

Adam Sitze. *The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission.* Ann Arbor: University of Michigan Press, 2013. xii, 380pp. (\$70 cloth).

South Africa's Truth and Reconciliation Commission (TRC) was a key feature of the transition to democracy. The era was marked by a national election in 1994, which then set in motion the process that led to a new Constitution being enacted two years later. But forging ahead also entailed taking account of the recent past, which had been characterized by racial discrimination, territorial fragmentation, oppression, poverty and stark inequality in every sense under the yoke of the *apartheid* regime for 45 years or so. People's lives had been ripped asunder; but so had the country itself in terms of the grand vision of territorial separation on a purportedly ethnic basis. Alienation, then, was both personal and physical. The role of the TRC was to acknowledge this, to counter it, thereby laying a foundation for transcending the ills of the past. The TRC pursued its mission for a relatively short spell in the mid-1990s during the presidency of Nelson Mandela.

With the benefit of considerable hindsight, Adam Sitze has taken stock of the TRC's record. His focus is on the very nature of the TRC, as well as its workings. While practical aspects certainly come to the fore in his argument, his quest is primarily an intellectual one. Sitze's main contention is that as a mechanism, a machine, the TRC bore the legacy of colonial origins, which predated *apartheid*. While such a legal and administrative imprint was inevitable, if only for reasons of expediency in order to carry out its brief timously and efficiently, nevertheless by not confronting its roots the TRC failed to overcome the limitations so entailed. Consequently, in seeking to address injustice, the TRC inadvertently perpetuated it, albeit to a degree. Hence the impossible machine, which was inherently flawed. This is not to suggest, as Sitze is always quick to qualify, that the TRC proved to be a manifest failure; rather, its success was compromised from the outset. Such a conclusion emerges from a very detailed, subtle exegesis of the TRC – a genealogical investigation, which took two principal forms.

First, the mechanism itself. The TRC, as the very name indicates, was a Commission of Inquiry. In essence, it bore the traces of its forbears, both immediate as well as from colonial rule. As a former British colony, the Union of South Africa, and the colonies preceding 1910, was governed by the metropole in London. Commissions of Inquiry were often established at home in order to deal with crises, like an epidemic or water pollution. But when this style was transplanted to the colonies, a Commission of Inquiry became an instrument of power, an exercise of dominion, in which a rebellion, say, was treated in the same biopolitical manner as an epidemic, by seeking a remedy and attempting to restore equilibrium. Under *apartheid*, South Africa endured a plethora of these commissions, where the mechanism remained identical, although the purpose became quite different: then a commission was deployed to deflect attention, to hide, to obfuscate, or to appease foreign interests. Equilibrium was sought in such circumstances by the raw unleashing of governmental might.

Furthermore, Commissions of Inquiry of this ilk, from British imperialism onwards, assumed the narrative of a tragedy. This genre, where evenhandedness is granted to all participants, lends some parity to perpetrators and victims, rendering the outcome of events as

necessary or inevitable, where everyone and yet no-one is held to blame. Accusing, exonerating, mourning, and reconciling are the dominant discourses which come to the fore.

These exact characteristics permeate the TRC, avers Sitze. Its mechanics were equally biopolitical; its narrative steeped, too, in the discourse of tragedy. This had pronounced consequences for the tools of restorative justice that were dispensed, most significantly how amnesty was wielded. This is the second major thrust in Sitze's argument. Here, as well, the genealogical trail turns out to be revealing. Unlike in the aftermath of World War Two, where alleged perpetrators of war crimes were brought to book in the judicial proceedings of the Nuremberg Trials, and in contrast to the general amnesty afforded to all following the demise of military rule in Argentina and Chile in the early 1980s, the TRC in South Africa assessed applicants for amnesty on an individual basis in an extra-judicial setting. But such amnesty, says Sitze, carried the hallmarks of the evolution of the legal interpretation of indemnity since A.V. Dicey's jurisprudence in Nineteenth-Century England.

By issuing indemnity to public officials who served in the colonies, the British government of the day condoned retrospectively excesses which were pursued, supposedly, so as to preserve civilization, to restore biopolitical health through the remedy of, in effect, legalizing illegality. Indemnity became a tool that was deployed vigorously by the subsequent denizens of the *apartheid* state, a tool that they reshaped in order to widen its applicability. Indemnity became guaranteed to servants of *apartheid* rule in advance of activities being undertaken, thus rendering it normal practice, rather than confining it to military emergencies, for instance. In short, the illegal was legalized, perverting the intent of Dicey's jurisprudence. The test for indemnity was also relaxed considerably from its original conception. This very notion and interpretation of indemnity was transplanted into South Africa's democracy, serving as a backdrop and accompaniment to the processes of the TRC. The upshot proved to be ironic, according to Sitze. Amnesty, where perpetrators escape punishment in return for a full, frank, truthful confession of misdeeds, became blurred with the then understanding of indemnity, in reality giving the latter new life despite its *apartheid* heritage. Does this presage a continuance in some respect of vestiges of authoritarianism in the nascent democracy? Maybe so, but then the same could be said for the entire legal system that has largely survived the transition from *apartheid*.

Sitze's findings from his genealogical exploration lead him to cast a critical gaze on the intellectual endeavour of so-called transitional justice. His criticism is scathing, even scornful on occasions. The promotion of transitional justice, which has been spawned in a variety of countries by the search after searing conflict for restoration, catharsis, forgiveness and social harmony is vacuous, Sitze believes, not least because it is often construed in ahistorical terms. In South Africa's case, an unawareness of how colonial roots have compromised the meaning, maybe also the integrity, of transitional justice has undercut its intellectual worth. Recourse to a new paradigm, founded on *ubuntu*, repeats unwittingly this shortcoming, since the notion of 'a person', as in 'I am a person through other people', which is how *ubuntu* is commonly understood, conveys its own particular genealogy that lies in the colonial period. I am less persuaded by Sitze's crusade against the field of transitional justice, although I share his unease about the lack of philosophical rigour and historical perspective that is masked by the rhetoric of moral exhortation.

All in all, Adam Sitze's exposition is highly imaginative, and perhaps somewhat idiosyncratic, though no worse for that. The text is erudite and elegant, as well as spirited and lively in tone. This welcome contribution to scholarship makes for intriguing, absorbing reading. The book itself is a handsome, entirely unblemished product, which is exquisite to behold. Hence the exorbitant price, I can only surmise, which might then limit the readership that this volume deserves. A pity.

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