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The burgeoning field of transitional justice

Review

Michael Humphrey, *The Politics of Atrocity and Reconciliation: From Terror to Trauma*.
London, Routledge, 2002.

"The Politics of Atrocity and Reconciliation" is a complex and rich book that explores a range of issues concerning contemporary political violence and atrocity. The analysis is framed against the backdrop of so-called modern warfare and its "spectacle" as mediated through television, ethnic cleansing, uricide and torture, to mention a few topics covered. Humphrey also considers attempts to address the impact of such atrocities through the use of truth commissions and political trials (i.e. international tribunals aimed at dealing with mass atrocity). This highly analytical book, with its thought-provoking multidisciplinary content, will be of value to scholars from a range of disciplines including sociology, psychology, law, anthropology, philosophy, ethics and politics. It also has a significant contribution to make in the burgeoning field of transitional justice.

Three key issues

The breadth and depth of the book, however, does not make it an easy book to review. As such, this review explores three key issues that Humphrey's volume addresses, that is: the complexity, impact and meaning of atrocity; the role of witnessing in creating and addressing the legacy of violence; and the issue of victim rights.

Humphrey provides a concentrated analysis and interpretation of the use of violence in the contemporary world. He does not dwell on describing the manifest impact of atrocity or the details of types of mechanisms used to address it. Rather, he sensitively and analytically unpacks the multifaceted meaning of atrocity in the social world. His theoretical analysis is his strength. He conscientiously describes the profound, cumulative and extreme impact of mass social violence. His analysis is broadly in line with those who would reject unrefined and one-dimensional explanations of social violence in favour of a more layered and process driven understanding. Such an approach, advocated by Robben and Suárez-Orozco (2000) for example, is grounded in the understanding of the inner psychic processes of individuals, as well as the social and cultural contexts of large-scale violence and trauma.

For example Humphrey writes that, "violence threatens not only injury (the fear of bodily mutilation) and pain, but also the very continuity of meaning and social life" (p.21). For Humphrey this fits with the post-modern disposition which seeks to communicate rupture, discontinuity and disconnection. The reader is left with no doubt that atrocity and violence creates a void and impact that is incommunicable. To this end, he probably shares the view of others who see the impact of social violence as being about the zone of the unthinkable, the unspeakable and 'the uncanny' (Gampel, 2000 cited in Robben & Suárez-Orozco, 2000), and that massive trauma has an amorphous, ahistorical presence, not delimited by place, time or agency; it precludes its knowing (Laub, 2000).

Extreme pain creates a crisis in self and subjectivity, "as mimicking dying, life contracting, shutting down" (p.13). The psychological destruction of the self induced by violence is

paralleled by a process of cultural deconstruction (p.143). For Humphrey, recovery from violence is not merely about rebuilding the past like the pieces of jigsaw because some “pieces” are always and inevitably missing following mass atrocity. It is this sort of depth, conveyed here through a straightforward metaphor (although generally in the book dealt with through a rigorous theoretical prism) which conveys the type of social and individual “meaning” created by violence and atrocity that Humphrey elucidates throughout the book. This is one of the book’s major contributions.

Legacy of violence

For those concerned with creating policy solutions to prevent future atrocity, Humphrey’s analysis is important, as it highlights the profound underlying impact of violence, and its non-linear and complex consequences. This is a point seldom grasped by policymakers and those who seek simple answers to complex phenomena. The legacy of violence is not merely evidenced through the individual psychological symptoms of the victim, but operates at a much deeper social, cultural and psychological level.

For Humphrey: “atrocity is a politics of affectivity that deploys the victim - dead, mutilated or traumatised - as a seductive and terrifying event. It overturns the habitual (normative) in order to reconstitute social relations and meaning” (p.79). The experience of loss and death must be relived through naming and mourning, through its socialisation (p.113). Humphrey’s analysis, therefore, reinforces the importance of understanding the impact and methods to deal with political violence contextually. He brings to analytical life Das’ (1995) view that trauma needs to be understood first and foremost as the body’s criticism to social injustice. As such, the solution to dealing with massive trauma lies within addressing its legacy in the social fabric (for Humphrey also in the biopolitics) of society.

Humphrey also explores the relationship between witnessing as the cornerstone of the efficacy of the politics of atrocity, i.e. “cruelty must be made visible to terrorise” (p.91), and witnessing as a vehicle for reversing dehumanisation. This analysis leads him into examining the role of truth commissions and trials as methods for preventing future violence. Both seek, in his opinion, to create public witnessing, empathy for victims and provide moral and social renewal through the “witnessing” at the core of them. Stopping violence may involve the threat and use of violence, but it also involves the moral engagement of others by making the victims’ suffering visible. Suffering has to be witnessed to recognise its truth and injustice (p.144). During trials there is an added dimension, i.e. they are also supposed to re-establish the rule of law and state legitimacy (arguably, the aim of some truth commissions too).

The victims’ suffering

To this end, for Humphrey, it is the victims’ suffering that is the centrepiece of processes such as truth commissions. The power of the words in such processes is empathetic and not legal, and the sharing of truth by victims has a moral implication in that it is supposed to engender acknowledgement and collective responsibility (p.106). Individual suffering is the fulcrum used to convert the effect of repression into a vehicle for social reconstruction (p.106). This, however, has a consequence. Victims by definition are, for Humphrey, left in a ‘sacrificial’ position when they become the social vehicle for national reconstruction and reconciliation (p.141).

Why is this then problematic? For Humphrey this seems to revolve around the issue of rights, that is, that individual rights are ‘sacrificed’ to the greater social benefit, which may be about inclusive citizenship, the rule of law, or transformation more generally. As such, he feels that mass atrocity is better understood as a consequence of the loss of individual rights than simply an extension of state abuse of power (p.142). By this he means, we need to understand a state’s abuse of power in terms of the biopolitics of power focused on control over individual life. Mass atrocity, for Humphrey, challenges the essence of modern political life, i.e. that our humanity confers us rights. His focus on rights, and his compelling argument of the victim being ‘sacrificed’ in the transition process for a greater social benefit, raised a number of issues for the reviewer.

Victims would get truth but not justice

Firstly, there is no doubt, for example, that in South Africa the issue of victim rights was only discussed after the agreement on amnesty was made during the negotiations that led to the first democratic election in 1994. In South Africa, amnesty was not automatic and perpetrators could only get amnesty (meaning civil and criminal liability fell away for their acts) if they fully disclosed all the information about a political crime to the Truth and Reconciliation Commission (TRC). In essence, victims would get truth but not justice. Their rights to justice through the courts were largely negotiated away. This, of course, left the victim with a choice to participate in the TRC process or not. They could potentially get truth if they participated, as well as some form of recognition and the relief of speaking out, but this was never a guaranteed outcome.

In line with Humphrey’s analysis, victims were participating in a bigger project and their testimony was not only about meeting individual psychological needs. Their testimony was part of larger political transformation project and allegedly about creating a culture of human rights. Clearly, some victims may well have benefited from the process and the new meaning it inferred about what happened to them. Some may also have got “the truth” they were looking for. However, for others, participation may have exacerbated their feelings of the ‘unreal’ or ‘uncanny’ as they engaged in a ritual-like process without any guarantees of what it would bring to them personally. This could be exacerbated by their personal feelings of ‘unconnectedness’ when their own desires and reason for the testimony seem out of sync with the stated hegemonic view (e.g., reconciliation, forgiveness, moving on).

Need for engaged moral commentary on pain

Secondly, Humphrey’s focus on the rights of victims (although in his analysis he is concerned with the social and psychological meaning of the victim’s participation in a truth commission) alerts one to the fact that victims’ rights are seldom discussed in the growing literature on transitional justice. In fact, one could go as far as to say that in many societies victims’ rights are understood as an obstacle to compromised pragmatic political change, rather than the questions raised by pragmatic political change being seen as a real threat to entrenching the rights of victims (Hamber, 2003). As such, it is clear that the rights of victims participating in processes such as truth commissions needs to be articulated and explored in greater detail than is currently the case (Hamber, 2003).

The relationship between the victim and the State in the transitional justice debate remains underdeveloped morally, ethically, legally, and, more critically, in practice. Humphrey reminds us that it is also underdeveloped intellectually, and that in order for mechanisms such as truth commissions and trials to have a long-term impact, “there needs to be an engaged moral commentary on pain”, and “an ongoing reflection about the significance of suffering and its origins” (p.145). This needs to take place for decades after the process. All too often truth commissions and war crimes tribunals are billed as catch-all solutions to the deep-seated impact of political violence.

Truth commissions and international trials

A further unique component of Humphrey’s analysis of truth commissions and trials is that he often talks about the shortcomings and social significance of the different mechanisms simultaneously. This is important because in the field of transitional justice there has been a growing gap between those who seemingly favour truth commissions and those who favour international trials (typified by the International Criminal Court) as preferred mechanisms for dealing with mass atrocity. In the international human rights field it is easy to find zealots of either method who spend considerable time trying to argue for one method over the other.

Humphrey, on the other hand, reminds us that neither are quick fixes, especially if we are conscious of the profound social and individual impact of mass atrocity. He also feels that in both truth commissions and trials, victims can be left in an ambiguous position with their testimony/witnessing being subordinated to ideals such as national reconstruction and reconciliation. Truth commissions or trials may be a necessary and a significant first step in “recovering the victims and re-establishing the public morality in law” (p.145), but they are not sufficient. For Humphrey, each successive generation, no matter how successful or large scale the collecting and archiving of memories is, will have to work with the collective memory of the past for it to become part of *their* moral and political reality. This project, however, is not only about victims, but the society at large.

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Short biographical note

Brandon Hamber was born in South Africa and trained there as a clinical psychologist. He currently works and lives in Belfast, Northern Ireland. He was an Honorary Fellow at the School of Psychology at the Queen's University in Belfast (2001/2002) and is currently a Research Associate of the Belfast-based think-tank, Democratic Dialogue. In addition, he works with various organisations in Northern Ireland and beyond, undertaking research and offering a range of consultancy services. Prior to moving to Northern Ireland in early 2001, he was the co-coordinator of the Transition and Reconciliation Unit at the Centre for the Study of Violence and Reconciliation in Johannesburg, South Africa. There he worked mainly in the area of violence and trauma, and co-ordinated the Centre's project focusing on the Truth and Reconciliation Commission.

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