
Book Reviews

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The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission. By Adam Sitze. Michigan: University of Michigan Press, 2013. 392 pp. \$70 hardcover.

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South Africa's Truth and Reconciliation Commission has been a generative exercise at multiple levels particularly in the ways it has given rise to what Adam Sitze notes with some consternation, a "truth industry." By that he refers not only to the political settlement or institutional lives it has cultivated, but we might also add the voluminous output it has encouraged in scholarly reflection. Sitze is of course adding here to this literature, but has managed to do so by offering a distinctive work of meticulously argued criticism that is both deeply and sharply challenging as well as nuanced and fundamentally thoughtful.

Self-consciously, the *Impossible Machine* sets aside much of the existing terms of evaluating the legacy of the TRC from within Transitional Justice. Sitze seeks neither to laud the miracle that has been celebrated and transformed into a modular form of post-Cold War conflict resolution nor trounce its ineffectiveness in dealing with larger social and economic structural challenges as some Left critiques have tended to do (see Meister, 2011). Instead, drawing on what he refers repeatedly to as a genealogical method—distinctive from history ("*history consoles*" as he tells us, while "*genealogy disturbs*"), Sitze locates the TRC in a longer political and conceptual history of jurisprudence, and one that is decidedly less marvelous than the story of law as the highest form of civilization. For Sitze, the central feature that distinguished the TRC from Nuremberg, its formulation of amnesty in exchange for "truth," or more accurately, truth defined as political motive, looks much less savory when considered from within the genealogy of a prior jurisprudence on "indemnity." A substantive part the book is devoted to a rich and expansive parsing out of indemnity through a consideration of its colonial career in the last nineteenth century. While indemnity was invoked in England to resolve the Civil War in the late 1600s, Sitze reminds us that by the late nineteenth century it was really only deployed in its Diceyan formulation in the colonies and hardly ever in Europe by then. The

implication is evident that it became a way to absolve the violence of imperial rule at key moments in the wake of anticolonial revolts in the colonies. In a deeply nuanced reading of Diceyan formulations of indemnity, Sitze shows the centrality of indemnity to calibrating or enabling the supremacy of sovereign power over legal prescript—“Indemnity was not then simply one among many topics within Diceyan jurisprudence. It was the very keystone of that jurisprudence. Exactly like a keystone held together an arch, the indemnity convention holds together the two pillars of sovereign power, the sovereignty of law (there is no one higher than the law) and the law of sovereignty (*salus publica suprema lex esto*). In its absence, these two arches would collapse (p. 5).” There is, in Sitze’s account, a colonial history to the “rule of law,” or reason of state, ultimately sanctioning violence that trumps rights of citizens and subjects, that is, good over right in a deontological formulation that Transitional Justice seems unwilling to note. The primary procedural mechanism through which this happened in the colonies, he argues, has been through the process of the commission of enquiry, which has “legalized illegality.” Commissions of inquiry—among those he discusses are the nineteenth century cases of Ceylon (Sri Lanka), the Cape Colony, and Jamaica—have been the administrative political processes through which indemnity has been made to function politically to legitimate the repression of anticolonial revolts. He names these as “tumult commissions.” By tracing the relationship between indemnity in its colonial career and amnesty as it is celebrated by Transitional Justice after the TRC, Sitze takes the sheen off the shine, so to speak. The TRC in form, as a Commission, and in substance, pivoted on amnesty, genealogically filial to “indemnity,” is therefore more repetition than difference. As he puts it, “Why has there been so little analysis within transitional justice about the empirical regularity with which Truth Commissions and postcolonial orders correlate? Why have most transitional justice scholars instead interpreted these commissions according to the standard pattern of Eurocentric knowledge production? (p. 255).” For Sitze then, the key question through which the TRC is to be evaluated is not the question of “peace” that Transitional Justice is interested in, but the question of whether the TRC has offered us a way out of the colonial episteme, has it broken with apartheid’s epistemic field? These are the questions that animate the last third of the book, when it attempts to move from critique to possibilities. It discusses the immanent possibilities that existed within the Constitution adopted in 1994, premised on the principles of “*Ubuntu*.” An African formulation of ethics and legal being that he saliently avoids simplifying or romanticizing, the notion of being a “person through other persons” as it is popularly understood, broadly offers the potential for the kind of postcolonial epistemic break that Sitze considers to be a more subversive possibility than the Amnesty/Indemnity gesture, deeply compromised as the latter is by the work it has done in and for colonial logics.

The *Impossible Machine* is an incredibly significant contribution to the literature on the South African Truth Commission, but also more broadly, to the literature and object it is most interested in debunking: Transitional Justice. Its critique will have to be seriously considered by those working within that field. It takes as its target Transitional Justice's tendency toward conceptual and political amnesia in its repetition of Eurocentric formulations and it is entirely persuasive in that effort. At the same time, it is curiously less deft in taking into account another body of work that has historicized Truth Commissions and Human Rights in the post-Cold War world (see Moyn 2010). Oddly, Sitze also does not cite one of the key critiques of SA's TRC, written by the Ugandan scholar Mahmood Mamdani in 2002. It would be interesting to consider these two approaches alongside each other, as the latter critiques are interested in historicizing (without consoling us) the political moments that shape the constraints and possibilities within which political choices are made. If both Sitze and Mamdani are critical of the TRC, the differences in their critique are illuminating. Putting them into conversation would challenge Sitze to perhaps consider more seriously the question of the relationship between the epistemic field, the field of "thought" on the one hand, and the temporality of political conjunctures on the other, more carefully. The question that remains is can we think, or evaluate, the TRC's legacy outside of concrete politics even when we seek to show the kind of tainted conceptual politics that sediments itself so quietly in the celebratory choir of Transitional Justice's hymns for the TRC?

References

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- Meister, Robert (2011) *After Evil: A Politics of Human Rights*, New York: Columbia Univ. Press.
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We the People: The Civil Rights Revolution. By Bruce Ackerman. Cambridge: Harvard University Press, 2014. 432 pp. \$35.00 hardcover.

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Bruce Ackerman has produced a stunning achievement with his latest book, *We the People: The Civil Rights Revolution*. The book is the