victimisation and trauma.

Samar Yazbek equally sheds light in *Planet of Clay* on the victims and the simple, unequivocal truth of the largescale victimisation of civilians, without zooming in on the perpetrators. She urges her readers to consider the chemical attacks by combining forensic evidence and subjective experiences. It emerges from the close reading that the author intends to counter the narrative warfare, which instils doubt regarding truth claims surrounding chemical attacks. While the novel leaves no doubt about the harrowing truth of these crimes, it toys with the notion of truthfulness. Underlining the protagonist's digressive testimony as the truth – despite her status as an unreliable narrator – the text highlights the importance of personal truths. Reader response research revealed that the subjective, murky nature of the narrative made it easier for some readers to recognise the protagonist's victimisation, also as she corresponds to the familiar image of an “ideal” victim: namely an innocent girl who is subjected to horrific violence and ultimately abandoned. Overall, the reader response research brought to light that the absence of a strong understanding of the nature of traumatic experiences and victimisation in the Syrian context, nurtured by the climate of uncertainty, make it hard for readers to embrace ambivalence, and accommodate multiple truths.

To understand how these obstacles can be addressed, it is necessary to take a broader view and look into truth-seeking in contemporary Syrian literature on the one hand and reception by readers in the Global North on the other. Syrian writers who address injustices in their writing approach truth-seeking as a transformative process that necessitates a radical openness to ambiguity and friction on the part of the reader. As demonstrated through the interviews with Syrian writers (discussed in chapter 4), the majority of these authors do not perceive themselves as chroniclers of the Syrian conflict, nor do they explicitly seek to document injustices or aim for

their writings to be employed in a formal legal context. They want to present readers with difficult questions and enable them to acknowledge the multiple truths related to experiences of harm they address in their writing. The problem is that many readers in the Global North might not be sufficiently well-informed about the Syrian context to critically reflect on these difficult questions or actually perceive the multiple truths the texts present them with. This observation might appear as a generalisation and requires further investigation through comparative literary research, examining responses by readers from the Global North to literary works from various countries in the Global South, and including different genres. However, it did emerge from the reader response research that the unfamiliarity of the context and the prevalence of Eurocentric modes of memory hindered cognitive and affective responses for some readers. Despite the recognition that engagement with fiction had an emotional impact on readers, there was a prevailing sense of detachment from the events and characters. This disconnection between experiencing empathy and the absence of feeling closeness highlights the complexity of reader responses to fictional works, particularly when confronted with distant matters. The findings indicate that readers struggle to accommodate imaginary experiences disconnected from their realities, to break away from their interpretive community and to embrace the ambivalence the texts present them with. The sense of hopelessness they have about the Syrian context, which was confirmed in the fictional accounts, also engendered feelings of defeatism and even indifference or readerly disengagement.

8.3.3 Epistemic Resistance

The notion of epistemic resistance, or the use of epistemic resources to challenge and transform oppressive normative structures, is essential to understand ongoing resistance against oppression in situations of conflict such as the Syrian one (Medina, 2012, p. 3). Artistic practices can strengthen the resistance of marginalised communities against oppression, by bringing their experiences of suffering into the public arena. Arts also allow to counter hermeneutical and epistemic injustice, by bringing in experiences and voices of the epistemically marginalised that are typically overlooked in formal justice mechanisms (Mihai, 2018). Therefore, artistic practices also challenge readers to stretch their epistemic limitations and activate their imagination to welcome this complexity. The empirical research revealed that many Syrian writers want to challenge the dominant framing of the Syrian conflict that exposes Syrians to new instances of epistemic violence. It also highlighted that Syrian writers believe that fiction can contribute to dissent and resistance without

advancing a teleological perspective on justice. There is a strong consensus among the interviewed writers on the need to speak freely and generate artistic responses inspired by their observations and imagination, thus reclaiming the right to present their own stories and challenge hegemonic narratives.

This centrality of epistemic resistance was confirmed in the close reading of *Death Is Hard Work*. A central argument in this analysis is that the novel holds up a mirror to readers who – affected by the narrative warfare and Syria fatigue – struggle to perceive and acknowledge the harm inflicted in the Syrian context. By representing atrocity crimes in a matter-of-fact manner, the text prompts a re-evaluation of traumatic experiences and heinous acts, redirecting the readers’ attention towards overlooked forms of oppression and hidden trauma. It resists the temptation to romanticize harm and pushes back against the deliverance of some form of narrative closure: there is no catharsis in the end. This absence of a just conclusion reflects the harsh reality of the Syrian conflict, a reality that both readers and observers of the conflict from the Global North grapple with, which often leads to disengagement. The reader response research confirmed that it cannot be taken for granted that readers have the capacity and willingness to examine their own epistemic limitations and to welcome cognitive dissonance. Concretely, the research has underscored the impact of Eurocentric forms of truth-seeking and memorialisation on shaping cognitive and affective responses to experiences of harm in the Syrian context, thus reinforcing the sense of a distance rather than contributing to a recognition of the universality of traumatic experiences.

In a similar vein, *Planet of Clay* defies the notion of redemption and catharsis. It urges readers to break free from the dominant framework of the conflict and contemplate alternative forms of resistance and personal agency. A central argument of the close reading is that the protagonist, far from being a passive victim, actively resists patriarchal behaviour through her deliberate muteness and unwavering desire to walk and break free. Her silence is an act of defiance in the face of the systemic violence that surrounded her. Her marginalisation also mirrors the broader struggle of Syrian women against imposed silence and epistemic violence. Through her defiance of injustices and a remarkable capacity to withstand terrible ordeals, she emerges as a resilient survivor. However, the reader response research revealed that the protagonist is largely perceived as a passive victim. The focus group discussions underscore that the openness to disruption is key to make readers accommodate new insights, particularly in terms of welcoming unexpected insights, such as acknowledging the

complexity and vibrance of resistance in authoritarian regimes.

The reader response research illustrates the difficulty in foregrounding Syrians' epistemic resistance, their struggle against various forms of epistemic violence. Echoing the previously discussed Eurocentric modes of memory and the challenge of "multidirectional memory", I argue that Eurocentric perspectives on resistance also serve as a significant barrier to recognising Syrians' epistemic resistance. Due to the frequent absence of Syrian voices in debates on justice in the Global North, ongoing epistemic resistance has been overshadowed. As Syria transformed into a "battlefield of inhuman powers", Yassin al-Haj Saleh argues, "Syrians are pushed back to silence and absence; dispersed, impoverished, 'subalternized' and denied a say in their fate" (as cited in Naprushkina, 2020). Drawing on Hannah Arendt's analysis of superfluous people, al-Haj Saleh links this absence to ongoing dominance of Western perspectives. Subalterns can be seen in his view as a people of absentees, a human-posthuman majority that is silenced by a "civilised" minority, a political-economic-epistemic oligarchy that imposes a destructive setback on the planet as much as its inhabitants (as cited in Coquio, 2022, p. 111). Syrians are continuing this struggle for presence and representation through words, including through literary writing, yet the question is whether readers are sufficiently aware of their own perspectives and epistemic restrictions.

In sum, the empirical reader response research highlights the prevalence of hegemonic narratives about injustices and victimisation among distant readers and observers of the Syrian conflict, often shaped by media reporting, and the way in which these narratives influence readers' interpretation of literary texts that seek to counter the erasure and invisibilisation of experiences of harm. Hence, we need to be critical and acknowledge the difficulty of conveying and acquiring new insights and understandings of experiences of harm through literary writing. While fiction might invite readers to cross the abyss with distant others' lives, and allow them to jump into the unknown, it can just as well reinforce preconceived ideas, as many readers struggle to accommodate imaginary features experiences that are different and distant from their realities.

8.4 Further Pushing the Justice Imagination: The Intersection of Justice Efforts and Artistic Practices

8.4.1 The Centrality of Presencing Absences

This thesis has shed light on the ways in which ongoing justice efforts and literary writings attempt to visibilise experiences of harm and victims' voices that are erased or rendered invisible by structures of dominance and hegemonic narratives about the Syrian conflict. In this final section, I want to further explore how literature, and artistic practices more broadly, can complement justice efforts in the Syrian contexts. In what follows, I highlight key findings, which also pave the way for future investigations discussed below.

To begin with, Syrian literature “presences” experiences of harm and allows for a more nuanced understanding of injustices in the Syrian context. While there is abundant evidence of atrocity crimes, also due to the sophistication of documentation by Syrian and international justice actors, tendencies of erasure and invisibilisation are ongoing. As my reader response research has revealed, exposure to literature allowed readers to perceive the vulnerability of faraway others and to recognise experiences of harm. In general, readers exhibited receptiveness to these narratives of harm, with some readers enhancing their existing knowledge about the situation with newly gained perspectives, or questioning their own perspectives, not shying away from cognitive dissonance. This further highlights how literature can generate thicker forms of truth, hinging on the understanding that truth implies both objective credibility and subjective understanding (Naqvi, 2006, p. 272).

Moreover, and in a related vein, informal truth practices in the Syrian context, both in the artistic and the civil society realm, have supplemented the forensic truth paradigm by emphasising the importance of stories and informal archives. As Fuller and Weizman argue, these practices expand “the sites of truth telling – from the courtroom, the university and the newspaper, to the gallery, street corner and Internet forum” (2021, p. 17). The scarcity of formal justice avenues highlights the value and complementary nature of informal initiatives, including artistic practices, in the pursuit of justice and accountability. While informal practices do not aspire to replace what formal processes are designed to achieve, they can fill a critical void, particularly in conflicts where formal avenues may be lacking or inaccessible and

where feasibility politics restrict the justice mobilisation. Informal truth-seeking practices constitute spaces where victims articulate their experiences and spearhead new initiatives to address those absences and complement extant efforts that are often determined by pragmatic considerations. In the Syrian context, truth-seeking initiatives in informal spaces led by Syrian victim groups and CSOs have not only increased the attention for victims' needs and perspectives, but they have also had a significant impact on ongoing justice efforts, generating necessary adjustments and improvements.

Similarly, artists and civil society have played pivotal roles as “memory makers”, to borrow a term from Sune Haugbølle (2010), investing in the preservation of memories, thus engaging in memorialisation. In this respect, the presence of informal archives holds great importance, serving as a means to underscore ongoing resistance and to emphasise the unbroken revolutionary aspirations. Catherine Coquio posits that Syrian history will also be written on the basis of Syrian stories, including writings from prison but also testimonies about the revolution and its repression, which draw on the proliferation of digital data, online archives and the other forms of documentation increasingly available (2022, p. 14). Typically, reports of truth commissions constitute authoritative records that then become the bedrock for historical records. However, in the Syrian case, due to the absence of a formal truth mechanism, alternative interpretations of what should be considered an authoritative historical record begin to emerge. As such, Syrians are active memory makers. They refuse to be mere witnesses and testify in spaces where they are merely invited to tell their stories, mostly at a low level of knowledge (Al-Haj Saleh, as cited in Odoy, 2020). Instead, both artists and justice actors claim their own spaces to foreground their experiences, disseminate counter-narratives and share their (newly acquired) knowledge, mostly through setting up or participating in initiatives in the diaspora. Among these initiatives is the Creative Memory of the Syrian Revolution, a website or unofficial archive that documents and commemorates creative practices. Additionally, essential memory work focusing on oral history has been undertaken by both Syrian and international NGOs (Badael, n.d.; International Coalition of Sites of Conscience et al., n.d.; Kahale, 2021), preserving firsthand accounts and personal narratives. Since the start of the conflict, several testimonials and memoirs have been published by both Syrian and non-Syrian writers.⁴⁷ These literary accounts have been

⁴⁷ Important memoirs and personal narratives are: *The Home that Was Our Country: A Memoir of Syria* (Malek, 2017), *De l'ardeur: histoire de Razan Zaitouneh, avocate Syrienne* (Augier, 2017), *Les passeurs de livres de Daraya: une bibliothèque secrète en Syrie* (Minoui, 2017), *The Map of Salts and Stars: A Novel* (Joukhadar, 2018), *The Beekeeper of Aleppo* (Lefteri, 2019), *Sisters of the War: Two Remarkable True Stories of Survival and Hope in Syria* (Abouzeid, 2020), *Par une espèce de miracle: l'exil de Yassin al-Haj Saleh: récit* (Augier, 2021), *My Road from Damascus: A Memoir* (Jamal, 2022).

key to go beyond bearing witness and the “presencing” of experiences of harm. They fit within a growing trend towards the memorialisation of the Syrian revolution and injustices of which, I argue, *Planet of Clay* and *Death Is Hard Work* are also part.

Furthermore, the potential of artistic practices to contribute to truth-seeking and memorialisation foregrounds the power of the imagination. I contend that artistic practices can be regarded as integral to informal justice efforts because of their potential to evoke experiences of harm in discursive and non-discursive manners, rather than relying on the replication of facts. My reader response research has confirmed Suzanne Keen’s assertion that the fictional nature of literature prompts readers to be receptive to new perspectives (2007). The empirical findings revealed that literary writings allow readers to “rely” on their imagination, and to merge various elements of reality and fiction, thus moving from forensic truths to thicker understandings of truth. I argue that in contexts of violent conflicts that are characterised by disinformation, epistemological uncertainty, the indifference by outsiders, and an extensive justice impasse, the power of imagination offers a unique means to grapple with the complexities of victimisation, traumatic experiences and pathways to justice. In reconstructing or engaging with a lost and unarchivable past (according to official criteria), tapping into the power of the imagination and speculation are more important than a factual historical methodology (Hochberg, 2021, p. 11). When applying this perspective to the earlier-mentioned memoirs and testimonials, it can be argued that they seek the readers’ belief, not necessarily in the historical accuracy of the narrative, but rather in the profound resonance of the lived experiences they read about. In sum, when traditional justice efforts and avenues face significant limitations or are non-existent, the imagination can offer a means to complement forensic evidence, to envision possibilities beyond existing evidence and narratives, bridge gaps in knowledge, and generate future justice initiatives.

8.4.2 Areas for Future Research

In the Syrian context, the significance of documentation and truth-seeking initiatives has become evident in the pursuit of justice, often occurring in the informal realm. Equally vital is memorialisation, which is growing in prominence. While the value of informal archives is increasingly evident, limited academic research has been conducted in this field so far (Haugbolle, 2008; Saber & Long, 2017). What is interesting, though, is that existing research frequently incorporates academic and practitioners’ perspectives (Parish & Rugo, 2021). Future research could further investigate the

generative power of informal Syrian archives, drawing from existing studies in other conflict situations where victims' experiences have been erased. Notably, I think of the Palestinian context, scrutinised by Gil Hochberg in *Becoming Palestine: Toward an Archival Imagination of the Future* (2021). Hochberg demonstrates that the creation of archival imagination can foster "new solidarities" and "new memories" (2021, p. 28). In her view, the archival imagination allows for a return to the "archival drive to preserve, collect, store, and document, but also to the equally powerful drive to destroy, displace, manipulate, and radically alter" (2021, p. 15). Artistic work has contributed to the creation of a counter-hegemonic Palestinian archive, and the continuation of resistance against Israel's tendencies of erasure. A similar trend has emerged in the Syrian context where artistic projects preserve unarchived and unrecorded memories, preventing them from being erased and invisibilised. There is a pressing need for research across various disciplines, e.g. history, political science, and the arts, on the creation of informal Syrian archives, both within the country and in the diaspora, which becomes even more pressing in light of the destruction and manipulation of formal archives. This focus on archiving practices can also be related to new interdisciplinary research in the domain of memorialisation, which has been recognised as the fifth pillar in the transitional justice toolkit and is gaining increasing prominence in the Syrian context.

Relatedly, there is a potential for research to explore the significance of the imagination, including the justice imagination and the archival imagination, in the pursuit of justice and accountability in the Syrian context. As this research project demonstrates, the power of the imagination fostered by literary writings can help to visibilise experiences that are hard to convey through a factual, forensic approach. The power of the imagination enables us, distant readers and observers of the Syrian conflict, to immerse ourselves in the perspectives of others and ideally better comprehend their worlds, stimulating knowledge production. In this context, the notion of "critical fabulation", as coined by Saidiya Hartman, might be useful to explore. Hartman queries whether it is possible to "exceed or negotiate the constitutive limits of the archive", particularly concerning Black life during and after slavery when these limits meant that the Black or female body seems to be depicted solely in scenes of sensationalised violence (2008, p. 11, as cited in Hochberg 2021, p. 15). Through critical fabulation, Hartman advances a method to disrupt archival authority:

By playing with and rearranging the basic elements of the story, by re-presenting the sequence of events in divergent stories and from contested points of view, I have attempted to jeopardize the status of the event, to displace the received or authorized account, and to imagine what might have happened or might have been said or might have been done. By throwing into crisis “what happened when” and by exploiting the “transparency of sources” as fictions of history, I wanted to make visible the production of disposable lives (in the Atlantic slave trade and, as well, in the discipline of history (2008, p. 11).

What is at stake is the possibility to first recognise and then read forgotten, overlooked, marginalised lives by suspending judgment and embracing the imagination. In the Syrian context, a viable avenue for further research pertains to the role of the imagination to better understand and address injustices and, in turn, contribute to formal justice efforts; how the power of the imagination, translating concepts such as “critical fabulation” and “seductive sabotage” (Mihai, 2022) to this specific context, can help us understand and address injustices and, in turn, contribute to formal justice efforts. Notably, I consider theatre and other performative arts to be particularly relevant, due to the remarkable plays that have originated in the Syrian context and the relationship with the performative component of (transitional) justice efforts.

Furthermore, investigating the capacity of literary writing to elicit readers’ responsiveness to the Syrian context requires further research. This project highlights the importance of caution when expecting strong affective and cognitive responses solely from exposure to literary narratives. My reader response research has revealed the significant influence of interpretative communities, as demonstrated by the reproduction of hegemonic understandings of the conflict and the difficulty to grasp victimisation and trauma in the Syrian context. To better understand the barriers that impede affective and cognitive responses to literary renditions of experiences of harm in situations of ongoing conflict, further empirical research is needed. It is remarkable that despite the abundance of academic literature discussing the world-making power of literature, there is a noticeable scarcity of empirical research in this domain. Matthew Schneider-Mayerson’s pioneering study on the impact of environmental literature on readers, “The Influence of Climate Fiction: An Empirical Survey of Readers”, stands as an example. Schneider-Mayerson suggests the need for a methodology focusing on the reception of different modes or genres of environmental literature, as well as investigations into the most effective narrative strategies or techniques for influencing diverse groups of readers towards

environmental awareness (2018). Likewise, in relation to the Syrian context, a research methodology could be developed to look into the reception of different genres of literature (e.g. novels, non-fiction, poetry and graphic novels) that depict experiences of harm. This methodology could also be extended to other artistic domains such as cinema, performative and visual arts. Conducting empirical research of this nature could provide additional insights into comprehending the transformative potential of literature in influencing readers' viewpoints and reactions to real-world challenges. While I recognise that there is still much work to be accomplished, I believe that this research contributes in some measure to tackling the pressing issues of erasure and invisibilisation of crimes within the Syrian context. My aspiration is that fellow scholars and practitioners will find value in this research and will build on it.

List of Interviewees

Interviews justice actors

Fadel Abdul Ghany, Director at Syrian Network for Human Rights, 31 May 2020.

Noha Aboueldahab, Transitional justice scholar and fellow at the Brookings Doha Centre, 22 May 2020.

Mohamed Al Abdallah, Director Legal director at the Syria Justice and Accountability Centre, 8 December 2020.

Maria Al Abdeh, Director Women Now for Development, 6 December 2020.

Bassam Alahmed, Co-founder & Executive Director at Syrians for Truth & Justice, 27 May 2020.

Anwar al-Bunni, Director at the Syrian Centre For Legal Studies and Research, 10 April 2020.

Nora Ghazi, Director No Photo Zone, 23 April 2021.

Mariam al-Hallaq, Member of the Caesar Families Association, 29 April 2021.

Khalil al-Haj Saleh, Member of the Coalition of Families of those kidnapped by ISIS (Massar), 20 April 2021.

Almoutassim al-Kilani, Litigation Programme Manager at the Syrian Centre for Media and Freedom of Expression, 3 April 2020.

Khaled Barakeh, Conceptual artist and cultural activist, 7 July 2020.

Toby Cadman, Co-Founder and Head of Chambers, Guernica 37 International Justice Chambers, 16 April 2020.

Mazen Darwish, Director Syria Media Centre, 11 December 2020.

Ahmad Helmi, Founder of the victim group Ta'afi, 6 October 2020 and 29 April 2021.

Mariana Karkoutly, Legal consultant at the Centre for Justice and Accountability, 7 July 2020.

Layla Kiki, Director The Syria Campaign, 11 June 2021.

Patrick Kroker, Legal Advisor at the European Centre for Constitutional and Human Rights, 20 March 2020 and 29 April 2021.

Fadwa Mahmoud, Member of Families for Freedom, 27 April 2021.

Ibrahim Olabi, Director at the Syrian Legal Aid and Development Program and UK barrister at Guernica 37 International Justice Chamber, 27 April 2020.

Habib Nassar, Director of Policy and Research at Impunity Watch, 20 April 2020

and 25 November 2021.

Sema Nassar, Transitional justice researcher, 2 April 2021.

Roger Phillips, Legal director at the Syria Justice and Accountability Centre, 27 March 2020.

Jumana Saif, Legal Advisor at the European Centre for Constitutional and Human Rights, 19 October 2021.

Wael Sawah, Transitional justice expert, 30 November 2020.

Diab Serriya, Co-founder Association of Detainees and The Missing in Sednaya Prison, 29 April 2021.

Yousef Wehbe, Legal Director Syrian Legal Aid and Development Program, 24 April 2020.

Writers and Experts on Literature

Mohammed Al Attar, Playwright, 8 September 2021.

Ghayath Almadhoun, Poet, 12 July 2021.

Manhal al-Sarraj, Novelist, 19 August 2021.

Ramzi Choukair, Playwright, 16 August 2021.

Miriam cooke, Academic, 20 July 2021.

Jan Dost, Novelist, Poet, 18 August 2021.

Subhi Hadidi, Expert and essayist, 16 July 2021.

Ahmad Katlish, Poet, 12 August 2021.

Khaled Khalifa, Novelist, 17 March and 24 June 2021.

Hala Mohammed, Poet and filmmaker, 14 September 2021.

Farouk Mardam Bey, Expert and publisher, 15 July 2021.

Leri Price, Translator, 16 July 2021.

Nihad Serees, Novelist, 20 July 2021.

Mustafa Taj Aldeen Almusa, Novelist, short story writer and journalist, 14 July 2021.

Dima Wannous, Novelist, 19 July 2021.

Rosa Yassin Hassan, Novelist, 26 August 2021.

Samar Yazbek, Novelist, 6 September 2021.

Dellair Youssef, Essayist and novelist, 16 July 2021.

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Summary

The Syrian conflict is marked by a striking paradox between the abundance of evidence of international crimes and the dearth of justice avenues. Both the dwindling international justice mobilisation and innovative justice efforts by Syrian and international entrepreneurs, highlight the necessity to open up the “justice imagination”, i.e. the way in which justice is conceived within and beyond the judicial realm.

This dissertation centres around the complementarity between narrative artistic practices and justice efforts, recognising that these are two distinct fields while exploring their potential intersections. The overarching research question is whether, and if so, how, Syrian literary writing can counter the erasure and invisibilisation of injustices. Analysing this question empirically, I have examined a) (transitional) justice efforts in the Syrian context and b) contemporary Syrian literary writing. The scarcity of formal justice avenues highlights the value and complementary nature of informal initiatives, including artistic practices, in the pursuit of justice and accountability. I argue that in contexts of violent conflicts that are characterised by disinformation, epistemological uncertainty, outsider indifference, and a profound justice impasse, the power of imagination offers a unique means for navigating the complexities of victimisation, traumatic experiences and pathways to justice. Informal practices in the artistic and the civil society realm can fill a critical void, especially when formal avenues are absent or inaccessible.

Despite the absence of a political transition, Syrian and international justice actors (entrepreneurs within civil society and formal institutions) use the transitional justice paradigm to advance justice. My research demonstrates that their mobilisation of the transitional justice is characterised by extensive experimentation with and resistance against the standardised paradigm. Using the transitional justice toolkit, Syrian justice actors strengthen the struggle for justice and further their resistance against authoritarianism and international crimes, spearheading initiatives in the field of documentation, criminal accountability and truth-seeking. Informal initiatives, including artistic practices, are essential sites of innovation and disruption. Victim groups, in particular, demonstrate remarkable creativity in employing transitional justice tools to address their justice needs. Truth-seeking initiatives spearheaded by Syrian victim groups and CSOs have not only increased the attention for victims’

needs and perspectives, but they have also had a significant impact on ongoing justice efforts, prompting necessary adjustments and improvements.

Literature is a crucial aspect of the artistic response to injustices, with many Syrian writers – mostly in the diaspora – sharing the aspiration of justice actors to bear witness and counter forcible forgetting. Drawing from empirical research conducted with Syrian writers, I demonstrate that literary writing “presences” experiences of harm, foregrounds multiple truth claims and allows for epistemic resistance. On the basis of the close reading of the novels *Planet of Clay* by Khaled Khalifa and *Death Is Hard Work* by Samar Yazbek, and reader response research, I contend that literary writing can invite readers to jump into the unknown. While Syrian literature is no panacea to Syria fatigue and the climate of uncertainty, it can serve as – fictional – recordings of harm and echo experiences that were invisibilised or erased. When formal justice efforts and avenues face significant limitations or are non-existent, the imagination can offer a means to complement or bolster ongoing endeavours, and generate future justice initiatives.

Samenvatting

In het Syrische conflict is er een opmerkelijke paradox tussen de overvloed aan bewijs van internationale misdaden en het gebrek aan juridische pistes. Zowel de internationale afnemende mobilisatie voor rechtvaardigheid als de innovatieve juridische inspanningen door Syrische en internationale actoren benadrukken de noodzaak om de “juridische verbeelding” – de manier waarop rechtvaardigheid wordt begrepen binnen en buiten het juridische domein – open te rekken.

Dit proefschrift belicht de complementariteit tussen inspanningen voor rechtvaardigheid en literaire teksten. Vanuit de erkenning dat het twee afzonderlijke gebieden zijn, onderzoek ik de potentiële wisselwerkingen. De overkoepelende onderzoeksvraag is of en hoe Syrische literatuur het uitwissen en onzichtbaar maken van onrecht kan tegengaan. Om deze vraag te beantwoorden, verrichtte ik empirisch onderzoek naar a) inspanningen inzake (overgangs)justitie (*transitional justice*) in de Syrische context en b) hedendaagse Syrische literaire teksten. De afwezigheid van formele kanalen voor rechtvaardigheid en rekenschap, benadrukte de waarde en complementariteit van informele initiatieven, waaronder artistieke praktijken. In gewelddadige conflicten die worden gekenmerkt door desinformatie, epistemologische onzekerheid, onverschilligheid van buitenstaanders en een diepgaande impasse inzake rechtvaardigheid, is de kracht van de verbeelding een uniek middel. Ze laat toe om de complexiteit van slachtofferschap, traumatische ervaringen en pistes voor rechtvaardigheid te doorgronden. Informele praktijken in het artistieke domein en maatschappelijk middenveld kunnen een kritische rol spelen wanneer formele kanalen ontbreken of ontoegankelijk zijn.

Ondanks het uitblijven van een politieke transitie, beroepen Syrische en internationale juridische actoren (zowel in het middenveld als in officiële organen) zich op het paradigma van overgangsjustitie. Mijn onderzoek toont aan dat dit gepaard gaat met verregaande experimentatie en verzet tegen het gestandaardiseerde paradigma van overgangsjustitie. Syrische actoren actief in het domein van rechtvaardigheid gebruiken concepten en mechanismen van overgangsjustitie in hun strijd voor rechtvaardigheid en hun verzet tegen autoritarisme en internationale misdaden. Ze lanceren initiatieven inzake documentatie, strafrechtelijk rekenschap en waarheidsvinding. Informele initiatieven, waaronder artistieke praktijken, zijn broedplaatsen van innovatie en disruptie. Slachtoffergroepen zetten mechanismen

vanuit het domein van overgangsjustitie op creatieve wijze in om hun noden inzake rechtvaardigheid aan te pakken. Initiatieven voor waarheidsvinding van Syrische slachtoffergroepen en maatschappelijke organisaties hebben niet alleen de aandacht voor de noden en perspectieven van slachtoffers vergroot. Daarnaast hebben ze een invloed gehad op lopende initiatieven inzake rechtvaardigheid. Hierdoor zijn noodzakelijke aanpassingen en verbeteringen gebeurd.

Literatuur is een cruciaal onderdeel van de artistieke respons op onrecht. Net zoals juridische actoren, willen veel Syrische schrijvers – voornamelijk in de diaspora – getuigen en zich verzetten tegen het gedwongen vergeten. Op basis van empirisch onderzoek met Syrische schrijvers, toon ik aan dat literatuur onrecht belicht, diverse waarheidsclaims mogelijk maakt en ruimte biedt voor verzet. Op basis van een literaire analyse van de romans “De dood is een zware klus” van Khaled Khalifa en “De blauwe pen” van Samar Yazbek en onderzoek naar de respons van lezers, stel ik dat literatuur lezers kan uitnodigen om een sprong in het ongewisse te wagen. Hoewel Syrische literatuur geen afdoende oplossing biedt voor de Syrië-vermoeidheid en het klimaat van onzekerheid, toch kan fictie onrecht tonen en ervaringen belichten die onzichtbaar zijn of uitgewist werden. Wanneer formele inspanningen en pistes inzake rechtvaardigheid beperkt of onbestaande zijn, kan de verbeelding die inspanningen aanvullen of versterken, en toekomstige initiatieven voor rechtvaardigheid mogelijk maken.

Cover

Public art installation ‘Mute’ by Khaled Barakeh in front of the Higher Regional Court in Koblenz during the al-Khatib trial, 2020.

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