

# Verbalising violence

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To achieve the “move” beyond dictatorship and a successful “entry” into democracy – if these terms might have a sense other than the mere metaphorical reference to a “transition”, which is, to say the least, problematic – require, as a condition, that the terror wielded in the name of the State should be spoken of. It should be spoken of in public by those who turned to violence, and by those who were subjected to it. Without this public space of expression, it is hard to imagine how a solid and lasting democratic social bond could be established. This is perhaps one of the principal difficulties that Haitian society faces today. The violence has not been spoken of, it is still not spoken of; it has been silenced. This straightforward observation prompts three questions. Can one speak publicly of this violence? Is it sufficient to speak of it in order to overcome it? What provisions are required for its public expression? These three questions lead to a fourth: Can we be sure that this public verbalisation opens a way to move beyond State terrorism? Can we be certain that the fact of recreating a lasting bond of trust between citizens will permit the establishment of democratic practices of power? The question of the conditions under which violence can be spoken of is certainly a prerequisite for two other questions that should be treated together: on the one hand, the sentencing of the dictator and his accomplices and, on the other, the commemoration of the crimes committed and the injuries suffered.

I will start by drawing a distinction between the violence of State terrorism, and forms of violence that one might call ordinary or normal, that are unavoidable in any collective form of life. I shall do this by considering *the expressions of violence*. On the basis of this distinction between violences, I will then consider *the verbalisations of violence* in relation to the three perspectives of the conditions for speaking [*dicibilité*] of violence, the efficacy of such verbalisation, and the procedural arrangements required in order for it to produce the expected effects. Can violence be verbalised? Does the public verbalisation of violence have political efficacy? What institutional procedures might support this efficacy? I will examine the examples of Argentina and South Africa in order to reflect on what is to be understood by a demand for reconciliation. Finally, the third and last question extends the effects of such an operation into a long-term perspective: Is the duty of memory

required as a means of forever preventing the repetition of the violence? In *the commemorations of violence*, the emphasis is on the ways to prevent the return of dictatorial violence. This presupposes that violence – be it political or social, extreme or ordinary – can be overcome: at the very least, we might ask ourselves if there is any sense to the idea that a society can "move beyond" violence.

## Forms of violence

Leaving aside the violence specific to war, in which armed forces clash with each other, and which is codified by the Geneva conventions, the forms of violence can be divided into three convenient (though also clearly reductive) groups: mass (collective) acts of violence / "ordinary" (individual) acts of violence; government violence / societal violence; instrumental or strategic violence / spontaneous or reactive violence. These divisions are endlessly contradicted in practice, and their value here is purely analytical.

Conventionally, the former of each of these pairs of terms would be described as political violence, and the second as social violence. At first glance, social violence only becomes political when it involves an upheaval that reconfigures the balance of power. But it might also be noted that some forms of societal or spontaneous violence acquire a political meaning the moment they contest the social order that sustains power, and from which that power draws its authority. They must, therefore, be distinguished not in terms of factual or objective description, but simultaneously from normative *and* pragmatic points of view so as to draw out the meaning of what we are doing. It is also worth asking: what is signified by this violence? Or better still, once we see them as forms of expression: what do these forms of violence *say*?

Thus, we must differentiate between what is publicly signified (what the violence *says*, what it manifests, or demonstrates, and which demands an interpretative position) and the practical modalities of that violence (its – violent – way of *saying* what it says); but we also have to differentiate between the two sides of what violent action is *made to say* (the discourses that justify violence, its ideological garb, for or against violence).

From a normative point of view, violence can be *a-* or *anti-*political despite the political claims made for it; another might have a political meaning because of what it *says* (because it expresses a situation), or through the way it is *said* (the kind of violence that conveys political meaning while the violence itself is anti-political). For example,

State terrorism and mass violence<sup>1</sup> are, in the normative sense, necessarily anti-political (they represent the destruction of everything necessary to the conduct of political life) even though they obviously always have a supposedly "political" justification. It is precisely their utter political illegitimacy that makes such ideological justification necessary. Conversely, an urban riot, like those seen in Europe – or a hunger riot like those seen in Haiti – can be eminently political even though they may seem to involve social violence of no political significance (burning cars and libraries, attacking firemen, and so forth). What is being *said* in these cases (a protest against the social order), but also the way in which it is *said* – violent action against consumer items (cars), public institutions (libraries), and those who represent the authorities (firemen) – can be considered eminently political. It is a matter of interpretation.

So the question is one of the interpretation of events. To plagiarise Nietzsche, one might say that there is no political violence, there are only political interpretations of violence according to the circumstances in which the violence takes place. Why is violence in itself not political? Because, as Hannah Arendt has established, violence is (a) first of all destructive, and is not able to create anything except in times of revolution; and (b) it is purely instrumental: violence is merely a means. (a) Ever since Machiavelli, we have known that while violence can bring a group to power, it cannot sustain it: to do that, you need politics, and above all, the law. The violence on which dictatorship relies has to adopt the guise of legality; and an ideological justification is a necessary means of cloaking it in apparent (but actually usurped) legitimacy. (b) Above all, violence in itself is nothing: it is but an instrumentalisation, and the instrument, of either physical or psychological force, used for the purposes of achieving dominance by means of terror. On its own, therefore, it can neither constitute politics, nor support political life.

It is here that the distinction between instrumental, or strategic violence, and spontaneous, or reactive violence starts to become meaningful, where it partially intersects with the distinction between governmental violence and societal violence. While the former presents itself as political – although in fact it is only a means of achieving domination –, the latter, though seemingly anything but political, can become so when it becomes the last resort against such domination, or a protest against the unacceptable denial of the rights to public protest that

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<sup>1</sup> I follow here the definition of mass violence proposed by Jacques Sémelin, *Purifier et détruire* (Paris: Seuil, 2005); and [www.massviolence.org](http://www.massviolence.org); see also: [http://www.newsletter.sciences-po.fr/NL\\_2008\\_03\\_25\\_1.htm](http://www.newsletter.sciences-po.fr/NL_2008_03_25_1.htm).

has been imposed on the people by the social order. For here, violence says – manifests, expresses, shows – a desire for freedom, concern for equality, a need for dignity, the meanings of which are eminently political when the very way it is expressed (the recourse to violence) reflects back the denial of political recognition to the men and women who adopt those methods.

### **Verbalisations of violence**

Armed with the difference between what violence *says*, its way of *saying* it, and the *discourses* to which it gives rise (justifications and condemnations of violence that we will not be considering here), we can now focus our attention on the three aspects of the public verbalisation of violence by linking its expressibility and its effectiveness to the procedures adopted by the mechanisms used in public recognition.

One preliminary observation is, however, unavoidable. While violence (like anger, which Merleau-Ponty described as nothing more than the actions that express it), is always expressed in violent ways, verbalising it is necessarily non-violent. To verbalise violence is to transpose into words the thematic content, and thus initially the subjective meaning, of acts of violence which could not themselves have taken any other form. Talking about violence is what we might call a performative act: the simple fact of *saying* the violence is in itself a step on from the violence, a renunciation of its use. Talking about violence is always an act that takes place after the event, an act which can only be envisaged because the violence is over, has subsided, has ceased to be. But it is also an act that has the effect of recognising that the past has passed, in other words, it records the violence as something belonging to a past which no longer pertains.

The use of words to *say*, peacefully, what took place in the idiom of violence – what happened – liberates the present from the past, and opens up the possibility of a future unburdened by that traumatic past. How does it do this? It does it by clearly separating the act of *saying* (the verbalisation) from what is *said* (the violence itself). While violence is necessarily expressed in a violent way, the verbalisation of violence objectifies the violence of behaviours and actions in the form of words, of something *said* (an item of content) that is not current because it is separate from the act of *saying* (the words used). But, as will be seen, we do not “move beyond” violence just because verbalising it proves that that the violence belongs to the past.

## Expressibility, effectiveness, and procedure

There are two interesting aspects to the question of the expressibility of violence: Is it always possible to obtain an expression of the point of view of the author of the violence (even in the case when an institution is the author)? Is it always possible, necessary, and desirable from a social point of view? The ramifications and difficulties of these two aspects cannot be addressed in a few lines. In short, I simply say that a society must provide itself with the institutional and procedural means to make the violence *sayable*. It must create the conditions under which the authors of the violence committed can express the fact and be heard publicly, allowing their words to take their own particular effect. This not only involves waiving all confidentiality regarding the violence that was perpetrated, first and foremost removing the protection of State privilege from governmental or paragovernmental violence; it also requires a formal and substantial commitment on the part of society and its representatives – a commitment to listening, understanding, taking note, and following through with the consequences for the authors who give statements about what was done, and, at the same time, for society as a whole, and not just the immediate victims of atrocities, using whatever means they choose to adopt. The obvious response to these conditions might be to say that the verbalisations obtained through these means are necessary and desirable: necessary because without them the past does not pass; desirable because with them the present can open up to a future free of such violence. But in what way does the public disclosure of the violence create a new kind of social bond, capable of overcoming the trauma?

The effectiveness of public verbalisation of the violence is, of course, linked to the mechanisms through which it is made. It might be pointed out that the therapeutic value of making – and of hearing – a statement detailing a personal experience should not be lost because it is a public statement whose effects are expected to contribute toward the re-establishment of a social bond that has been broken by the extreme violence. But public disclosure alone does not suffice to move beyond violence. Public declaration is a necessary condition, but it will never be a sufficient one. Here, we have to use negative reasoning: the absence of verbalisation can only be a contributory factor for the perpetuation of the trauma, and the self-justification that underpinned the acts committed, and made it possible, indeed desirable, to carry them out. It is also important that the public declaration states first what acts of violence were committed, in what ways and for what purposes, by whom, why, on whose orders, in what circumstances, affecting whom, and in what ways, and so

forth. It should then clearly articulate the meaning attributed to these crimes for those who ordered them, and for those who carried them out. Finally, it should bear witness to the view held today by the authors of the crimes, regarding the acts they once committed. But these three aspects (the disclosure of the facts, the meaning of the behaviour, and the comprehension of the actions) must not become a parody of the public prosecution of the alleged criminals, in the manner of the Moscow show trials. Neither self-denunciation, nor self-criticism can make the verbalisation of violence by its perpetrators have any effect. What, then, are the necessary procedures?

The difficulty relates to the possible confusion of the three categorically-distinct, and pragmatically-divergent social expectations regarding their outcomes: *an epistemic expectation of truth* (we want to know what happened, what really took place); *a judicial expectation of justice* (we want accounts to be settled, the guilty to be punished, and the victims exonerated); *an axiological expectation of ethical judgement* (we want the authors of the crimes to acknowledge the criminal nature of their acts, and to show repentance). This is where the differing mechanisms chosen by countries that have experienced destructive violence also determine the political meaning of the procedure, and its practical results. As we have seen, three terms summarise these expectations: truth, justice, and reconciliation. It is the combination of these three expectations within the procedures adopted that defines the means for talking about the violence. Each country does it in accordance with its own history and its own socio-political circumstances. South Africa's particularity was to invent the Truth and Reconciliation Commission (TRC), and to accord lexical priority to truth and reconciliation over justice.<sup>2</sup> Argentina's was to counter the work of CONADEP,<sup>3</sup> which undertook to seek the truth, with a demand for justice, which was itself rapidly overturned by the so-called Full Stop Law and the Law of Due Obedience,<sup>4</sup> which ended up shielding a large proportion of the authors of violent acts (extra-judicial executions, kidnappings, stolen children, disappearances, tortures) from both justice and the truth, as well as from

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<sup>2</sup> Created in 1993, and written into the interim constitution, the TRC offered an amnesty to the authors of political crimes committed under apartheid (1960-1993) in exchange for a full disclosure.

<sup>3</sup> The National Commission on the Disappearance of Persons (from the Spanish: *Comisión Nacional sobre la Desaparición de Personas*), created in December 1983 to inquire into violations of human rights committed under the dictatorship.

<sup>4</sup> The Full Stop Law (1986) considerably reduced the possibility of taking legal action by imposing time limits; the Law of Due Obedience (1987) guaranteed impunity to all lower-ranking officers on the grounds that they had been following orders.

the possibility of public repentance. In the case of Rwanda, a specific International Criminal Tribunal (UNICTR) was created, which reinforced the work of national courts and the community legal institutions known as *Gacaca* courts, which were intended to devolve the judicial process to more local contexts as they attempted to satisfy the demands for truth, justice, and reconciliation.

### **The example of Argentina and South Africa**

The differences between the procedures adopted in South Africa and Argentina make clear what is at stake, politically, when deciding on the mechanisms to be used to speak of the violence. Claudia Hilb has put forward a thought-provoking analysis of the difference between setting trials, as in Argentina, and searching for truth and reconciliation, as in South Africa.<sup>5</sup> I will simply mention two elements that give an outline of the contrast, relative though it is, but significant in terms of the effects it has had on reconciliation.

The first is that despite the work of CONADEP, which compiled the material for the prosecution in the Trial of the Argentinean military Junta, the Trial did not offer an opportunity for the violence committed by the Junta to be *said*: the voices of the criminals were not heard, the voices of the victims were heard just to provide the necessary evidence for the conviction of those responsible for State terror. Conversely, the TRC in South Africa chose to have the killers and the victims speak, offering to the former the chance to repent, and to the latter the chance to obtain a form of reparation, if only symbolic. The consequence of this, as Claudia Hilb points out, was that the criminals were themselves just as interested in the truth as the families of the victims. It could be said that while the “judicial process” option taken in Argentina did enable the guilty to be identified and punished, it did not offer the victims any chance for reparation, nor therefore, for a position to be reached where conciliation might have become possible. In contrast, it could also be said that although the “economy of forgiveness” approach taken by South Africa offered, to those who told of their crimes, the possibility of an amnesty through which they could escape justice, it also made it possible on the other hand, for voices from all sides to be heard; truth was honoured through public expression, meaning that a reconciliation between

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<sup>5</sup> Claudia Hilb, “¿Cómo fundar una comunidad despues del crimen?”, L. Quintana and J. Vargas (eds.), *Hannah Arendt. Política, violencia, memoria*, (Bogotá: Ediciones Uniandes, 2012): 131-151.

enemies – perpetrator and victim – became possible.

The second element, “the dynamics of the Trials in Argentina set out a radical distinction between perpetrators and civilian victims, the guilty military and the innocent society”.<sup>6</sup> Conversely, in the South African approach, “the same ANC combatant could appear in order to obtain both reparation as a victim and amnesty as a torturer”;<sup>7</sup> the elementary division between the guilty and the innocent, the perpetrators and the victims, becomes blurred, and from behind this obfuscation of blame and the taking up of positions, a recognition emerges that violence is never the sole responsibility of one side, but is in fact always the product of a balance of power involving the whole of society, which means that it is unrealistic to attempt, as judicial institutions and moral posturing do, to separate the guilty from the innocent, the wheat from the chaff.<sup>8</sup> It is by dispelling, on the one hand, the fantasy of a decisive difference accepted by all involved, between guilt and innocence, while simultaneously acknowledging the specific nature of “the evil spell of living with other people”,<sup>9</sup> that the public verbalisation of the violence has a chance to lead to the reconciliation sought.

Through these processes, albeit in different ways, the same question emerges. What are we looking for: the truth, justice, or reconciliation? A degree of incompatibility between these three demands must surely be acknowledged: it is not always pleasant to hear the truth, it provokes anger and stirs resentment; justice makes decisions and separates the guilty from the innocent, it does not reconcile, and it often requires the abandonment of truth for the sake of reaching a verdict; lastly, even though reconciliation invokes both of these as the conditions for the reestablishment of a peaceful society, it often does it at the price of justice. In fact, we have to admit that the fundamental purpose of the public verbalisation of violence is social reconciliation, but that the means of obtaining it, which appeals to truth and justice, is also what makes it difficult. Although indispensable, the quest for truth can only be effective in tandem with a commitment to justice. However, this is controversial: either transitional justice is simple criminal justice, and does not bring about the conditions needed for reconciliation; or it is restorative justice, and already knows what it wants to achieve: the reconciliation of society

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<sup>6</sup> Hilb, “¿Cómo fundar...”, 144.

<sup>7</sup> Hilb, “¿Cómo fundar...”, 145.

<sup>8</sup> Hilb, “¿Cómo fundar...”, 145.

<sup>9</sup> This expression is taken from Merleau-Ponty. I should like to refer the reader to Etienne Tassin, *Le maléfice de la vie à plusieurs. La politique est-elle vouée à l'échec?* (Paris: Bayard, 2012).

with itself. From the criminal justice perspective, there is a choice between an international judicial process seen as impartial but distant and abstract – the UNICTR model (which takes place in the name of universal human rights and not in the interests of nations or groups within them, and outside the territory concerned); and national judicial systems whose credentials are undermined by their attachment to one or other side, or by their subjection to the forces they are investigating, as we saw in Argentina with the incrimination of the army. The expectations of restorative justice – which seeks to re-establish the honour and dignity of the victims as much as, if not more than, to punish the authors of the crimes – are such that they demand as a precondition the reconstruction of the social fabric that is, in fact, the end aim of such justice. That is why Rwanda set up three complementary instruments (the International Criminal Tribunal, the national courts, and the community courts), so as to combine criminal justice and its universal remit with national justice – an indication of the involvement of the judicial institutions in the work of reconciliation, a task borne largely by the Gacaca courts, whose jurisdiction is both popular and locally situated. In addition, the violence was publicly *stated*, simultaneously at international, national, and local levels, and also simultaneously in a penal and restorative form, whilst respecting the quest for truth, the need for justice, and the objective of national reconciliation.

### **The political meaning of reconciliation**

Haiti set up a National Truth and Justice Commission in 1995, which had notably little effect in the short time given to it. No social fallout or political impact could have been expected of an instrument which was limited to investigating the depredations carried out under Cedras' military government (from 1991 to 1994), and which thereby excluded the State terrorism and mass violence of the Duvalier dictatorships. But the problem was also that nothing in the procedure was motivated by any explicit desire for national reconciliation – not because reconciliation was not desirable or possible, but because the theme of reconciliation appeared right at the heart of the political discourse of the dictatorship, and was used to justify, on the one hand, the elimination of real participants in political life, and on the other to authorise in its place the construction of a fictional Haitian national identity – a racist, elitist, confiscatory one that served to legitimise the depredations and murders carried out by the State. We need, here, to focus our attention on the ambiguity of reconciliation.

The *ideology* of a reconciliation used in support of dictatorship must be challenged by *political* thinking – *political*, not moral, religious, cultural or ideological. Reconciliation does not aim to elicit confessions of violence from the perpetrators in order to then elicit forgiveness from the victims. It does not aim to repair the irreparably-broken bonds between the torturer and the tortured. It does not try to pretend that the crimes of State did not take place, as if one could get over the denial of humanity and live serenely once again with those who refused the right to life and held that refusal as the only basis for their authority. Reconciliation is not about the authors of, or the actors in, past crimes of State. It is not about being reconciled with the criminals, but *with the world* that made them possible, harboured them, and allowed them to prosper – in other words, with the society that did not make their emergence impossible. It is about reconciliation with a world that not only contains within it the possibility of mass crime and State terrorism, but that went so far as to raise them to the level of “politics” at the cost of the destruction of a shared world, and of a divided society. It is about political reconciliation with a world in which the political sphere has been negated by the exercise of criminal activity in the guise of politics.

Far from reuniting the victim with his torturer, political reconciliation dissolves the opposition between them by posing the question of their shared society, or rather of the "evil spell of living with others", which makes it impossible for society to avoid separating into criminals and victims, the guilty and the innocent, just as it cannot avoid separation into classes: the rich and the poor, the dominant and the dominated, owners and proletariat – in short, opposing humours, as Machiavelli put it. Political thinking on reconciliation, rather than undertaking a quest for some fictitious re-harmonization – in the deceptive guise of a people at last reconciled with itself – of the social contradictions and divisions intrinsic to living together, in fact meets these head on; instead of denying them, as instrumental and murderous violence seeks to do, it chooses the difficult path toward political reconstruction. Being reconciled to the world that harboured those who would kill human beings is therefore to encounter once again the conflictive nature of politics and society that dictatorship tries to eliminate, replacing it with State terror, intent on destroying all social engagement, and all politics. That is why, even in a society that has reconciled itself, it remains intolerable for criminals – those who destroyed any idea of the fellowship of the citizen by treating murder as though it were a form of politics – to continue to live among us as if they were citizens. The truth must be spoken, and justice must be done in order that a society can be

reconciled with its own past, and with the world that produced from within itself the means of its own destruction.

### Commemorations of violence

To conclude, I shall address the final issue to which we are led when considering the public verbalisation of violence – namely, that of the modes and effects of its commemoration. Here we face the problem of commemoration policies. This has at least two sides. On one of them, we wonder if a duty of memory is required in order to keep alive the memory of the wounds suffered, the wrongs done, and the injustices perpetrated through organised violence, or whether on the contrary, forgetting might not be the condition that needs to be met in order to re-establish broken social bonds. To remember, or to forget – such would appear to be the simple choice to be made. However, Nicole Loraux has written incisively on this issue in respect of the Athenian experience of democracy, in which it clearly emerges that the city needs both a memory of what would best be forgotten, and to forget what it most ought to remember. I can only mention this briefly here, but the crucial point is that separation is the mainstay of social unity, not its destroyer.<sup>10</sup> This is why competing and contradictory memories of the violence suffered and perpetrated contribute to forging and re-forging the bonds of society, even as they seek to maintain the initial division that caused them. This brings us to the other side of the problem. We ask ourselves questions about the specific, effective forms of a “culture of remembrance”: speeches of remembrance, acts of repentance by the State, national public ceremonies, the dedication of particular days, legislation, the re-writing of history, pedagogical missions for educational establishments, and so forth. The question thus arises of the complicated relationships between the distinct and divergent memories held by the parties to the conflict. Competition between these revives the division created by the initial violence, but also the issue of the ambiguous relationships between what one might call an exo-memory (as in the term “exo-skeleton”), maintained by political institutions in the name of civic duty, and the living memories that feed on the acts perpetrated and the injuries suffered, the shared memories and the accounts passed on by word of mouth. If we can agree that memory is neither a coherent nor a unifying force, and that in it the divisions that led to the memories are reinvigorated, then the general issue of remembrance policy finds itself facing a still more delicate

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<sup>10</sup> See Nicole Loraux, *La cité divisée*, (Paris: Payot, 1997).

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question about what it is trying to achieve: to move beyond violence and reunify society.

It is on this latter aspect of the problem that I conclude. It is undoubtedly vain and counterproductive to set as one's objective to "move beyond" violence. If we understand by "moving beyond violence", its elimination, it must be recognised that no society (except perhaps the Amazonian societies studied by Pierre Clastres) has been able to move beyond violence inasmuch as it is a constituent part of social relations. If we understand "moving beyond violence", to mean building a social relationship capable of overcoming the violence that forms an integral part of human relationships, then questions must be asked about the means by which destructive violence might be transposed into a form of political contention capable of generating a social dynamic. It may be that this is the central concern of all politics, and is all the more crucial if that politics claims to be democratic – because democracy is the regime in which the potential for conflict is acknowledged, which ineluctably involves the conversion of instrumental, anti-political violence into civil confrontation capable of generating social intercourse.

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