

The Politics of Trauma

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My subject, the politics of trauma, touches on a wide range of issues that have been part of my research agenda for some time. The trajectory of my research interests has taken me to a lot of places that have experienced political crisis and large-scale violence. They have included popular religious culture in North West Frontier Province in Pakistan, dispute regulation amongst Lebanese Muslim immigrants coming from the civil war, political Islam in Lebanon, the truth politics of transition and human rights in post-apartheid South Africa, and (with my wife Estela Valverde) post-dictatorship in Argentina and Uruguay, and the role of the International Criminal Tribunal for the former Yugoslavia (ICTY) in post-conflict Bosnia. This lecture will focus on the politics of trauma in this context of political transition.

A couple of weeks ago I was attending a conference on Human Rights and Democratisation in Buenos Aires. I was in a taxi with my wife and two other conference participants, one of whom was a very well-known member of the Mothers of the Plaza de Mayo, Nora Morales de Cortiñas. We said to the taxi driver, 'Do you realize you are driving one of the Mothers to dinner?' He was absolutely thrilled and immediately asked her: 'I had an uncle who disappeared in 1959, have you been able to identify all the remains of people you have found?' The Mothers' campaign to find out what had happened to the Disappeared referred to the repression of 1976–1983, not to the victims of earlier dictatorships. What was the taxi driver imagining, that the bones of victims of state repression were stacked in layers

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waiting to be identified? For me, his question conjured up an image of an Argentina haunted by the Disappeared of many violent events stretching back into the past. For him, the Mothers represented a source of truth. They had managed to unmask the truth about what had happened to the 30,000 persons who disappeared and now they were identifying their remains. His question effectively handed the Mothers the historical role of exhuming the entire past of state repression in Argentina. He went on to reveal an even longer family history of the experience of repression, dating back to the Second World War in the Soviet Union. He was originally from a German colony in the Caucasus and his family had been transported to Kazakhstan when the German army invaded in 1941. His family had arrived in Argentina as refugees from the Soviet Union. His family's memory had never entered the collective memory, the memory of the state.

The idea of trauma has become a key theme in contemporary politics because of the way it brings violence to the surface of history. Didier Fassin and Richard Rechtman refer to the 'age of anxiety'.¹ History is less concerned with heroes but has become more interested in the history of victims. The comments of the former Australian Prime Minister John Howard on the balance between the heroic versus victim version of Australian history highlight the shift. He criticised the 'black armband version of history' as focusing on the victims of colonisation instead of celebrating the achievements of British settlement. A similar criticism has been made of the new national secondary school history curriculum as being too heavily focussed on indigenous Australian aboriginal history. Our focus on the victims rather than the victors, Fassin and Rechtman suggest, has changed our relationship to history; it has turned tragic.²

Trauma is not just a bodily experience; it refers to an underlying traumatic event. Clinical psychology constructs trauma as a symptom of a disturbing experience which has not been psychologically digested, an event which is unassimilable as memory, and overthrows temporal sequence by collapsing the past into the present. Psychologically this became known as PTSD (post-traumatic stress disorder) and originally was viewed as a symptom of bodily weakness. PTSD was

identified as a syndrome only during the Vietnam war (although references to shell shock from the First World War indicate military medicine has been aware of the psychological distress caused by combat for some time). But trauma has undergone an historical shift from clinical to public recognition. Trauma is no longer simply a medical condition recognized by professionals and clinicians but an expression of our humanity, able to be recognized by the public. The victim is seen to embody our humanity.

It is in the name of this vestige of humanity that compensation is demanded for damage suffered, that witnesses testify against all forms of oppression, and that proofs of cruelty endured are brought forward.³

The traumatic event becomes culturally emblematic as collective memory, framing what values are important and what is politically and morally at stake. John Howard's strong identification with September 11, and the fact that he was visiting the US at the time, led him to refer to the Bali bombings as our 'September 11', as if we needed such an awesome and catastrophic event to define or sharpen our sense of national identity. These large emblematic traumatic events are also a moment for public mobilisation and identification, bringing people together. This is occurring nationally but also transnationally.

Trauma relates to the experience of violence and traces of violence in the body. There is a whole industry of professionals that has grown up around making trauma visible, making victims visible to others and making victims conscious of themselves as victims. The media play a big role in making victims visible and generating discourses of victimhood. Trauma can now quickly shift from being an existential experience to an identity, to victimhood. People are made conscious of their victimhood through identification with other victims. The human rights discourse can reinforce victimhood by constructing the subject position of victim in opposition to the perpetrator.

Trauma has become a source of legitimacy derived from the authenticity of suffering, the truth of personal testimony and, as Paul Ricoeur argues, an expression of the affective roots of injustice.⁴ Trauma is no longer seen as a sign of weakness but as a sign of resilience. Victims demand legal reparation in the name of unjust suffering. They seek moral recognition for their suffering. Their bodies

become the source of proof. Trauma is expressed on the basis of a shared humanity based in human rights and suffering. It becomes a source of political visibility in the sense that the victim is constructed as the product of a particular event. Trauma is the lens through which other legal and moral claims are made. It frames violence and interprets its effects.

This paper argues that violence is made visible in the victim through the combination of two lenses, the trauma lens and human rights lens, serving as universalizing discourses and creating the basis for formal equality. The trauma lens is universalizing based on our shared experience of the body as a source of suffering and pain; the human rights lens is universalizing based on our shared humanity. Suffering produces the possibility of moral recognition, rights produce the possibility of everyone being included in the same community. However, while the trauma lens is universalizing through the shared ontology of the body, it is also a moral vision and is used to determine who has rights. In other words, it is a moral vision that selects who deserves to be recognised. The trauma lens creates the possibility of recognition and at the same time produces a moral economy to determine who is deserving – for example, the innocent victim as most deserving. This lecture focuses on the use of trauma and the human rights lens as universalizing discourses in situations of political transition from repression or internal conflict to democratic politics. I will explore the truth commission, an institution promoted to manage the legacies of conflict by the transitional justice industry, and briefly consider the example of refugees to demonstrate the way the trauma lens has become a pervasive vehicle for governmentality.

Truth commissions

Truth commissions are increasingly used to manage the legacies of conflict in situations of political and military stalemate. They have become part of the standard operating procedure in peace agreements, transitional justice programs, and democratization, and are increasingly used as a form of political triage in any situation of political violence where impunity prevails. The South African

Truth and Reconciliation Commission (TRC), the best known truth commission, commenced in 1996 but it was not the first. There were more than 20 earlier truth commissions in Africa and Latin America – including one held in Rwanda in 1992 before the genocide! The challenge of truth commissions has been to balance demands of victims for justice and accountability with the risk prosecutions present to political normalisation.

The suffering victim has been made the centrepiece of truth commissions as the source of embodied truth. Suffering and testimony give visibility to the violent crimes committed, even if the truth of who did it remains unknown or the evidence to prove culpability is lacking. When you put the victim at the centre you produce violence stories. The violence story contains a plot with key elements: the weapon, the wound and the community. The weapon refers to the perpetrator, the wound to the victim and the community to the morality transgressed. The meaning of the story shifts between a therapeutic and justice perspective according to which elements of the plot prevail. The more the violence, the weapon, is downplayed, the more the victim's rights are diminished in favour of a therapeutic focus on needs.

Truth commissions have emphasised moral recognition of the victim over justice. But what determines which victims are recognized? In the TRC, victims were invited to make written submissions to the Victims' Hearings – around 21,000 were submitted. These statements were classified according to the gravity of the human rights violation suffered by the victim. However, the victims of apartheid were narrowly defined – those who had personally experienced violence, not the much larger category of victims who had suffered from the large-scale collective crimes of apartheid such as segregation, mass population relocation and unequal development. Only ten per cent of victims who submitted statements to the Victims' Hearings actually got to give their testimonies to the Victims' Hearings in public. They were selected on the emblematic nature of their stories which fitted the chronology of well-known events of apartheid repression to be investigated: some were high profile victims, but mostly female relatives gave their testimonies – for example, the Cradock Four, the St James Church Massacre, the Murder of Amy Biehl, the Murder of Steve

Biko. Individual memory contributed to the production of a collective memory about the crimes of apartheid and the new post-apartheid South Africa. In order to produce this consensus Bishop Tutu, the Chair of the TRC, blurred the distinction between victims by declaring that 'We are all victims of Apartheid'. He put aside the questions about differential moral responsibility, what the anti-Apartheid struggle was about, and the impact of the compromises made on reconciliation and justice during transition between the National Party and the African National Congress led by Nelson Mandela.

Truth commissions have been problematic because they have selected the kind of victims who are heard and the kind of victims who are recognised. This official construction and recognition of the victim is a mode of governance. Power inscribed on the body as pain is one mode of governance, as Foucault has argued;⁵ another is the appropriation and definition of the meaning of pain inscribed on the body. In other words, the state's management of political transition has sought to determine the meaning of suffering as part of a new national project and mode of governance. 'Private memory' contributes to making 'collective memory' as the official memory of the state. In this process a distinction is made between the 'individual and the collective, between the governmentality it imposes on the former and the cohesion it provides for the latter'.⁶ The truth commission differentiates between victims and recognises those who can contribute to producing a politically viable consensus.

The truth commission's focus on the victim implies culpability – someone caused the trauma. However, they have diminished the human rights lens by either neglecting the question of culpability or generalizing it. Their reports have listed the victims but rarely the perpetrators. This is particularly the case with the *Nunca Mas* (Never Again) reports in Latin America. They investigate and report what happened to victims but not who was responsible for the human rights violations. Focusing on the victim, the wound, and not the weapon, the perpetrator, they sidestep the question of responsibility. At the same time that truth commissions blur the question of responsibility they seek to forge a political consensus in the present about the past for the future. The selective recognition of victims is integral to the

production of that consensus and to closure.

Truth politics is very much concerned with victimhood. The terms used in relation to truth politics – justice, reconciliation, truth, amnesty, memory, victimhood, recognition, forgiveness, healing – all address a moment of change, a negotiation about how we move from where we are to somewhere else. And who is going to pay the price? Victims often point out that they are being asked to bear the burdens of peaceful transition – they give the testimonies, they are asked to forgive, and they get little recognition or material compensation. ‘We pay the price and we do the work.’ There is a real imbalance between perpetrator and victim, and also the beneficiaries (which I will return to later) in bringing about reconciliation and closure on the past. The politics of victimhood tries to address political violence by dealing with its effects rather than its causes.

The theme of unresolved trauma and the cost of impunity in post-dictatorship Argentina is captured in a Personal Notice placed in a left-wing daily in Buenos Aires, *Página/12*, in January 2005. The notice marks the anniversary of the disappearance of Hilda Adriana Fernandez during the dictatorship in January 1977. The notice informs us about her disappearance by the ironic comment – ‘visited ESMA’. ESMA refers to the infamous Naval Mechanics School that functioned as a clandestine Detention Centre where ‘death flights’ took drugged (disappeared) prisoners and dumped them from aircraft into the sea. The memorial notice states: ‘When I hear about all the things happening to youth today, I remember you’. A list of well-known traumatic events includes: the dictatorship and the 30,000 Disappeared; the Malvinas War (where young conscripts needlessly died as a result of negligence); Kheyvis (a night club fire where 17 youths died in December 1993 through negligence); Police trigger-happy policy (police violence against adolescents, especially in the poor suburbs); ‘suicide’ in police detention (police repression in prison); *República Cromañón* (a nightclub fire in 2005 where 194 died and 714 were injured because of official neglect and corruption). The notice ends, ‘We don’t forget or forgive. Naomi your sister.’ Political transition, the truth politics and the suspended trials had not bought closure for many people, especially those most directly

affected. The memorial notice highlights continuing distrust of justice in Argentina, continuing impunity (*impunidad*) and the ongoing sacrifice of the youth of Argentina as a result of state repression and corruption. The trauma lens is used to remind us of all the young victims whose rights have been ignored or denied.

One of the problems with political transition in Argentina was the political compromise forced on the Alfonsín government after the National Commission on Disappearance of Persons (CONADEP) which led to the prosecution and successful conviction of high profile leaders of the dictatorship. CONADEP produced the *Nunca Más* report and awarded compensation to families of the Disappeared. However, conflict over reconciliation and compensation split the famous human rights organisation, the Mothers of the Plaza de Mayo.⁷ They divided over the issue of whether or not personal reconciliation and acceptance of compensation and the remains of relatives (if identified by forensic tests) amounted to a betrayal of the cause of justice for all the Disappeared. One group, *Línea Fundadora* (Founding Line), accepted compensation and focused on memorialisation and documentation of the Disappeared. The other group, *Asociación* (Association), rejected reparation, demanded the return of the Disappeared and called the other Mothers 'prostitutes' for accepting it. They felt individual mourning and personal closure de-politicised the Mothers and undermined the collective cause of justice for all the Disappeared.

In the truth commission the trauma lens has been used to produce a hierarchy of victims through selective recognition of and compensation for those seen as most deserving. Victim recognition is shaped by the capacity of individual stories to contribute to collective memory, the official memory articulated in the truth commission report. Political transition in Chile produced a hierarchy of victims through the recognition of the victims of particular crimes and not others. In 1990 the new democratic government launched a National Truth and Reconciliation Commission 1990–91 (also known as the Rettig Commission) to investigate 3,400 cases of death during the Pinochet dictatorship (1973–90), arising from disappearances after arrest, executions, and torture leading to death committed by

government agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons.⁸ The families of the victims, constructed as innocents, were compensated through pension, health, education, and housing benefits. Unlike the TRC the hearings were brief and not held in public. It was not until 2005, fourteen years later, that the National Commission on Imprisonment and Torture (2004–05) could investigate crimes against political prisoners. The first part of the report was released in 2004, the second part was finished in 2005 and was classified as secret and not to be opened for 50 years. The report was based on 28,459 testimonies, and the state granted lifelong pensions and health benefits to victims.

Coming out of the slow-paced truth politics of Colombia is the 'Victims' Rights Act', passed in June 2009. The law has been strongly criticised by national human rights organizations, Amnesty International and the UN High Commissioner Navanethem Pillay for discriminating between victims of paramilitary group violence and victims of state violence. Under this law victims of illegal armed groups can apply for compensation through administrative procedures while victims of state violence can only be compensated after proving before a judge that a State official committed the crime.⁹ The law establishes a clear hierarchy of victims based on impunity for agents of the state. It also limits the period of claims for victims and closes off claims for compensation from future human rights violations and ignores the illegal gains of violence – for example, the restitution of millions of hectares stolen by paramilitary groups, especially from indigenous populations. The law, the government announced, provided compensation for the victims out of solidarity, not justice. Here the trauma lens is used to justify selective compensation where the human rights lens addressing legal responsibility is put aside.

The trauma lens circumscribes the scope of human rights investigations and selectively determines which victims' testimonies will contribute to collective memory. During political transition, truth commissions have become a recommended ingredient in the recipe for democratisation by lending legitimacy to the successor state. But truth commissions have not brought closure on the past so much as served

as vehicles for producing a political consensus through the victims. The political problem is that this consensus does not necessarily endure. Major cleavages emerge between victims/families of the victims and the rest of society not so directly affected by the violence over the continued pursuit of accountability and justice. Victims' groups also divide over their post-repression human rights goals, as in the case of the Mothers of the Plaza de Mayo. In fact the engine of human rights politics and continuing demands for accountability is the politics of victimhood – the victims and their families. Because truth commissions have generally not led to trials but usually to degrees of amnesty, demands for redistributive justice, especially the idea that the beneficiaries of the previous injustice should contribute, stand little chance of success.

With growing distance from events the trauma lens loses its capacity to mobilise support for human rights abuses. For example, the persistence of the amnesty law in Uruguay can be understood as the weakening of the trauma lens. The case of Uruguay points to contradictions between the legitimacy of law and the authority of democratic processes. The return of democracy in Uruguay was the result of a negotiated agreement (Naval Club Agreement 1984) between the key political parties and the military leadership. Amnesty was part of that agreement, at first for the political prisoners – around 20–25 per cent of the population was imprisoned at some period during the dictatorship – and soon after, a reciprocal amnesty was legislated by the new democratic government under President Sanguinetti in 1986 to protect the military.¹⁰ Interestingly, the amnesty law has been democratically ratified by referendum twice: in 1989 and 2009 a campaign to annul the law failed, receiving 43 per cent and 47 per cent of votes respectively. Moreover, both conservative and left-wing governments have left the amnesty law on the books until today because of the electoral risk it was seen to represent. In 1989 reciprocal amnesty, fear of the past returning and fear of the consequences of exploring the past defeated the campaign to annul the law. In 2009 the campaign to annul the amnesty law, driven again by the victims of repression, was defeated by a combination of the younger generation's disconnection from past violence, which the

state had not publicly investigated or reconciled, and the preference of a large section of society to leave the past alone. As Jose Miguel Vivanco, America's director at Human Rights Watch, said in response to the loss of the plebiscite – 'accountability is not a popularity contest that should be decided by majorities'.¹¹ Amnesty as political consensus has prevailed in Uruguay, resulting in public closure of the past and the neglect of a collective memory about the political meaning of the dictatorship and repression. Nevertheless, judicial activism led to the prosecution, on a case by case basis, of some key leaders – for example, the successful prosecution of *de facto* president Juan María Bordaberry and his foreign minister, Juan Carlos Blanco.¹²

Addressing past violence through the trauma and human rights lenses does not usually get to the heart of the conflict. To look at dictatorship and repression as an issue of suffering and human rights violation severely limits the possibility of understanding the origins of conflict and political violence. Thus the story of the Disappeared in Argentina is not just one of human rights violations but the product of the history of the role of the military in power, the emergence of revolutionary movements to challenge corrupt politicians and state power, and the impact of Cold War politics. In transitional justice politics, the causes and origins of the conflict often get lost or become concealed because they are too hard to deal with.

Robert Meister argues that the underlying pattern of conflict in the late twentieth century and early twenty-first century is divided between the politics of resentment and the politics of grievance.¹³ He identifies two perspectives on past conflict in political transition: the revolutionary perspective and the counter-revolutionary perspective. The revolutionary perspective is about removing the regime in power, prosecuting the perpetrators and also overturning the social privilege of the beneficiaries of past injustice. This ongoing revolutionary pursuit of criminal justice and redistributive justice is precisely what the truth politics have sought to avoid by recognising victims and reassuring the beneficiaries of injustice that they will not become the targets of revenge. The truth politics of transition condemns violence, and democratic process renders it illegitimate. Meister calls this the politics of counter-revolution, or the politics

of resentment, which seeks to balance the fear of the beneficiaries of injustice and the desire of the victims for revenge. When in 1986 the leading Argentine generals of the dictatorship were brought to trial they felt betrayed by the public and singled out as 'scapegoats'. From their perspective much of the Argentine public had accepted the dictatorship's National Security doctrine and looked away from the effects of the policy of state terror through mass disappearance. Their support for the regime was captured in the common submissive response to reports of disappearance during the dictatorship, *algo habrán hecho* (they must have done something!).

The politics of transition creates the categories of perpetrators, victims and beneficiaries of injustice. It seeks to persuade the beneficiaries of injustice – those who accepted, supported or colluded with the repression – to embrace democratic politics and support the new regime. The fear of the beneficiaries is that their moral recognition of the victims (your suffering was wrong) is not enough for the victims who continue to want justice, not just the recognition of their injuries and suffering. Transitional justice becomes a 'just enough' project, not too much and not too little, in order not to upset the process of democratisation by provoking a reactionary backlash. Meister's insight is that the underlying issues of the conflict remain unresolved within the human rights and transitional justice approach.

In the politics of transition, amnesty laws sideline the trauma and human rights lenses by preventing accountability and public contestation over collective memory. Eventually, victims succeed little-by-little in gaining recognition of their trauma, and contest public memory through the right to know – truth telling and, if possible, accountability through the courts. However, amnesty laws can delay the process of opening up history to public scrutiny across generations. The Spanish case reveals the profound impact amnesty laws can have on preventing historical reconciliation.

In Spain the Amnesty Law 1977 imposed the 'don't ask, don't tell' solution on the transition to democracy after Franco's death. The Amnesty Law granted an 'equitable impunity' to political prisoners and to the military and security forces. Ricard Vinyes describes its design as an 'amnesty of all for all, a forgetting of all for all, a profound

erasure designed to touch everyone and the whole society'.¹⁴ What has brought the issue of the crimes of the Franco regime to the political surface is the Law of Historical Memory. This law, passed in 2007, opened up the possibility of exploring the truth of the past by establishing the right of victims/families of victims to know what happened. The Law challenges the collective memory, what Ricard Vinyes calls *la buena memoria* (the 'good memory')¹⁵ that ensured conflicting memories remained private and subordinated to the production of public memory, the memory of the state. The civil war was historically digested in other terms – it was 'a fratricidal tragedy' or the result of 'difficult modernization and democratic failure'.¹⁶

The Law of Historical Memory was the political outcome of a grassroots movement around local exhumations of mass graves, drawing on local knowledge about past atrocities. It began to organise with the formation of the Association for the Recuperation of Historical Memory by a journalist, Emilio Silva Barrera, whose grandfather was a victim of Falangist violence in 1936.¹⁷ The movement disinterred graves to try to identify the remains using DNA techniques. The impetus to recognise victims of the civil war, however, had begun much earlier. Since governments could not pass laws addressing Republican victims of Franco's repression directly, they did so indirectly through administrative reparations. The Republican victim was recognised as an object of bodily suffering entitled to financial compensation. Between 1977 and 2007, laws, ordinances and decrees step-by-step expanded the categories for financial compensation – for example, Law 5/1979 awarded pensions, medical assistance and pharmaceutical benefits to the children and families of victims of the civil war.¹⁸ Successive governments, however, never managed to address the issue of financial compensation head on once and for all. Economic reparation was individual and symbolic, and never managed to broach the larger questions of political or moral reparations.

The Law of Historical Memory represented a major break coming out of a victims' rights movement. It was a law for moral reparations, for reconstruction of personal and family memory and personal family of the victims. Its purpose was purely testimonial: to reveal what

happened, where it happened and who did what to whom. However, in October 2008 prosecutor Baltasar Garzon extended the scope of the law by launching investigations into 114,266 cases of disappearance that occurred between 1936 and 1952 and ordered the exhumation of nineteen mass graves.¹⁹ Right-wing opponents accused him of being one-sided, investigating only the crimes against Republicans, not the crimes of Republicans – for example, the murders of priests and nuns – and, more importantly, reaching beyond his judicial authority. His initiative to investigate the Franco regime's 'crimes against humanity' provoked a right-wing reaction which resulted in his prosecution for exceeding his judicial authority and, as a consequence, being suspended from the *Audiencia Nacional* (Central Criminal Court). Politically his actions represented a challenge to the whole transitional process based on amnesty and amnesia. The paradoxical twist was that, in response to these charges, the Argentine government, in solidarity with Garzon, would itself investigate the crimes against humanity committed by the Franco regime. Garzon had previously challenged the Amnesty law in Argentina by successfully prosecuting two Argentine military officers in Spanish courts for crimes against humanity. As a reciprocal gesture the Argentine government was now investigating the crimes of dictatorship in Spain.

The moral economies of trauma obscure the conflict behind the human rights lens. They fail to address the questions of why the violence occurred; what is the social and political context; in what way is it shaped by broader political issues? What the trauma lens does is to choose its victims on a moral basis of who is deserving. So why does this selectivity happen? The issue of urban insecurity in Buenos Aires highlights the political contradictions that can be hidden in popular solidarity around trauma and victims rights. In March 2004 Axel Blumberg, a 23-year-old engineering student, was abducted for ransom in Buenos Aires. A few days later he was murdered. His father, Juan Carlos Blumberg, organised an enormous street protest for victim's rights against urban crime and insecurity, mobilizing massive support from across the social spectrum. But Blumberg's solution to tackle urban crime involved the criminalisation and repression of

the urban poor – zero tolerance, preventive detention on the basis of suspicion – aimed at many of the very people who had marched with him against impunity and for victims’ rights. The trauma lens produces the possibility of consensus around the shared recognition of a site in the suffering body but this does not usually mean connecting with the subjectivity and feelings of victims. The consensus is forged around symbolic events and through ritualised ideas about the duty to remember. There is often only a fairly shallow connection to the trauma of victims with solidarity forged around pity more than identification, or moral consensus around what wrong was done.

Refugees

The victim of political persecution has confronted increasing restrictions to the protection provided by the international UN Refugee Convention 1951, a widely ratified convention upholding the right to seek asylum. The inclusive human rights lens for protection is being undermined by a shrinking trauma lens, which is more and more suspicious of the authenticity of victims’ suffering. Australian immigration and refugee policy has for a decade enacted policy designed to limit the ability of individual asylum seekers to be seen or heard in the legal system and in the court of Australian public opinion. Government policy on illegal boat arrivals has shaped the way asylum seekers have been criminalised as illegal entrants using people smugglers, has created the temporary protection visa as an in-between status and has excised the Australian migration zone to force refugee processing and assessment off-shore. The Labor Party’s recent suspension of the processing of asylum claims of boat arrivals from Afghanistan and Sri Lanka for six months continues the same strategy of curtailing the protection provided by the Refugee Convention. Australian policy circumscribes rights as well as the sympathy and compassion we feel towards asylum seekers. It effectively silences victims by making their trauma invisible to the Australian public and courts through playing on fear and xenophobia in the Australian electorate.

Proof of persecution has always been problematic. The narrative

of persecution is a story of violence. If the story is not believed then wounds are more closely examined. Didier Fassin highlights the way that in France proof of the scar – in the form of the medical certificate – has become an important source of truth and legitimation. As the narrative truth is increasingly doubted there is a resort to an embodied truth in physical and psychological scars and for the certification of trauma as a medical fact.

Asylum claims represent another example of where trauma and rights are brought to bear on recognising and entitling the victim. However, trauma becomes the basis for calibrating suffering and creating a hierarchy of victims in order to limit the number who are recognised as entitled to refugee status – i.e., fit the category of legitimate victim. So victims get marginalised if their stories don't resonate as truthful or they don't seem to belong, or they belong to the wrong category, or they can't prove the truth of trauma in their body. In addition, denying one person the truth of his or her asylum claim can have a consequence of denying the history of a whole group of people. So by talking about the arrival of boats from Sri Lanka in terms of the effectiveness of border control policies as an effective deterrent, in effect denies the truth of the nature of long-term war between the Sri Lankan government and Tamils. The justification for suspending the processing of asylum applications of boat arrivals now is that the political conditions in Sri Lanka and in Afghanistan have improved – the end of war in the former and the surge to defeat the Taliban in the latter. So the conflict, the basis of their claims for protection and source of their trauma, is declared invalid as grounds for granting protection.

My main point here is that trauma, which has not been sufficiently recognised as universalising discourse, and the human rights discourse are both potentially inclusive but become the basis for differentiation or the division of people. The traumatic event is apparently made accessible to others through the subjectivity, memory and feelings of the victim. However, while victims speak on the basis of their experience they are heard through a filtering moral economy of trauma. Victims' testimony becomes enmeshed in forms of governance and governmentality. In other words, the construction

of the victim, the conceptualisation of the events, the validity of the memory and the moral criteria of recognition circumscribe what is heard rather than proceeding on the basis of the universal recognition of suffering or rights.

Notes

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- 2 Fassin and Rechtman, *Empire of Trauma*, p. 275.
- 3 Fassin and Rechtman, *Empire of Trauma*, p. 97.
- 4 Paul Ricoeur, *The Just*, Chicago, 2000.
- 5 Michel Foucault, *Discipline and Punishment*, New York, 1977.
- 6 Fassin and Rechtman, *Empire of Trauma*, p. 283.
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- 9 'Colombia's "Victims Law" is Discriminatory', *Amnesty International*, 25 November 2008. International Refugee Convention 1951 URL <http://www.amnesty.org/en/news-and-updates/news/colombia-victims-law-discriminatory-20081125> (accessed 12 April 2010).
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- 15 Vinyes, 'La memoria del estado', p. 25.
- 16 Carolyn P. Boyd, 'The Politics of History and Memory in Democratic

- Spain', *The Annals of the American Academy of Political and Social Science* 617 (2008): 133–48.
- 17 Boyd, 'The Politics of History and Memory', p. 143.
- 18 Vinyes, 'La memoria del estado', p. 42.
- 19 'Judge Orders Investigation of Executions in Franco Era', *The New York Times*, October 16, 2008, http://www.nytimes.com/2008/10/17/world/europe/17spain.html?_r=1 (accessed 12 June 2010).