

Epilogue

Toward an Anthropology of International Justice

Something that transformed the way that I understood justice in my life? . . . In that book there's a part where this young boy was running after this young girl for some money [that] somebody had given them for helping to carry some luggage. And the girl had escaped with this money and the guy was chasing [her] when this old woman stepped in to stop this fight.

The old woman said, "Why do you do this?" So the boy went through this explanation and at some point the old woman asked the young boy, "Where is your dad?"

And the young man said, "My dad is dead." And the old woman asked, "How did he die?" The young man explained that he was working in this industry and his hand was chopped off and they could not provide medical treatment for him.

And then the woman said something to the young man, and this is what really influenced my life, having gone through the conflict [in Sierra Leone] when I lost my dad.

So the woman said to the young man, "The day you ask yourself why your dad died, you need to ask yourself: Why was it possible for him to die? And then ask yourself: What should I do that another will not die under such circumstances? That day you will become a man."

I do what I do now to make sure that others do not go through what I went through.

—Interview with activist and survivor of violence, Sierra Leone

This story, told to me with emotive bodily expressions and accentuated vocal fluctuations by a prominent African civil society activist, represents one person's take on what justice means, apart from its judicialization. It emphasizes the perspective that the circumstances of structural injustice related to the death of the boy's father are not insignificant when it comes to understanding notions of culpability and justice. What it also highlights is that these symbols and manifestations of justice are not communicated without particular bodily affects. What I have shown is that meanings of justice circulate through various biopolitical instruments but are also embodied, felt, and communicated in particular ways. People take those circumstances into account when considering not only how inequality should be addressed, but how justice should be realigned, and what social action to take—aesthetically, performatively, discursively. This message, then, highlights the issues at the heart of this book.

Throughout the chapters I have demonstrated how justice is constructed through affective formulations that are tied to various component parts that interact, converge, and diverge. The various component parts highlighted throughout the book constitute an international criminal law assemblage that comes together within that which is loosely called international justice. In these enmeshed spaces are the production, uses, and rethinking of justice as well as the emotions and regimes that propel its meanings. And though various tools to instrumentalize justice (such as laws, policies, rules), it has also become clear that international criminal law is not just about what the law says—it's not just about its black-letter manifestation. Law is not a tool that creates justice in and of itself. Law operates within unequal fields of power and governance. It reproduces the power that shapes it and also embodies spaces where global inequality can play out. It embodies social relations, and, at times, can be deployed strategically within those very unequal fields of power. For while the law is meant to protect the social contract as well as to address breaches in it, it can also enable their reproduction—for positive and negative.¹ As this book has shown, this dynamic is not new in the Global South—especially in Africa—where international law is being imaginatively inserted and engaged in daily life.

After decolonization in African states, new institutions of governance and regulation determined the way that postcolonial laws in Africa were structured. This was one of the ways that global inequality was reproduced. Law was deployed not just as an instrument of rules and norms, but also as a formulation of what law would be in new postcolonial domains. As we see in this book, law is a cultural artifact that embodies inequalities. As such, the story of justice in the African postcolony is a story about colonial and im-

perial law and the contemporary order of things. It is a story about political and economic restructuring made to align earlier forms of effective colonial control to the contemporary management of an international domain within which Africa's violence can trigger ICC action. As I have shown, this happens not because the court and its actors are targeting Africa. This happens because of the conditions of inequality in contemporary modernity. These forms of inequality are not just structural. They are biopolitical and operate through particular regimes of practice. Various instrumentalities and embodied modes of expression play a role in structuring what Michel Foucault called the conditions of possibility.² The rest is embedded in the afterlives of modernity, which is where affects, bodies, technologies, and governance effects come into sharp relief. For example, the racial imaginaries that have emerged at this junction of international justice and that are prominently displayed in relation to who the ICC indicts and who the victims of violence are, not unrelated to the modes of seeing, engaging, feeling, and speaking that are part of international rule of law assemblages. These affective modes of being shape the way that emotions produce particular institutional materialities and, as such, they invigorate the technocratic tools that circulate in the making of international criminal law.

Understanding these processes allows us to make sense of how affective states can be used to redraw lines of alliance and disjuncture. They highlight the way that figures and imaginaries, narrativized in particular ways, can contribute to the intensification of responses or the undermining of feelings. Here law is not just shaped by instrumental tools to be used by those who are formally trained in its logic. Law is also shaped by those engaged in its refusals, as well as those formal and expressive acts, such as renouncements, treaty withdrawals, and Twitter objections. These engagements with law highlight the way that protest speech can be deployed to subvert particular legal relationships and can reconfigure the terms by which it takes shape. Ultimately, we see how these affectivities that extend to technocratic knowledge and doctrine are ultimately tied to materialities that have real-world impact. One such afterlife is concerned with the residual life of the law and the pronounced or latent feelings that it instigates.

I have shown that to make sense of these dynamics we need to understand the life of the law through studying what various international and regional courts and their actors do. By studying their technocratic afterlives we can go beyond the black-letter language of the law to explore the technologies, governance, discourses, edicts, and emotional regimes that play key roles in estab-

lishing and legitimating meanings of justice. These justice formations produce alignments with particular symbolic regimes of power, which determine how and under what conditions such affective justice takes shape.

What we see is that affective justice shapes how justice feels, how justice is manifest in the everyday, and how it is decoupled from place and relocated in new feeling spaces. Through this process, the components that connect with such productions and circulations are fundamentally intertwined with the affective and sociocultural universes that shape it. So just as law is also what people make of it, how they see it, and how its force or pronouncements feel, justice is also about the production of meaning in the context of bodily and emotional responses to the social condition. But the processes of the production of law and justice are where the conflict lies, for not only are legal differences socially constituted, they are also constituted by and within particular structures of inequality. These logics contribute to the materialities of feeling and the domains within which they circulate and are rendered legible. For example, the ICC was created to respond to situations in postviolence states with decimated legal systems that cannot indict their own leadership or in places where violence is so widespread that a sense of collective responsibility pervades. But it is the conditions under which African stakeholders are in this predicament that raises fundamental questions about the place of inequality in our world. And further, those victimized by mass atrocity violence at the heart of ICC actions are often those who live in poverty and whose governmental officials have failed to protect them—whether in Africa or elsewhere. These structures of inequality exist alongside micropolitics of possibility and biopolitical domains that shape the resultant feelings that emerge.

Emotional invocations of and responses to injustice become the space for the materialization of justice, but their articulations are embedded in particular histories and power relations, providing the grammar through which social norms are instantiated and imaginaries brought to life. It is through the reinforcement of emotional regimes, which operate within particular frameworks of expectations and are propelled through various political and economic campaigns, that international justice is articulated. These articulations—often taking the form of protest campaigns, treaty withdrawals, photo imagery, or affirmations of values—reconstitute international publics through social movement campaigns and are supported by new technocratic tools such as international legal provisions and advocacy strategies. These modalities work through emotional expressions that become the basis for narrativizing justice

imperatives and creating new social imaginaries of feeling that are expressed and regulated in particular ways.

While these imaginaries travel and often become decontextualized from their local cultural domains, they are then recontextualized in particular components of assemblages. The power to articulate narratives of justice or spheres of judicial or nonjudicial action is not benign. Rather, it operates in keeping with particular time and space horizons that are produced as relevant to the political mission of justice—and it is here that locating the effectiveness of the structures of emotion that shape social geographies of justice is critical. As such, looking at justice in relation to judicial and nonjudicial spaces reveals the relevance of history and politics in shaping the emotional meaning of social location. Judicial spaces operate within particular affective realms rooted in histories, memories, and experiences. Regardless of whether various stakeholders or audiences experienced those histories, the conditions of judicial possibility can be rationalized alongside shadows of the past—memories of colonialism, realities of economic disparity, complexities of violence and racial exclusion. For some, the vestiges of colonial inequalities, the workings of racialization, and the modernity of contemporary power operate and structure the postcolonial conditions within which individuals make seemingly free decisions. These decisions are shaped by psychic worlds and beliefs as much as they are by judicial constraints, political and economic considerations, and new digitized possibilities.

Justice making has also become increasingly accessible and therefore immediately sharable. Biomediated campaigns enable new forms of meaning making that transform the workings of the social imaginary. This reality calls on us to rethink the way that we privilege national state decisions to comply or not comply with international treaty provisions. Instead, through a range of competing ideations beyond the state or modern ontologies, it is important to render relevant the rhizomatic interrelations between state institutions, leaders, and everyday people.

Beyond the complexities of actors, spatiality and temporality are also critical. *Affective Justice* has made a case for understanding the relationships between space, time, modernity, and justice. In relation to various African encounters with the ICC, it makes a difference that the geographical spaces and persons under scrutiny by the court are African or from the continent of Africa. In the case of the AU, the Pan-Africanist pushback is about the politics of determining which crimes, committed when and why, by whom, and un-

der what conditions are deemed relevant to the African continent, to African geography. It is also about the power to submit to the jurisdiction of one's own courts as well as to create new spaces in which the psychic life of possibility and change are forged. By focusing on these affectivities, especially in relation to the complex politics of protest in response to law's hegemony, nowhere is this more accentuated than in various parts of postcolonial Africa, in which both the law and its constituting political order are at play.

What we are seeing today through the ICC-AU pushback, then, is actually the playing out of a politics of recognition in which the legitimacy of various African stakeholders managing Africa's violence is negotiated in contemporary terms using the tools of global governance like the UN and the ICC. The key analytic challenge in making sense of the ICC, the AU, or the logic of an African Court in the twenty-first century is to understand the ways in which various multiply inspired commitments to justice imaginaries relate not to age-old senses of identity but to emotional performances and their regimentation. This involves making sense of the ways that relationships and emotional responses structure and are structured by feelings that have the power to command particular social relations and engage with the reality of the internationalization of daily life.

It behooves us to understand the way that Pan-Africanist forms of re-tributive initiatives are being crafted spatially. The recognition of these realities requires that we take seriously the complexities of the politics of the social and the affective life that informs those decisions. That is to say, we must take seriously which economies, moralities, social imaginaries, and psychic meanings shape decision making and how those decisions are legitimized with the moral force of the past. For they are part of the play of power that structures future possibilities in particular ways, all while exacerbating preexisting inequalities and psychic differences in responsibility, obligation, and histories. They are closely related to what Siba Grovogui has argued are age-old concerns about the future of Africa and Africans in relation to global governance and international morality.³ And as such, they are tied to a more expansive domain by which to understand contemporary Pan-Africanism: through the social histories of European imperial power in Africa and broadening political economic and moral reparative aspirations. But it also means understanding the affective life of twentieth-century violence in Europe and the recognition that the anti-impunity fervor that has characterized the contemporary period refers to the desperate desire to make perpetrators of violence accountable to humanity. This reality however is not unrelated to the condi-

tions of structural inequality that shape the conditions of possibility for violence in the first place. Recall the opening vignette where the old woman asked how the boy's dad died. The conclusion was that the boy's dad's death was a result of larger conditions of structural inequality—he was working in an “industry and his hand was chopped off and they could not provide medical treatment for him.”

The story concludes with the woman asking the young man the key question: Why was it possible for him to die? The woman's answer was that the day you realize that justice is not just about addressing theft and violence through the law but that justice is about addressing the larger conditions within which theft and violence happen, is the day that your understanding of justice represents the issues at the core of the human condition.

Thus, my goal here has been to keep in tension these complexities of justice as a way to rethink the anthropology of international justice through the recognition of injustice. I have been interested in examining the multiplicities of contestations at the heart of the intertwined spaces between legal power and social displacement, and the challenges brought to bear on the conditions of modernity that make social reality legible, that is, the way that certain things are encapsulated by the law as legal, and made legible, while other things are seen as unrelated and dismissed as illegitimate. The reality is that in postcolonial Africa, as in other parts of the world, the judicial is one of many domains for ordering and performing power. But of particular interest here is the way that the judicialization of African politics increasingly occupies a space in the imagination as a site of international control. Interestingly, the production of the image of the African “victim” and the male “perpetrator” of violence, as well as a notion of an “international community” are part of the forging of international justice imaginaries whose work is being propelled through the social life of the law, which itself is dynamic. Its greatest power is in its commanding of order and objectivity. But this production is also part of the discursive power of its encapsulation through which certainty, fairness, procedural regularity, and an overriding sense of objectivity are produced. Its greatest effects are in its ability to produce a totalizing ideological order through which other logics are displaced—rendered marginal or irrelevant to the juridical order.

My concluding thoughts dwell in the middle space of the international rule of law assemblage, between the concerned recognition by African leaders, various African voting publics, Pan-Africanist activists, and intellectuals of the many harsh and contradictory realities on the African continent,

the spaces of violence and social movements to rectify it, and the realities of international demands to create a world in which we can hold perpetrators of violence accountable. This middle space is where the affective life of law dwells—where alignments are made and others unraveled. Law's meanings and forms emerge from and constitute these emotional spaces, which are regimented according to the practices and aspirations of law's liberatory project.

Law's possibilities are found in emotional aspirations for social change, not in its core instrumentality. And this is where the key issues are about how we feel and what we do about what we feel. And these feelings are not absent from the historical and contemporary deployment of power. They are about determining the conditions under which the law is deployed, with what institutions, under whose jurisdiction, and in which geographical spaces—that is, the power to submit to the jurisdiction of one's own courts as well as to create spaces in which the psychic life of possibilities is forged. Indeed, one of the popular conceptions of the crisis of the African postcolony today is that it stems from a problem with the incorporation of things African. This involves disjunctures between imposed or legislated understandings and familiar cultural values and practices that are not always central to the development of new norms. And just as the understanding of rights in the West unfolded according to its own contested and unforeseeable logic so that, for instance, rights that once pertained to property-owning white men were made to include others, so it is the case on African terrain. Any number of African institutions continue to be reworked and reshaped.

There is no reason to think that notions of Pan-Africanism or other principles deemed sufficiently African cannot be mobilized to play increasingly critical roles in addressing the harsh realities of human rights violations. The key analytic challenge, however, in defining the work of agents engaged in the African Union or the ICC for the twenty-first century is to understand the ways in which multiply inspired commitments produce social imaginaries and relate to other institutions, treaties, or international justice institutions. This involves making sense of the ways that relationships and emotional responses structure affects that are deployed to build social institutions and erect policies that set social values and expectations.

For once we take on the core problem of affective justice—the *reality that justice is not necessarily about the absence of injustice but its complex mobilizing assemblages*—we see that as long as various stakeholders continue to encapsulate political histories and social problems and replace them with the rule of law, then a central part of justice processes will involve reattribution, a

counterresponse that reinscribes justice in different terms. By expanding the juridical domain beyond the legal, we can see how surrender requests and their refusal or desires for compliance have political histories, the effects of which can be seen in a number of key attachments and social pacts mobilized through expressions of compliance or refusals to comply. But at the center is the power to decide to submit to the jurisdiction of one's own courts and to assert the tenets of its content in ways particular to one's life worlds. By focusing on technocratic legal knowledge, affects, and the emotional regimes through which they travel, we see how those engaged in African political decision making and social change mobilizations live in a space where feelings, reactions, and histories all come together to explain practice. It is where contemporary history is being forged, where cultural institutions and interior motives shape outward practices that are as dynamic and transforming in Africa as they are elsewhere. Making sense of this in relation to practices and power and the embodied responses it conjures—in Africa and beyond—is a challenge for twenty-first century social thought.