

# **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

**Alberto Alvarez-Jimenez, Karen Barbour,  
Rodrigo Hill, and Declan Patrick**

## **1. Introduction**

A genuine curiosity about what might be understood across and beyond our disciplines of law and arts prompted the authors of this article to launch a novel transdisciplinary research project. Our curiosity expanded while considering what new methods of research might develop through collaboration with a community of artists, and what new insights might arise from thinking differently (Chappell et al 2019; Maggs and Robinson 2020). As a community, we are academic researchers and artists from law, dance, theatre, visual arts and photography. Our research unfolded over five years, focussed on how embodied arts-based investigation of International Humanitarian Law (IHL) might inform understandings of civilian experiences in armed conflict. Our research aim was not to write about actual experiences of armed conflict, or to represent testimonies of civilians affected by armed conflict through arts. Instead, we aimed to use embodied methods to seek new ways of understanding legal concepts, particularly the legal principles of distinction and proportionality.

In IHL, the principle of distinction states that ‘parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed

against civilians' (International Committee of the Red Cross 2015: Rule 1). The principle of proportionality prohibits 'an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated' (Rule 14).

This research was prompted by and extends Alberto Alvarez-Jimenez's publications 'Letters to the Security Council by Two Prisoners of War, Israel and Palestine (I)' (2018a) and 'Protracted Armed Conflicts, Invisible Civilian Suffering, and International Law (II)' (2018b).

Our aim in this article is to discuss how we used dance and embodied arts-based methods to seek new ways of understanding legal principles. Our human experience is grounded in our lived bodies, and the concept 'embodiment' expresses that these lived, sensory, and affective dimensions of our experience are fundamental to being human. Embodied methods position the body as a site of knowing and meaning making, revealing the act of artistic research creation, including dance, as a self-reflective form of inquiry (Barbour 2011; Merleau-Ponty 1962; Patrick 2014; Thanem and Knights 2019). We utilised embodied methods within this transdisciplinary research project.

Transdisciplinary research 'moves beyond the bridging of divides within academia to engaging directly with the production and use of knowledge' (Toomey et al 2015: 1). We highlight both the bridging between academic disciplines and the bridging between academic and non-academic communities (Maggs and Robinson 2020). Furthermore, as Chappell et al (2019: 300) have argued, 'transdisciplinarity is not just one approach but is open to include disciplinary combinations responding to non-disciplinarily driven questions, to include syntheses, and embrace openness to what lies beyond disciplines.' In transdisciplinary research, a culture of collaboration and practices of co-production of knowledge between researchers and community members is valued, alongside practices of reflection, 'both of the world and of one's role in that world' (Toomey et al 2015: 2). Collaboration

and reflection are important to develop trust and emphasize the emergent, dynamic process and problem-solving potential of research (Maggs and Robinson 2020). Transdisciplinary research is thus seen as having a role in solving the complex ‘wicked problems’ facing humanity (McGregor 2014: 161).

In this article, we discuss the complex ways in which our transdisciplinary research unfolded, creating embodied ‘moments of connection’ that required engaging complex questions. Through these embodied ‘moments of connection’, we allowed a range of approaches to emerge, retained various questions in our research, and applied different ways of synthesizing and reflecting on our findings. This included an exhibition titled *Solastalgia: Conflict and the Fabric of Life* that represented some of the research findings (Hill et al 2023). The legal findings resulting from this research are explicated by Alvarez-Jimenez and Barbour (2023). Discussion and reflection upon the transdisciplinary methodology that emerged through a dynamic progression of embodied ‘moments of connection’ follows. In the conclusion, we return to the potential of embodied methods in transdisciplinary research in law, text and culture.

## **2. Moments of Connection: Talking IHL and Dance**

The origin of this research project was a prompt to colleagues at the University of Waikato to consider collaborations across our diverse disciplines of arts, law, psychology and social sciences. Initially, we met to explore common ground between Alberto Alvarez-Jimenez, a law academic, and Karen Barbour, a dance academic and artist. Our discussions involved a lengthy trial and error process as we sought to understand each other.<sup>1</sup> With no obvious common ground to draw on, we met weekly over four months, seeking to understand each other’s conceptual frameworks and the intersections between our different experiences. The conversations did not have a specified agenda, often began with questions to each other, and our responses did not necessarily follow a linear process. We discussed several elements of embodied and legal research that were not directly useful in our project

## **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

but played an important role in understanding transdisciplinary processes. From these weekly discussions two key concepts were identified: proportionality in IHL and embodiment in dance creative practice research (Barbour 2011). Excerpts from our research journals document some of this process:

Week 4. Karen: discussing embodiment – dancers train kinaesthetic awareness and proprioception – heightened awareness of sensory input and responding to changes in environment and in embodiment. Senses can sometimes be heightened with risk and danger – ‘fight/flight/fright’ reflexes are triggered. What are the embodied impacts on civilians during and long-term following armed conflict? Harm is much more than death and injury – rupturing the fabric of everyday life. How can kinaesthetic awareness be ‘operationalised’ in extending the principle of proportionality?

Week 8 Alberto: ways in which dance concepts interact with International Humanitarian Law: Intersections that add little to the interpretation of IHL: i.e. dance representation of victims of armed conflict. Questions on how concepts, such as ambiguity, work in both domains and ... whether the notion in dance adds something to the interpretation and application of IHL. Dance concepts that enhance the interpretation of IHL concepts or pose complex questions for IHL. Concepts or principles that contradict the very purpose of IHL, such as the wide range of possibilities for movement, which does not exist regarding the interpretation of IHL.

Week 8 Karen: what is our argument? So, armed conflict limits movement in and between places. How does it feel when we can't move freely, access important places – sites for community, worship, gardens, homes? How does it feel to lose these places? Solastalgia – grief and loss of place ... Understanding kinaesthetic awareness and embodied experience leads us to solastalgia ... Might this allow us to strengthen what counts as civilian harm? What is the meaningful connection here?

During these initial moments of connection between us both, we crafted our overall research question – How might embodied investigation of IHL inform our understanding of civilian tragedy?

– and sub-questions – How might embodied exploration through dance inform the understanding and application of the principles of distinction and proportionality? How might IHL concepts and principles inform creative practice research in dance? Writing began towards developing a central argument (Alvarez-Jimenez and Barbour 2023), as well as outlining our qualitative methodology and considering specific creative practice methods that we wanted to use to engage with a larger group of artist-researchers in embodied workshops (Barrett and Bolt 2007; Leavy 2014; Leigh and Brown 2021). Around us, however, the world changed through the COVID-19 pandemic. The embodied workshop methods we imagined undertaking with artist-researchers necessarily began on Zoom – a continuation of talking about IHL and dance (Alvarez-Jimenez 2018a, 2018b).

There were many moments of connection through these Zoom workshops with twelve artist-researchers and collaborators: the article authors, Maryam Bagheri Nesami, Helene Burgstaller, Elias Cohen Braumuller, Geoff Gilson, Xavier Meade, Se-Rok Park, Maria Rubino Neira and Keira McGregor. Again, new questions arose, multiple responses were shared, and reflections were offered. The artist-researchers appreciated the aim to enhance the protection of civilians in armed conflict, valuing the way that embodied and arts-based practices delve into lived experiences. However, all were quick to recognise that we were far removed from experiences of armed conflict ourselves, to challenge the assumption that any civilian harm in armed conflict could be justified, and to question whose interests IHL served. Discussion of the principle of proportionality revealed that loss of civilian lives and damage to civilian property could be, under certain circumstances, lawful in armed conflict. Attacks were thus considered unlawful only when disproportionate to the expected military advantage sought. Expressions of horror about the tragedies of war for civilians and distaste about the need for IHL circulated amongst the group. The legal point was significant however: that even though IHL does not succeed in protecting civilians in all situations, it has value in the intention to limit civilian harm.

## **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

These moments of connection constructed ‘bridges’ between our disciplines of law and arts, between academics and artists, and between our embodied experiences.<sup>2</sup> Processes that fostered the co-production of knowledge and collaboration amongst the group emerged, as trust grew that each voice would be heard within the polyphony. We began to wonder what our embodied experiences of relationship to place might offer to understanding proportionality. Examples of questions raised in the Zoom workshops offer insight into the group’s thinking about IHL and dance.

What does hiding, falling, collapsing in place feel like? How does the New Zealand Defense Force Order 35 [New Zealand Defense Force 2017: 4.4.3] strengthen the significance of relationship to place? How does solastalgia relate to IHL? What does the embodied experience of degrees of force on the body teach us about proportionality? How is our movement constrained in different places? What are the different codes of acceptable movement behaviour in public spaces? How do solastalgia and mobility justice relate?

As the world continued to change, in-person workshops became possible. Solastalgia – the lived experience of pain and distress caused by devastation of home places (Albrecht 2005; Albrecht et al 2007) – became a central focus for our next moments of connection.

### **3. Moments of Connection: Embodied Dance and Arts Workshops**

Building from the moments of connection in which Barbour and Albrez-Jimenez brought together an international range of artist/researchers over Zoom, the next moments of connection occurred over a three-day series of embodied workshops, held in-person and concurrently on Zoom. In these moments, the group worked explicitly with creative practice as research. Creative practice as research is an established methodological approach within arts research (Barbour 2011, 2019; Barrett and Bolt 2007; Piccini and Kershaw 2003; Smith and Dean 2009). Creative practice as research refers to approaches that utilize artistic practices to investigate and represent knowledge. In the

**Alberto Alvarez-Jimenez, Karen Barbour, Rodrigo Hill,  
and Declan Patrick**

broadest sense, all research involves the researchers' embodiment and especially so in arts-based, creative practice research: 'In a general sense, all social action and interaction is embodied. After all, it is through our bodies that our actions, subjectivities and relations with others are realized, materialized and made visible' (Thanem and Knights 2019: 4). In dance and visual arts, we require our bodies in every aspect from design, to gathering empirical material, and to analysing and presenting findings.

Our research involved directly engaging in lived embodied experiences in particular contexts as the centre of the research (Barbour 2011, 2019) – an epistemological strategy developed from experiencing knowledge as constructed, contextual and embodied. Embodied ways of knowing engage with issues of embodiment, gender and representation, seeking to foreground issues of power and inequity in social, cultural, environmental and political contexts, to embody an ethic of care, and to incorporate collaborative processes (Barbour 2011, 2019). This made embodied methods entirely appropriate to engage with the complex questions and concepts our research had prompted.

The group of experienced artists and academics brought together for this iteration of the research process involved most of the previous participants in the Zoom conversations. The dance artists present in the room came from a variety of movement backgrounds: Karen Barbour with contemporary dance and somatic training, Declan Patrick with a contemporary ballet/dance theatre background, Helene Burgstaller with training in contemporary dance, and Geoff Gilson with contemporary dance/circus training. The artists present via Zoom included Iranian dance researcher Maryam Bagheri Nesami, theatre/dance researcher Elias Cohen Braumuller, and sound artist Se-Rok Park.

The dance artist-researchers led in this phase of the research. Barbour led the workshops, with input from all involved, and notably including Alvarez-Jimenez. The relevance of the embodied research methodology was an unexpected moment of connection for the law academic. His original intention was to be present for one hour at the

## **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

beginning of each day, but this quickly grew to involvement for the duration of the workshops. Alvarez-Jimenez's involvement included participating through reading the law texts aloud, observing the improvisations, and engaging in the group discussions.

The group worked in clusters to embody and artistically explore the IHL concepts of distinction and proportionality through a series of exercises, improvisations and reflections. This created a cyclical process, where the group identified a provocation for a structured improvisation, moved together, and then reflected on individual and collective experiences. This, in turn, generated more questions and ideas that then led to the next provocation for improvisation. A key component of the workshops was the reading and re-reading of the text defining the principle of proportionality. The group began reading and listening to the actual words in the legal texts, to the meaning, shape, texture and sounds of them. As movement artists, we felt the weight of the words. We took them into our bodies and transformed them into improvised movement. We took turns reading texts, giving these legal texts creative treatments. This involved such strategies as playing with word and phrasing structure, breath and timing, as well as repetition, emphasising particular words, rearranging the text, and changing readers. Some of the observations from the artists' improvisations with movement and words were noted in the research journal:

Movement reflects dancer's own embodied differences ... Law might be written in one way but interpreted and embodied in many ways. All our movement is civilian movement ... Home is at the heart of civilian life. Some emptiness felt in the words ... How do we get distance from these words? Dancers repeated the words 'excessive', 'prohibited', 'distinction'. What is different with a male or female voicing the text? Gender does matter – greater impact on women, children, minorities, on homes, gardens, places of significance ... What happens when the order of words changes? 'It is prohibited to launch an attack...' instead of 'Launching an attack.... is prohibited'.

Through these immersive workshop processes, movement artists sought embodied understandings of the IHL principles of proportionality and distinction, and then investigated the experiences

**Alberto Alvarez-Jimenez, Karen Barbour, Rodrigo Hill,  
and Declan Patrick**

of solastalgia. Solastalgia provided moments of connection from our lived experiences of losing homes and places of significance as a consequence of environmental change to the loss of homes and places of significance during armed conflict. Embodied knowledge was utilised in creating connection and in understanding ways to protect others with lives very different to our own.

Interspersed with these treatments of the materials, we held group discussions, which offered the opportunity to articulate some of the questions that arose through the embodied explorations, to express some of the academic and emotional responses to the material, and to discuss associations. This allowed nuance to emerge within our embodied responses, and also for each discussion to influence the subsequent iteration of provocations for investigation.



Figure 1. Embodied improvisations during workshops.  
Source: Rodrigo Hill

## **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

Over the three days, Xavier Meade and Rodrigo Hill creatively engaged with and documented the process. Visual artist Meade observed and responded in paint and pen, creating many paintings in the immediacy of the improvised activities. Fellow artist Hill photographed and moved alongside the dance artists, interpreting, responding and selecting gestural (re)actions in spontaneous ways. The embodied improvisations were recorded by cameras positioned within the studio. Listening intently, sound artist Se-Rok Park created a sound score for the final improvisations of these workshops. These forms of embodied engagement and documentation revealed the subtle interconnections between body, text and arts. They also provided a bridge to the next moments of connection, the curation of material from the research for exhibition.

### **4. Moments of Connection: Solastalgia**



Figure 2. View of Solastalgia photography and painting installation from workshops. Source: Rodrigo Hill

**Alberto Alvarez-Jimenez, Karen Barbour, Rodrigo Hill,  
and Declan Patrick**

The transition from embodied dance and arts workshop methods to expanded forms of curation and gallery installation for exhibition was informed by the multimodal and multimedia components of the project. Through the progression of embodied moments of connection, the artist-researchers moved towards installation, bringing together ideas and creative components. The installation, *Solastalgia: Conflict and the Fabric of Life*, was exhibited at Ramp Gallery in Kirikiriroa Hamilton (Aotearoa New Zealand) in July 2023. By this stage in the research, the concept of solastalgia had become a focus of the research. Solastalgia encompasses psychological distress, grief and sensations of loss of those who are experiencing major change in their current home environment through climate change or destructive human actions (Albrecht et al 2007; Galway 2019; Moratis 2021).

The exhibition featured works from all those involved, including paintings and photographs, text, sound recordings and a sound score and videos of workshop improvisations. Further, in order to enhance and expand components from the workshops, Hill, Barbour and Patrick re-located the investigation of solastalgia to a specific site – a desolate destroyed home. This shift allowed the application of site-specific and site-responsive ideas (Barbour et al 2019). The placement of Barbour and Patrick in this site as dance artists allowed for an expansion of embodiment outside the studio space. This exploration of solastalgia through material bodily engagement generated knowledge resistant to verbal articulation but partially captured through photography and video. This was fundamental in opening up further understandings of solastalgia as well as experimentation with and deepening of an aesthetic treatment.

## Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life



Figure 3. Relocating site. Source: Rodrigo Hill

Gallery installation methods of organising and presenting artworks offered a useful context to further expand understanding of the complex concepts at the centre of this research project. In the gallery installation, the concept of solastalgia functioned as both curatorial parameter and point of articulation, aligning with and expanding spectators' meaning making of the principle of proportionality. We then included the definition of the principle within the installation in a way that attracted attention to the text as an artistic object itself. The legal definition of the term was artistically animated as a video, with different words appearing and disappearing, overlapping, and fading in and out. This video was projected on one of the walls of the gallery and also, during performance, onto the bodies of the researchers. The images projected on the bodies offered a visual encapsulation of the whole project of IHL and embodied research.



Figure 4. Testing of projections and performance. Source: Rodrigo Hill

Installation art is a hybrid discipline, covering a vast territory of inquiry and practice connected to notions of exhibiting and displaying within contemporary art (De Oliveira et al 2006). Installation is also a curatorial method of bringing fragments together, drawing attention to the relationship between art and life, and thereby connecting the audience and to work. In this context, the viewer may become immersed within an installation and part of the work themselves, creating new forms and meanings through different perceptual processes. These notions align with the transdisciplinary approaches of this research based on different moments of connection that foster collaboration, practices of co-production of knowledge, and opportunities for reflection. In a sense, installation as a method was strategically employed to bring together the multiple artistic and academic components and forms of creative expression. As a result, installation and the exhibition represented a further 'moment of connection'.

The artist-researchers curated the exhibition as a multimedia

## Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life

installation featuring a large format immersive soundscape, video projections, photography displayed in light panels, large scale and responsive paintings produced during the workshops, as well as printed copies of law texts accessible to the public to read. Painting, photography, and videos of live and site-specific dance improvisation were combined to bring nuanced insights into the many layers of the concepts and principles addressed. Using the gallery's architectural layout to distribute the works in two rooms, the artist-researchers were able to suggest nuanced conceptual notions.



Figure 5. Live performance during exhibition opening night.

Source: Geoff Ridder

The experimental and multidisciplinary nature of the embodied dance and visual arts workshops opened up multimodal approaches to solastalgia as both a concept and an emotional experience. We included large scale painting and drawings as modes of exploring the principle of proportionality. And finally, in opening this exhibition, three of the dance artists – Barbour, Patrick and Burgstaller – performed within the exhibition. This layered further the impact of IHL with embodied experiences, as they literally responded to the writing and residue of text and sound in their bodies.

## **5. Moments of Connection: Permeating the Interpretation of IHL**

The embodied research allowed us to offer specific recommendations on the interpretation of the principle of proportionality. First, the application of the principle requires an assessment of the expected harm to civilian objects or lives, and foreseeability becomes pertinent for this purpose. Basically, the concern is for the foreseen civilian harm that an attack may cause. Foreseeability is a familiar concept in the law of armed conflict. Embodied research suggests that solastalgia is harmful and, although measurement is difficult, this does not mean that the harm is less felt by the affected civilian population. In addition, the solastalgia expected to be experienced by the destruction of a religious or cultural site of significance can be easily foreseeable for the purpose of proportionality assessments.

Second, for the purpose of the principle of proportionality, displacement of civilians does not constitute civilian harm. We disagree on the basis of our embodied research, and argue that displacement should be included as part of proportionality assessments. Displacement may cause physical harm for vulnerable civilians, who can develop illnesses or succumb to them in the process of displacement. Likewise, displacement may cause extraordinary and long-lasting mental harm for the displaced population. In addition, displacement dislodges the fabric of life of the affected population and the quality of its everyday life. These expressions of expected embodied experiences must find their separate way and weight as a form of civilian harm within proportionality assessments. A forced displacement as a result of an armed attack that can be foreseen on the basis of available information is a type of incidental civilian harm, bodily and mental, and should be included directly, and not through indirect means, within proportionality assessments.

## **6. Overall Reflections and Conclusions**

This multi-year research project had flexibility in research design that allowed the emergence and utilization of a number of different research

## **Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life**

methods, brought together in the context of transdisciplinarity. The framing of the research allowed the widest exploration and there were few constraints on creativity. The research design was influenced by a desire to find common ground, close listening, and an open attitude from all involved. We developed trust amongst the artist-researchers, which was key.

A crucial initial insight in this research was the recognition that embodied experiences are at the heart of how civilians experience armed conflict, and that embodied experience can inform the interpretation of legal principles, especially in contrast to the more mathematical calculations used in the application of IHL principles. The embodied research challenged the misleading ‘neatness’ of legal calculations about proportionality, the effect of which is a reduction in the scope of protection to civilians.

The progression of moments of connection was useful in the development of transdisciplinary research design, with the final moment represented in the exhibition, installation and performance. The complexity of research concepts and overall framework imposed a creative challenge on artist-researchers and the carving of a unique set of innovative methods and moments of connection as forms of academic inquiry.

## **Endnotes**

- 1 Importantly, our process involved not only disciplinary but also embodied differences – culture, gender, religion and politics – to navigate in seeking common ground. While we do not focus on the significance of these differences here, engaging with our Colombian and Pākehā (non-indigenous) experiences living in New Zealand was significant.
- 2 Again, although we do not focus on our embodied differences here, our community of researchers and artists included men, women and gender queer people from 20-70 years of age with varied religious and political commitments and with heritage from Colombia, Scotland, England, Brazil, Chile, Iran, Argentina, Netherlands, Austria, Mexico and Korea, all based in New Zealand.

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## Solastalgia: International Humanitarian Law, Conflict and the Fabric of Life

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**Alberto Alvarez-Jimenez, Karen Barbour, Rodrigo Hill,  
and Declan Patrick**

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