FORUM:
POST-CONFLICT CULTURE

AUDITING WAR

• SARI WASTELL •

I made a mistake a few months ago. It was the sort of mistake I have made repeatedly and yet one I always reflect upon with the same measure of surprise. It started when colleagues in Bosnia alerted me to the fact that Bosnia and Kosovo, unlike other neighbouring countries in the former Yugoslavia, were to be excluded from a new relaxing of EU visa requirements. Indignant and overflowing with hypothetical rationales as to *why* Bosnia and Kosovo might be excluded, rationales that I presumed might have been contrived to obscure *'real reasons'*, a colleague and I went onto the internet to find an explanation (which I tacitly understood would only be a *justification*, the 'real' reasons left un-enunciated). We eventually read that the countries in question had failed to meet a variety of requirements—we can already call them indicators—that would signal their readiness to enjoy the new visa regime. My error resided precisely in the presumption that these alleged 'failures' on the parts of the states involved, *concealed* some more pertinent truth. In fact, these 'failures' had everything to do with visibility and transparency and nothing to do with rationales *hidden* beneath an exercise in accountability that might measure 'readiness'. That is, the entire dilemma had everything to do with what Marilyn Strathern poignantly referred to as 'what visibility conceals' (2000: 310).

As social scientists of many stripes have already observed, the ascendancy of audit cultures in the Euro-American world involves a commitment to holding organisations and institutions accountable for their actions by measuring activities against diverse performance indicators (Power 1997; Strathern 1997). Such accountability, it is alleged, should foster a sense of greater responsibility for the behaviours of said organisations, whether they be UK local authorities, institutions of higher education or private sector organisations (Born 1995, Shore and Wright 1999; Strathern 1997; Tsoukas 1994). What has also been the topic of scholarly debate is the extent to which such audit practices are ever able to capture the actual *raison d'etre* of the institutions in question, their ethos and functioning, not least because audits require organisations to describe themselves in terms that are not of their own making (Luhmann 1990) and to generate measures of their productivity that do not map easily onto many of the unquantifiable aspects that make the organisation what it is.

So what does all of this have to do with International Criminal Law (ICL) and international crisis management post-conflict? What I want to argue in this piece is that the practices of international post-conflict interventions betray worrying common denominators with those of audit in some respects, where 'visibility as a conduit of knowledge is elided with visibility as an instrument for control' (Strathern 2000: 309). Part of the point of the second-order observations of audit (the mechanisms by which an

organisation observes its own functioning vis-à-vis criteria generated externally from the organisation) is to enable these self-descriptions to become part of the organisation's *modus operandi*. If one knows one will be called upon to account for one's time through counter-intuitive categories that measure the hours spent on differentiated tasks, one becomes inclined to think of those tasks in terms of the evidence that can be marshalled to justify overall productivity. So too, post-conflict reconciliation and reconstruction can come to follow counter-intuitive measures established by the international community (the one-size fits all model of transitional justice), rather than attending to the context-specific needs of a particular time and place. When the international community is auditing the ramifications of your war, what you are transitioning to becomes a *fait accompli*.

So audit can be said to be an odd (perhaps post-modern?) form of the colonisation of consciousness. It re-organises institutions, entities, from the inside, by insisting they account for their behaviours in others' terms. It is a particular way of making things visible by demanding incessant and limitless accountability. What it conceals are the *relations* of accountability, since the organisation (or here, society) is led to believe that it is first and foremost enhancing its own efficiency, improving itself by meeting indicators that force it to reflect on what it is doing well and where it is failing. Where institutions are characterised by obvious failings, audit offers both the diagnosis and the solution.

If we take the term 'international crisis *management*' seriously, we can scarcely avoid a discussion of audit in the current climate of late capitalism and neo-liberalism. But let us proceed by way of an extraordinary digression of Strathernian proportions. Let us first divert our attentions to unanticipated analogies with gift prestations in Papua New Guinea.

In her essay, 'The Tyranny of Transparency', Strathern returns to her longstanding engagements with certain visual practices encountered in her field-site of Mount Hagen, in the Papua New Guinea Highlands (2000). There, people put themselves on display in elaborate forms of self-decoration that, far from masking any inner self, are meant to make public what is on the 'inside' of a person—their power, their social connections, their prestige. The audience will include the recipients of elaborate gift prestations, gifts that will later be concealed after the event in anticipation of a future act of reciprocity when the receivers, having 'grown their wealth' through further transactions with other exchange partners, will be expected to a make a return prestation of greater magnitude. As Strathern notes, 'The recipients thereby become bound on some future occasion to make as good a return or else admit to not being able to match the donors' power and prestige' (Strathern 2000: 311). The gifts, when offered in these displays, are material indices of one's ability to amass resources through diverse networks of social relations. The scale of what one can give is important: 'their performance is explicitly measured against their *own* claims, the expectations they had implanted in the minds of the recipients, in short, their past promises' (ibid.).

What if we thought about international interventions post-conflict, and here let us think about war crimes proceedings in particular, along these lines. What if we thought about ICL as a 'gift' (in the sense understood in the anthropological literature)? Certainly, in some interviews I have conducted with people involved in the proceedings in the Hague, a similar sensibility has underwritten some of the comments made. What could escalate the scale of the gift involved more than the internationalisation of the crimes?

These were not just ordinary crimes, but crimes against the very essence of what it is to be human (and in parentheses, albeit enacted on *your* bodies, *your* communities). Promises are made from the start, and here we might observe that even the International Criminal Tribunal for the Former Yugoslavia (ICTY) puts itself in jeopardy if they cannot fulfil 'the expectations they had implanted in the minds of the recipients' (Strathern 2000: 311). What is given is nothing less, it is alleged, than an 'end to impunity' forged from the suffering of the recipients and will, admittedly, be difficult to match. Nevermind that for some of the recipients the justice actioned at a distance does not always adhere to their own definitions of what justice might look like. The recipients are seen to be receiving incalculable moral wealth few could wring from mass atrocity—and this display has a great and global audience.

So little wonder that the recipients are held accountable and forced to 'admit to not being able to match the donor's power and prestige' (Strathern 2000: 311). Read: no mobility inside the EU for you; you are not equal partners in our relationships of exchange. This particular form of accountability, this way of auditing war through law (the criminal prosecutions adjudicating individual responsibility of particular persons allegedly *for* the former Yugoslavia, even as other laws seem to imply a more corporate form of responsibility), seems to have made many things visible about past atrocities, but concealed a variety of things as well.

Let me be clear at this stage. This is not a thought-piece directed at offering a wholly pejorative account of the place of international criminal prosecutions in processes of (so-called) transitional justice. I truly believe that such prosecutions are integral to any project that aims to recognise the systematic character of administrative massacre (cf., Osiel 1999, 2009). While such prosecutions ignore corporate responsibility in their focus on high-level perpetrators, they also signal the extent to which certain individuals—*as* individuals, not placeholders for shared agendas and ambitions—were intrinsic to instigating and effecting mass atrocity in a systematic way and on a grand scale. Indeed, in the language of co-perpetratorship (although the doctrine of criminal liability most often used in the ICTY is joint criminal enterprise), such individuals were both necessary, but not sufficient, to realising the criminal transaction (Ohlin 2008). This best expresses a justification for pursuing the culpability of certain high-level perpetrators insofar as it recognises a unique characteristic of these crimes, and therefore serves a distinct and invaluable purpose.

However, if we think about ICL as a particular kind of gift, one that carries something of the gift-giver within itself (as the anthropological literature would insist), and if we think about gift-giving as a way of keeping accounts, of monitoring prestige and power, of auditing people's capacities to make good on the gift given, we might want to sound a note of caution. Recipients, in this model, do not *ask* for gifts they *want*. Donors define the terms of exchange to which all parties are bound. And the receiver is tied to a relationship where their return is a challenge to be met, lest their worthiness be called into question.

International crisis management, I would argue, has evolved as a social system (in Luhmannian terms) operationalised through the binary code of order:affect. The gift bestowed is that of order, an order that will supersede the affect of tribal, primordial or ethnic (affective) antagonisms. Of course, this represents a gross mis-reading of the situation: the creation of affective ties and divisions are usually the *goal* of wartime atrocity, not the cause. If the Holocaust taught us anything, it is that genocide is nothing

if not systematic, calculated and, often, orderly in its execution. But if one audits war in terms of reference that insist that ever-increasing visibility will reveal the virulent and undisclosed affect, that one has both the right and the means to hold entire societies accountable for their (criminal) transactions, what remains hidden from view in this 'tyranny of transparency' (Strathern 2000)? What does this form of visibility conceal?

It hides from the view of that burgeoning, hopeful, global audience those perpetrators, (individual and corporate) who will never be audited by the terms of their own making—those who turned a blind eye, who failed to intervene, who did not know where to find Yugoslavia on a map or did not care to. The categories of the international audit of war exclude whole constituencies who allowed this to happen, fashioning crimes *against* humanity where we can count ourselves as victims, rather than crimes *of* humanity, where we could be held accountable as aiders and abettors via unfigured actions and non-actions that cannot be countenanced in the audit.

A final note. Strathern also observes that as 'the term accountability implies, people want to know how to trust one another, to make their trust visible, while [knowing that] the very desire to do so points to an absence of trust' (2000: 310). What if we could trust Bosnia to make the first gift—to set the terms of the exchange? Surely it is time to do so. 'If you put your trust in the measures themselves, it is because you cannot put your trust in other outcomes of performance' (op. cit.: 314). In what sense can the gift of war crimes proceedings help Bosnians to trust one another, when so much other international legal activity makes it clear no-one is ready to trust the Bosnians?

REFERENCES

....

Born, Georgina 1995. *Rationalising Cultre: IRCAM, Boulez and the Institutionalisation of the Musical Avant-Garde.* Berkeley: California University Press.

Luhmann, Niklas 1990. *Essays on Self-Reference.* New York: Columbia University Press.

Ohlin, Jens David 2008. The Co-Perpetrator Model of Joint Criminal Enterprise. *Annotated Leading Cases of International Criminal Tribunals*, Vol. 14.

Osiel, Mark 1999. *Mass Atrocity, Collective Memory and the Law.* New Brunswick: Transaction Publishers.

Osiel, Mark 2009. *Making Sense of Mass Atrocity.* Cambridge: Cambridge University Press.

Power, Michael 1997. *The Audit Society: Rituals of Verification.* Oxford: Oxford University Press.

Shore, Cris and Susan Wright 1999. Audit Culture and Anthropology: Neo-Liberalism in British Higher Edcation. *Journal of the Royal Anthropological Institute* 5 (4): 557–575.

Strathern, Marilyn 2000. The Tyranny of Transparency. *British Educational Research Journal* 26 (3): 309–321.

Strathern, Marilyn 1997. Improving Ratings: Audit in the British University System. *European Review* 5: 305–321.

Tsoukas, Haridimos 1994. Introduction: From Social Engineering to Reflective Action in Organisational Behaviour. In H. Tsoukas (ed.), *New Thinking in Organisational Behaviour: From Social Engineering to Reflective Action.* Oxford: Butterworth Heinemann.

SARI WASTELL, Ph.D.
DEPARTMENT OF ANTHROPOLOGY
GOLDSMITHS, UNIVERSITY OF LONDON
s.wastell@gold.ac.uk