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Harm, Relationality and More-than-Human Worlds: Developing the Field of Transitional Justice in New Posthumanist Directions

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ABSTRACT[∞]

Consistent with its liberal origins, the field of transitional justice is overwhelmingly concerned with harms done to human victims. Posthumanism, however, challenges the framing of humans as bounded and autonomous individuals, emphasizing that all of us are entangled within wider relational assemblages that reflect the deep interconnections between human and more-than-human worlds. The core aim of this interdisciplinary article is to demonstrate what posthumanism can potentially contribute to transitional justice in the sense of pluralizing how we think, ontologically and epistemologically, about it – and in particular about the concepts of harm and, relatedly, agency. In discussing how posthumanist ideas and concerns might be practically incorporated into the field, the article explores the utility of two key concepts – social-ecological systems and visceral geography.

KEYWORDS: Harm, posthumanism, relationality, social-ecological systems, visceral geography

> Not all of us can say, with any degree of certainty, that we have always been human, or that we are only that.[1]
> Humanity and nonhumanity have always performed an intricate dance with each other.[2]

INTRODUCTION

Wars, large-scale violence and systematic human rights abuses almost always have wider environmental dimensions and implications. Examples include the draining of the Mesopotamian marshes in southern Iraq during the late Saddam Hussein's brutal counter insurgency against the

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[1] Rosi Braidotti, *The Posthuman* (Cambridge: Polity Press, 2013), 1.
[2] Jane Bennett, *Vibrant Things: A Political Ecology of Matter* (Durham: Duke University Press, 2010), 31.

Marsh Arabs[3]; the increased forest loss and degradation that have occurred in the Democratic Republic of Congo[4]; and the environmental impacts in Colombia of the extensive coca cultivation that has been a driving force of violence and an important source of revenue for different armed groups.[5]

It is therefore striking that the ever-growing field of transitional justice has to date given very little attention to the environment.[6] As Celermajer and O'Brien underline, it has overwhelmingly prioritized 'intra-human relations, primarily in the context of the demise of political regimes organized around structural inequality, domination and/or exploitation.'[7] While this focus strongly reflects the field's ideological underpinnings, the very concept of the 'human' is fundamentally 'a far more complex, interdependent and entangled actuality than is presented/represented by the autonomous, bounded individual assumed by Western legal systems.'[8] Building on this core argument, this interdisciplinary article does more than simply advocate greater sensitivity within transitional justice processes to the environmental dimensions and legacies of conflict and violence. Utilizing the Anishinaabe scholar Mills' concept of 'life world,' meaning 'the ontological, epistemological, and cosmological framework through which the world appears to a people,'[9] the article calls for a pluralization of 'life worlds' within transitional justice theory and praxis. As part of this pluralization, it makes the case for developing the field of transitional justice in new posthumanist directions.

Although posthumanist thinkers are far from homogenous in their beliefs, they broadly agree that 'human beings are one of many components that make up our world, and … cannot be understood apart from the wider relational assemblages … of which they are part.'[10] Posthumanism therefore focuses attention on the relationality, mutuality and entanglements between human and more-than-human worlds. Underscoring the critical importance of thinking relationally about harm (and also agency) and its dynamics across these interconnected worlds, this article seeks to demonstrate that adding a posthumanist lens to transitional justice requires the latter 'to rethink its anthropocentric foundations and find ways to overcome the entrenched ontological divide between "humans" and "nature".'[11]

Even if there is little discussion of posthumanism within extant transitional justice literature, other scholars within the field have problematized the concept of harm and the restricted parameters within which it is often framed and operationalized. This article begins by outlining and discussing some of these existing critiques of harm, to thereby situate its own critique within a broader context. The second section introduces posthumanism, and the third section demonstrates how posthumanist emphases on relationality – which it explores using different bodies

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[3]   Cara Priestley, "'We Won't Survive in a City. The Marshes Are Our Life": An Analysis of Ecologically Induced Genocide in the Iraqi Marshes,' *Journal of Genocide Research* 23(2) (2021): 279–301.

[4]   Janet Nackoney, Giuseppe Molinario, Peter Potapov, Svetlana Turubanova, Matthew C. Hansen and Takeshi Furuichi, 'Impacts of Civil Conflict on Primary Forest Habitat in Northern Democratic Republic of the Congo, 1990–2010,' *Biological Conservation* 170 (2014): 321–328.

[5]   Jon Fjeldså, María D. Álvarez, Juan Mario Lazcano and Blanca León, 'Illicit Crops and Armed Conflict as Constraints on Biodiversity Conservation in the Andes Region,' *Ambio* 34(3) (2005): 205–211.

[6]   Rachel Killean and Lauren Dempster, "'Greening" Transitional Justice,' in *Beyond Transitional Justice: Transformative Justice and the State of the Field (or Non-Field)*, ed. Matthew Evans (Abingdon: Routledge, 2022), 54–64.

[7]   Danielle Celermajer and Anne O'Brien, 'Transitional Justice in Multispecies Worlds,' in Danielle Celermajer, Sria Chatterjee, Alasdair Cochrane, Stefanie Fishel, Astrida Neimanis, Anne O'Brien, Susan Reid, Krithika Srinivasan, David Schlosberg and Anik Waldow, 'Justice through a Multispecies Lens,' *Contemporary Political Theory* 19(3) (2020): 475–512, 502.

[8]   Emille Boulot, Anna Grear, Joshua Sterlin and Iván Darío Vargas-Roncancio, 'Editorial: Posthuman Legalities: New Materialism and Law beyond the Human,' in *Posthuman Legalities: New Materialism and Law Beyond the Human*, ed. Anna Grear, Emille Boulot, Iván D. Vargas-Roncancio and Joshua Sterlin (Cheltenham: Edward Elgar, 2021), 1.

[9]   Aaron Mills, 'The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today,' *McGill Law Journal* 61(4) (2016): 850n6.

[10]   Rachel J. Crellin and Oliver J. T. Harris, 'What Difference Does Posthumanism Make?' *Cambridge Archaeological Journal* 31(3) (2021): 469–475, at 473.

[11]   Laura Mai, '(Transnational) Law for the Anthropocene: Revisiting Jessup's Move from "What?" to "How?",' *Transnational Legal Theory* 11(1–2) (2020): 105–120, at 116.

of scholarship – can help to enrich and complexify approaches to harm within transitional justice. The fourth section asserts that thinking in new posthumanist ways about transitional justice requires attention not just to harms, but also to agency. It engages with new materialist literature to examine the relationality of agency and, in so doing, to reinforce the argument that more-than-human worlds should 'matter' for transitional justice.

The final section focuses on how to 'activate relationality'[12] and thus to operationalize posthumanism in transitional justice contexts, building its arguments in this regard with reference to two key concepts. The first of these is social-ecological systems.[13] The article submits that thinking about conflict-affected and 'transitioning' societies as inter-locking social and ecological systems offers a useful framework within which to develop more relational and posthumanist ways of conceptualizing and addressing harms in transitional justice contexts. The second concept is visceral geography.[14] Mainly associated with human geography, visceral geography focuses on how people feel within particular environments. This research presents it as a potential methodology for fostering posthumanist storytelling (and listening) spaces within transitional justice that capture and reflect crucial social-ecological synergies, harms and agencies.

TRANSITIONAL JUSTICE, HARM AND EXISTING CRITIQUES

It is clear, according to Linklater, that the human species 'has an unusual capacity for harmful action.'[15] The growth of transitional justice can be seen, at least in part, as evidencing this capacity. Transitional justice processes are fundamentally a response to serious (intra-human) harm. However, criticisms of how the concept of harm is framed, and related concerns about what consequently gets left out, are common. Some feminist scholars, for example, have particularly problematized the prioritization given within transitional justice processes to specific gendered harms, underlining that this neglects and decontextualizes how these harms are 'inextricably linked to broader gender power dynamics that both precede and follow periods of political violence.'[16] The example of conflict-related sexual violence illustrates this point. While laws prohibiting sexual violence in wartime were historically ignored,[17] resulting in widespread impunity, there have been hugely significant developments over the last three decades regarding the prosecution of conflict-related sexual violence.[18] Yet, these developments – and, more generally, the common international policy framing of rape as 'a weapon of war' – have provoked mixed reactions. According to Ní Aoláin, 'It cannot be denied that the emphasis on criminal accountability for sexual harms has borne extraordinary fruit for feminist advocates. There are, however, costs to such a strategy.'[19]

As an illustration of such 'costs,' some scholars maintain that the heavy accent on prosecution and no impunity, and, more broadly, the increased international attention that is now being given to conflict-related sexual violence contribute to its 'exceptionalization' within global policy.[20]

[12] Boulot et al., supra n 8 at 9.

[13] See, e.g., Fikret Berkes, Johan Colding and Carl Folke, eds., *Navigating Social-Ecological Systems: Building Resilience for Complexity and Change* (Cambridge: Cambridge University Press, 2003).

[14] See, e.g., Jessica Hayes-Conroy and Allison Hayes-Conroy, 'Visceral Geographies: Mattering, Relating and Defying,' *Geography Compass* 4(9) (2010): 1273–1283.

[15] Andrew Linklater, *The Problem of Harm in World Politics: Theoretical Investigations* (Cambridge: Cambridge University Press, 2011), 1.

[16] Catherine O'Rourke, 'Feminist Scholarship in Transitional Justice: A De-Politicising Impulse?' *Women's Studies International Forum* 51 (2015): 118–127, at 120.

[17] Kelly D. Askin, 'Prosecuting Wartime Rape and other Gender-Related Crimes under International Law: Extraordinary Advances, Enduring Obstacles,' *Berkeley Journal of International Law* 21(2) (2003): 288–349, at 288.

[18] See, e.g., Serge Brammertz and Michelle Jarvis, eds., *Prosecuting Conflict-Related Sexual Violence at the ICTY* (Oxford: Oxford University Press, 2016).

[19] Fionnuala Ní Aoláin, 'Gendered Harms and their Interface with International Criminal Law,' *International Feminist Journal of Politics* 16(4) (2014): 625–626.

[20] Jelke Boesten, 'Of Exceptions and Continuities: Theory and Methodology in Research on Conflict-Related Sexual Violence,' *International Feminist Journal of Politics* 19(4): 506–519, at 507.

Not only does this detract from entangled forms of violence that spread across neat war/peace binaries, but it also 'ultimately fails to address what makes such violence possible.'[21] Accordingly, some scholars have called for transitional justice processes to adopt more gender-sensitive approachesthat acknowledge 'the complexity of harm for women in transitional contexts.'[22] This necessarily means giving greater attention to some of the deeper structural factors that underpin and foster the multiple harms that women (and men) suffer in situations of war and armed conflict.

Beyond just cases of sexual and gender-based violence, scholars have also highlighted some of the other ways that transitional justice processes often critically overlook structural violence and harms.[23] As Balint et al. point out, in its focus on violations and acts of violence that are framed as 'exceptional,' transitional justice omits to deal with 'the more routine and hence "invisible" damage stemming from unjust societal arrangements'[24] – including colonialism and its legacies. Focusing specifically on the example of Australia and its (at best) piecemeal efforts to deal with harms suffered by the country's Aboriginal population, Balint et al. underscore that what has been missing – in addition to the lack of apology for colonization per se – is 'a thorough engagement with the historical and contemporary impact of the full extent of settler colonial governance, repression and exploitation of indigenous communities since colonization.'[25] Luoma has made similar arguments in his work on Canada, to accentuate the structural harms of settler colonialism.[26]

Relatedly, scholars have criticized the fact that transitional justice has often been very selective in its approach to harms, a reflection of the field's entanglement with liberal ideology and agendas (discussed in more detail below); and indeed, 'Indigenous scholars of decolonization have long warned that liberalism is an instrument of settler colonialism.'[27] If, according to democratic peace theory, democracies do not make war with each other,[28] there has seemingly operated an implicit assumption within transitional justice theory and practice that democracies also do not commit egregious human rights violations.[29] Roland and Ní Aoláin point out, inter alia, that the focus of transitional justice work in East Timor was squarely on human rights violations that took place during Indonesia's occupation (1975–1999) and not on those committed during the preceding Portuguese occupation.[30] In Australia, moreover, the mandate of the so-called 'Stolen Generations' inquiry (1995–1997) was restricted to the issue of children's separation from their families, thus completely neglecting 'the longer history of invasion and dispossession.'[31]

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[21] Ibid.

[22] Fionnuala Ni Aolain, 'Advancing Feminist Positioning in the Field of Transitional Justice,' *International Journal of Transitional Justice* 6(2) (2012): 205–228, at 207.

[23] Rosemary Nagy, 'Transitional Justice as Global Project: Critical Reflections,' *Third World Quarterly* 29(2) (2008): 275–289; Paul Gready and Simon Robins, 'From Transitional to Transformative Justice: A New Agenda for Practice,' *The International Journal of Transitional Justice* 8(3) (2014): 339–361; Dáire McGill, 'Different Violence, Different Justice? Taking Structural Violence Seriously in Post-Conflict and Transitional Justice Processes,' *State Crime Journal* 6(1) (2017): 79–101; Hakeem O. Yusuf, 'Colonialism and the Dilemmas of Transitional Justice in Nigeria,' *The International Journal of Transitional Justice* 12(2) (2019): 257–276.

[24] Jennifer Balint, Julie Evans and Nesam McMillan, 'Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach,' *The International Journal of Transitional Justice* 8(2) (2014): 194–206, at 199.

[25] Ibid., 210.

[26] Colin Luoma, 'Closing the Cultural Rights Gap in Transitional Justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls,' *Netherlands Quarterly of Human Rights* 39(1) (2021): 30–52, at 41.

[27] Augustine S. J. Park, 'Settler Colonialism, Decolonization and Radicalizing Transitional Justice,' *The International Journal of Transitional Justice* 14(2) (2020): 260–279, at 269.

[28] See, e.g., Sid Simpson, 'Making Liberal Use of Kant? Democratic Peace Theory and *Perpetual Peace*,' *International Relations* 33(1) (2019): 109–128.

[29] Nagy, supra n 23 at 276–277.

[30] Bill Rolston and Fionnuala Ní Aoláin, 'Colonialism, Redress and Transitional Justice,' *State Crime Journal* 7(2) (2018): 329–348, at 333.

[31] Sarah Maddison and Laura J. Shepherd, 'Peacebuilding and the Postcolonial Politics of Transitional Justice,' *Peacebuilding* 2(3) (2014): 253–269, at 257.

Linked to the previous point, calls for transitional justice to give greater attention to socio-economic harms[32] also often illuminate important issues regarding (neglected) responsibility for harms. Indonesia's invasion and aforementioned 24-year occupation of East Timor, for example, had a huge impact on the latter's coffee sector and, by extension, on the lives of coffee farmers and their families. According to Nevins, 'coffee embodies the structural violence of Indonesia's crimes.'[33] Liberal democracies that supported Indonesia's occupation, including the United States and Australia, themselves contributed to the socio-economic harms that many East Timorese suffered.[34] In South Africa, moreover, 'neo-colonial business interests,' particularly in the mining industry, have helped to sustain structural violence and socio-economic harms linked to apartheid,[35] thereby illustrating significant gaps in the country's transitional justice efforts.

The various critiques outlined in this section make it very clear that there are serious shortcomings with respect to how transitional justice has traditionally approached the concept of harm. These issues, to expand on an earlier point, have a broader context and reflect the ideological 'garden' in which the field has its 'normative seeds.'[36] Transitional justice developed, in short, in what Teitel refers to as 'the distinctive context of transition'[37] – and specifically transition from authoritarianism to liberal democracy. Consistent with liberalism's strong emphasis on individualism and individual autonomy,[38] human rights 'have a special status in liberal democracies'[39]; and transitional justice has accordingly focused on addressing violations of these individual rights.

Not all societies and cultures, however, adhere to an individualist conceptualization of rights and harm. In Guatemala, for example, such a framing is discordant with Mayan cosmovision and its emphasis on the wellbeing of the collective, which encompasses not just human beings but also deities and the natural environment.[40] Moreover, while there have been various calls for an international crime of 'ecocide,'[41] Mitchell underlines that 'acts like the destruction of the buffalo already constitute genocide within ethico-legal orders that recognize other-than-human beings as persons and/or nations.'[42] The larger point is that war, violence and security threats do not affect only humans; *Homo sapiens* does not exist in isolation as a bounded entity, but in a 'flow of relations with multiple others.'[43] This article therefore calls for broader conceptualizations of harm within transitional justice that acknowledge deeply entangled human and more-than-human worlds – and the inter-dependency of their health and wellbeing,[44] as the example of

[32]   Lisa Laplante, 'Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework,' *The International Journal of Transitional Justice* 2(3) (2008): 331–355; Simeon Gready, 'The Case for Transformative Reparations: In Pursuit of Structural Socio-Economic Reform in Post-Conflict Societies,' *Journal of Intervention and Statebuilding* 16(2) (2022): 182–201.

[33]   Joseph Nevins, 'Restitution over Coffee: Truth, Reconciliation and Environmental Violence in East Timor,' *Political Geography* 22(6) (2003): 677–701, at 687.

[34]   Valentina Gentile and Megan Foster, 'Towards a Minimal Conception of Transitional Justice,' *International Theory* 14(3) (2022): 503–525, at 521–522.

[35]   Susan Forde, Stefanie Kappler and Annika Björkdahl, 'Peacebuilding, Structural Violence and Spatial Reparations in Post-Colonial South Africa,' *Journal of Intervention and Statebuilding* 15(3) (2021): 327–346, at 340.

[36]   Makau Mutua, 'What Is the Future of Transitional Justice?' *The International Journal of Transitional Justice* 9(1) (2015): 1–9, at 3.

[37]   Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000), 5.

[38]   While this article uses the general term liberalism, it is important to acknowledge that there exists 'a broad family of liberal theories.' Stephen M. Walt, 'International Relations: One World, Many Theories,' *Foreign Policy* 110 (1998): 29–46, at 32.

[39]   Gunnar Beck, 'Immanuel Kant's Theory of Rights,' *Ratio Juris* 19(4) (2006): 371–401, at 371.

[40]   Alison Crosby and M. Brinton Lykes, 'Mayan Women Survivors Speak: The Gendered Relations of Truth Telling in Postwar Guatemala,' *International Journal of Transitional Justice* 5(3) (2011): 456–476, at 462.

[41]   Anastacia Greene, 'The Campaign to Make Ecocide an International Crime: Quixotic Quest or Moral Imperative?' *Fordham Environmental Law Review* 30(3) (2019): 1–48.

[42]   Audra Mitchell, 'Revitalizing Laws, (Re)-Making Treaties, Dismantling Violence: Indigenous Resurgence against "the Sixth Mass Extinction",' *Social & Cultural Geography* 21(7) (2020): 917–918.

[43]   Braidotti, supra n 1 at 50.

[44]   Donna J. Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008), 11; Melanie J. Rock, Chris Degeling and Gwendolyn Blue, 'Toward Stronger Theory in Critical Public Health: Insights from Debates Surrounding Posthumanism,' *Critical Public Health* 24(3) (2014): 337–348, at 338.

the ongoing COVID-19 pandemic powerfully illuminates.[45] In so doing, it draws directly on posthumanist literature and frames posthumanist ideas as forming an alternative 'life world'[46] that pluralizes how we think, ontologically and epistemologically, about transitional justice.

A BRIEF OVERVIEW OF POSTHUMANISM

Posthumanism is not a new idea and it has existed, according to Campbell et al., as long as humans themselves have existed.[47] It is important to note and acknowledge in this regard some of the synergies between Indigenous onto-epistemologies and posthumanism; the latter connects with and partly reflects 'non-White/Western and Indigenous ways of knowing and being.'[48] Relatedly, and more broadly, posthumanism fundamentally 'draws attention to the cracks that have always existed in the water-tight descriptions of the human – how the "human" has changed radically and continues to change radically over time.'[49] These 'cracks' have become ever more pronounced, moreover, in the context of scientific and technological advances – from autonomous weapons systems and artificial intelligence to novel biotechnologies – that increasingly blur the boundaries of human/non-human.

It is also essential to make clear, however, that posthumanism is not a single school of thought, but rather a collection of ideas that span an 'enormous spectrum of positions.'[50] While it is beyond the scope of this article to explore this spectrum, at the far end of it are scholars who seek to shift the focus away from humans altogether. Writing from a primarily ahumanist perspective, for example, MacCormack has called for 'an end to the human both conceptually as exceptionalized and actually as a species.'[51] Braidotti, moreover, points out that anti-humanism is 'an important source for posthumanist thought.'[52] The majority of posthumanists, however – Braidotti included – are not against the study of humans per se. What they take issue with is the notion of human exceptionalism,[53] and hence they challenge human/nature binaries that privilege and elevate humans over other life forms. A common aim is not to remove humans from the analysis – which would detract from the consequences of human actions and from human responsibility for those actions[54] – but to 'unseat the human as the dominant subject of social inquiry.'[55]

For posthumanists, in short, the world we live in is not human-centred. It is 'a world of lively relations between humans, nonhumans, and more-than-humans'[56] in which everything

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[45] Janine N. Clark, 'The COVID-19 Pandemic and Ecological Connectivity: Implications for International Criminal Law and Transitional Justice,' *Journal of International Criminal Justice* 18(5) (2020): 1045–1068.

[46] Mills, supra n 9.

[47] Norah Campbell, Aidan O'Driscoll and Michael Saren, 'The Posthuman: The End and the Beginning of the Human,' *Journal of Consumer Behaviour* 9(2) (2010): 86–101, at 91.

[48] Danah Henriksen, Edwin Creely and Rohit Mehta, 'Rethinking the Politics of Creativity: Posthumanism, Indigeneity and Creativity Beyond the Western Anthropocene,' *Qualitative Inquiry* 28(5) (2022): 465–475, at 465.

[49] Ibid.

[50] Rosi Braidotti, 'Affirmative Ethics, Posthuman Subjectivity and Intimate Scholarship: A Conversation with Rosi Braidotti, interviewed by Kathryn Strom,' in *De-Centering the Researcher in Intimate Scholarship: Critical Posthuman Methodological Perspectives in Education,* ed. Kathryn Strom, Tammy Mills and Alan Ovens (Bingley: Emerald Publishing, 2018), 206.

[51] Patricia MacCormack, *The Ahuman Manifesto: Activism for the End of the Anthropocene* (New York: Bloomsbury Academic, 2020), 5.

[52] Braidotti, supra n 1 at 25. Braidotti, who writes about her own anti-humanism, also underlines, however, that 'radical critiques of humanist arrogance from feminist and post-colonial theory are not merely negative, because they propose new alternative ways to look at the "human" from a more inclusive and diverse angle.' Braidotti, supra n 1 at 28.

[53] Jaume Guia, 'Conceptualizing Justice Tourism and the Promise of Posthumanism,' *Journal of Sustainable Tourism* 29(2–3) (2011): 503–520, at 516.

[54] Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Durham: Duke University Press, 2006), 136.

[55] Jared D. Margulies and Brock Bersaglio, 'Furthering Post-Human Political Ecologies,' *Geoforum* 94 (2018): 103–106, at 104.

[56] Angie Zapata, Candace R. Kuby and Jaye Johnson Thiel, 'Encounters with Writing: Becoming-with Posthumanist Ethics,' *Journal of Literacy Research* 50(4) (2018): 478–501, at 479.

is inter-connected. Humans, thus, are ontologically entangled within larger relational assemblages[57] and what Haraway has termed a 'web of interspecies dependencies.'[58] That this further highlights important consonances between posthumanism and Indigenous worldviews[59] also thereby points to the potential relevance of posthumanist ideas to the process of decolonizing transitional justice. The caveat to this is that these ideas and their practical translation should not be permitted to become a 'recolonization of indigenous knowledges and practices.'[60]

Transitional justice scholars have discussed and engaged with relationality in a variety of different ways. In their research on men's experiences of forced marriage during the war in northern Uganda, for example, Aijazi and Baines problematize the narrowness of rights-based approaches that neglect 'wider webs of relationalities.'[61] To take another example, Boege, exploring relationality in a Pacific context, demonstrates that Melanesian-style reconciliation is 'fundamentally relational-affective'[62]; and focused on the 'Sites of Violence, Sites of Peace' project in Yogyakarta, Indonesia, Kusumaningrum et al. underline the importance of 'a relational justice that requires involvement from fellow citizens, not solely redress from the state.'[63] Indeed, transitional justice is, in many respects, a highly relational concept. It deals, inter alia, with relationships between past and future, relationships between old and new regimes and relationships that need to be healed (through processes of peace and reconciliation). More generally, justice, according to Llewellyn, is quintessentially concerned with our relationships, 'and injustice and wrong are understood in terms of the harm caused to individuals in relationship with others and in the connections between and among them.'[64]

What transitional justice scholarship has not given any real attention to, up until now, are posthumanist understandings of relationality and their relevance to the field. The next section seeks specifically to demonstrate the significance of posthumanism for broadening and enriching how we think about harm in transitional justice contexts – and, ultimately, for helping to foster 'an enlarged sense of community, which includes one's territorial or environmental interconnections.'[65] Posthumanism, to reiterate, is very much an umbrella term that encompasses different movements and varieties of thought,[66] and the discussion that follows aims to convey some of this richness and diversity.

TRANSITIONAL JUSTICE AND THINKING ABOUT HARM THROUGH RELATIONALITY AND 'FLOWS'

Concerned with gross violations of human rights, transitional justice – in both theory and practice – prioritizes bodily harms. It thus reflects 'prevailing humanist understandings of humans as self-contained, closed, and autonomous subjects.'[67] From a posthumanist perspective, however,

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57 Crellin and Harris, supra n 10 at 473.
58 Haraway, supra n 44 at 11.
59 As Tu'itahi et al. underline, 'viewing humanity as deeply connected with the environment is a central element of Indigenous knowledge systems.' Sione Tu'itahi, Huti Watson, Richard Egan, Margot W. Parkes and Trevor Hancock, 'Waiora: The Importance of Indigenous Worldviews and Spirituality to Inspire and Inform Planetary Health Promotion in the Anthropocene,' *Global Health Promotion* 28(4) (2021): 73–82, at 75.
60 Lieselotte Viaene, 'Indigenous Water Ontologies, Hydro-Development and the Human/more-than-Human Right to Water: A Call for Critical Engagement with Plurilegal Water Realities,' *Water* 13 (2021): 1660.
61 Omer Aijazi and Erin Baines, 'Relationality, Culpability and Consent in Wartime: Men's Experiences of Forced Marriage,' *The International Journal of Transitional Justice* 11(3) (2017): 463–483, at 468.
62 Volker Boege, 'Reconciliations (Melanesian Style) and Transitional Justice,' *Global Change, Peace and Security* 31(2) (2019): 139–157, at 140.
63 Diah Kusumaningrum, Ayu Diasti Rahmawati, Jennifer Balint and Nesam McMillan, 'Sites of Violence, Sites of Peace, Sites of Justice: Transforming the Relational Landscape of Yogyakarta,' *Space and Culture* 25(2) (2022): 309–321, at 319.
64 Jennifer J. Llewellyn, 'Integrating Peace, Justice and Development in a Relational Approach to Peacebuilding,' *Ethics and Social Welfare* 6(3) (2012): 290–302, at 294.
65 Braidotti, supra n 1 at 190.
66 Francesca Ferrando, 'Leveling the Posthuman Playing Field,' *Theology and Science* 18(1) (2020): 1–6, at 2.
67 Barbara E. Gibson, Joanna K. Fadyl, Gareth Terry, Kate Waterworth, Donya Mosleh and Nicola M. Kayes, 'A Posthuman Decentring of Person-Centred Care,' *Health Sociology Review* 30(3) (2021): 292–307, at 294.

human bodies have highly fluid boundaries. Alaimo's work on transcorporeality particularly illustrates this. Accentuating movement across different bodies, transcorporeality offers 'a new materialist and posthumanist sense of the human as substantially and perpetually interconnected with the flows of substances and the agencies of environments.'[68] These interconnections, in turn, necessarily dissolve the stable outlines of the human body and, in so doing, demonstrate that a restricted focus on bodily harms easily misses 'the interchanges and interconnections between various bodily natures.'[69]

Water is highly salient as one of the many 'flows' that connect humans with their environments. Emphasizing, for example, 'water pluralities' that capture different 'water-human-life' relationships – and contrasting them with more circumscribed Euro-Western legal framings that conceptualize water first and foremost as a commodity – Viaene discusses the significance of water for Maya Q'eqchi' women in Guatemala. For these women, she underlines, 'Water is alive.'[70] As one of them explained in the context of a focus group discussion, 'From the moment we get up, make coffee, wash, prepare food … everything is water.'[71]

In her own work, Neimanis has proposed a reimagining of embodiment that accentuates the inseparability of our bodies' 'wet constitution' from important ecological questions.[72] Our bodies, she argues, are 'wet and spongey'[73] and they are sustained by the 'flow and flush of waters' that also connect us to other bodies and other worlds beyond our human selves.[74] If this 'watery' conceptualization of embodiment further problematizes humanist – and liberal – framings of bodies as discreet and autonomous, Neimanis uses it to make the bigger point that '[o]ur watery relations within (or more accurately: as) a more-than-human hydrocommons … present a challenge to anthropocentrism, and the privileging of the human as the sole or primary site of embodiment.'[75]

While water is implicated in many conflicts[76] – and in tensions that risk spilling over into overt conflict – it has received little direct attention within transitional justice processes. Highly pertinent in this regard, therefore, and particularly in the context of the arguments of Alaimo, Viaene and Neimanis, is an exhibition that took place in Colombia called *Voces para transformar a Colombia* (Voices for the Transformation of Colombia). Established in April 2018 as a pilot for the Museum of Memory of Colombia, which was created as part of the 2011 Victims and Restitution Law (Law 1448), the exhibition aimed to tell the story of Colombia's armed conflict through three particular elements, namely the body, land and water. The water-focused part of the exhibition explored some of the many ways that the conflict affected people's access to water and water resources more broadly, in addition to depicting grassroots resistance to water grabbing and environmental degradation.[77]

The exhibition is an important example of a transitional justice project that includes other-than-human elements. As such, it invites deeper reflections about how to develop the field of transitional justice in posthumanist directions and, thus, how to expand and diversify ideas about both victimhood and harm. For González-Ayala and Camargo, the blue humanities (also referred to as oceanic humanities) – a new and exciting area of research concerned with

68 Stacy Alaimo, 'States of Suspension: Trans-Corporeality at Sea,' *Interdisciplinary Studies in Literature and Environment* 19(3) (2012): 476–493, at 476.
69 Stacy Alaimo, *Bodily Natures: Science, Environment and the Material Self* (Bloomington: Indiana University Press, 2010), 2.
70 Viaene, supra n 60.
71 Cited in Viaene, ibid.
72 Astrida Neimanis, *Bodies of Water: Posthuman Feminist Phenomenology* (London: Bloomsbury Academic, 2017), 1.
73 Ibid., 30.
74 Ibid., 2.
75 Ibid.
76 See, e.g., Abdullahi Ahmed An-Na'im, 'Editorial Note: From the Neocolonial "Transitional" to Indigenous Formations of Justice,' *The International Journal of Transitional Justice* 7(2) (2013): 197–204, at 199.
77 Sofía N. González-Ayala and Alejandro Camargo, 'Voices of Water and Violence: Exhibition Making and the Blue Humanities for Transitional Justice,' *Curator* 64(1) (2021): 183–204, at 184.

oceans, seas and bodies of fresh water as 'sites for environmentally oriented arts and humanities scholarship'[78] – hold particular promise. Specifically, they argue that the blue humanities provide a new opening for a transitional justice 'which is more attentive to the multiple waters that shape and are shaped by the human experience in a disturbing and violent world.'[79]

As one such 'opening,' the blue humanities could help to diversify and enrich discussions and theorizations of 'legacy' within transitional justice, by foregrounding harms to aqueous environments and, by extension, drawing greater attention to 'the need to protect water as such against the polluting and destructive effects of armed conflict.'[80] The recent deaths of large numbers of dolphins in the Black Sea, for example, have been linked to sound pollution (including the use of underwater sonar) related to the ongoing war in Ukraine.[81] The blue humanities also illuminate the larger point that harms, like water, can never be neatly contained. Just as human bodies 'leak' – tears, sweat, menstrual fluids, milk, semen – so too do harms. They spread and seep across multiple bodies, reflecting the 'liquid pathways of connectedness'[82] and flows between human and more-than-human worlds that fundamentally challenge human-centric framings of harm. To cite Oppermann, 'we are part of all relationalities, and recognizing this fact would … emancipate us as human subjects in an undivided field of existence from the strongholds of anthropocentricity.'[83]

In order to truly develop the field of transitional justice in new posthumanist directions, however, thinking relationally about harm is not enough if human/nature dualisms are ultimately preserved through human-centred understandings of agency. As a necessary corollary to this section's discussion of harm, therefore, the next section shifts the emphasis to the issue of agency and it uses new materialism – which Jones describes as 'part of the posthuman convergence between post-anthropocentrism and post-humanism'[84] – to explore it.

TRANSITIONAL JUSTICE AND THINKING ABOUT AGENCY THROUGH RELATIONALITY AND 'MATTER'

Nxumalo and Cedillo underline that 'posthumanist geographic engagements bring important insights to more-than-human others as social, agentic, and political participants in world-making with humans.'[85] Lehman's work, for example, which has a strong 'watery' thematic – consistent with the blue humanities – focuses on fishing communities on Sri Lanka's east coast and analyses their everyday relationships with the ocean. For the fishing communities, the ocean is a crucial livelihood and food resource; and at the same time, 'The materiality of the sea plays a transformative role in defining the rhythms of life for fisherfolk living on the coast.'[86] For Lehman,

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[78] Stacy Alaimo, 'Introduction: Science Studies and the Blue Humanities,' *Configurations* 27(4) (2019): 429–432, at 431. See also Steve Mentz, 'Toward a Blue Cultural Studies: The Sea, Maritime Culture and Early Modern English Literature,' *Literature Compass* 6(5) (2009): 997–1013.

[79] González-Ayala and Camargo, supra n 77 at 202.

[80] Ameur Zemmali, 'The Protection of Water in Times of Armed Conflict,' *International Review of the Red Cross* 35(308) (1995): 550–564, at 563.

[81] Antonia Cundy, 'Dead Dolphins: How Nature became another Casualty of the Ukraine War' (2022), https://www.theguardian.com/environment/2022/jun/07/dead-dolphins-how-nature-became-another-casualty-of-the-ukraine-war (accessed 6 June 2022).

[82] Elena Past, 'Mediterranean Ecocriticism: The Sea in the Middle,' in *Handbook of Ecocriticism and Cultural Ecology*, ed. Hubert Zapf (Berlin: De Grutyer, 2016), 370.

[83] Serpil Oppermann, 'Storied Seas and Living Metaphors in the Blue Humanities,' *Configurations* 27(4) (2019): 443–461, at 461.

[84] Emily Jones, 'Posthuman International Law and the Rights of Nature,' in *Posthuman Legalities: New Materialism and Law Beyond the Human*, ed. Anna Grear, Emille Boulot, Iván D. Vargas-Roncancio and Joshua Sterlin (Cheltenham: Edward Elgar, 2021), 84.

[85] Fikile Nxumalo and Stacia Cedillo, 'Decolonizing Place in Early Childhood Studies: Thinking with Indigenous Onto-Epistemologies and Black Feminist Geographies,' *Global Studies of Childhood* 17(2) (2017): 99–112, at 107.

[86] Jessica S. Lehman, 'Relating to the Sea: Enlivening the Ocean as an Actor in Eastern Sri Lanka,' *Environment and Planning D: Society and Space* 31(3) (2013): 485–501, at 489.

therefore, the ocean is an actor that exercises agency and has a substantial influence on the well-being of coastal residents.[87] This agency, however, is embedded within and expressed through the mutualities between fishing communities and the sea.[88]

The bigger point is that thinking about agency beyond humanism means recognizing the inherent relationality of agency. To cite Braidotti, 'Living matter – including the flesh – is intelligent and self-organising, but it is so precisely because it is not disconnected from the rest of organic life.'[89] Viewed in this way, it is therefore impossible to talk about agency without also discussing new materialism.[90] While new materialism falls under the broad umbrella of posthumanism, it too constitutes a very diverse body of thought.[91] Rather than explore this diversity, which is not the article's focus, this section draws particularly on the work of Karen Barad to illustrate the relevance of new materialism to transitional justice and how we think about agency.

New materialism is broadly concerned with matter and its importance, understanding it not as something passive and inert but as active and generative, 'a warm and vibrant process that acts and develops.'[92] Matter 'acts' through a process that Barad terms 'intra-action.' In contrast to the more common notion of interaction, what distinguishes intra-action is that it does not assume the pre-existence of independent entities. According to Barad, 'It is through specific agential intra-actions that the boundaries and properties of the "components" of phenomena become determinate and that particular embodied concepts become meaningful.'[93] From a new materialist perspective, in other words, nothing has ontological primacy because ontology is a quintessentially indeterminate and 'flat' (i.e., non-hierarchical) concept.[94] As Barad argues, 'Reality is not composed of things-in-themselves or things-behind-phenomena but "things"-in-phenomena.'[95] There is ceaseless communication, therefore, between different life forms, making the world 'a dynamic process of intra-activity.'[96]

Taking this further, if nothing exists outside of intra-actions,[97] and if separateness is not an ontological condition but the result of 'cuts' that 'enact agential separability,'[98] it follows that 'there is no "we" that stands outside the intra-action deciding and choosing to make cuts; for this would be to assume a liberal conception of the (human) subject.'[99] Human-centred accounts of action thus appear deeply hubristic, rooted in ideas of human exceptionalism that both reflect and reinforce dualisms between human and more-than-human worlds. The crucial point is that new materialism, in broad terms, significantly complexifies the concept of agency, from 'a capacity localized in a human body or in a collective produced (only) by human effort' to a relational and intra-actional dynamic 'distributed across an ontologically heterogeneous field.'[100]

[87]   Ibid.

[88]   Ibid., 497.

[89]   Rosi Braidotti, 'Posthuman Humanities,' *European Educational Research Journal* 12(1) (2013): 1–19, at 6.

[90]   See, e.g., Rosi Braidotti, 'Teratologies,' in *Deleuze and Feminist Theory*, ed. Ian Buchanan and Claire Colebrook (Edinburgh: Edinburgh University Press, 2000), 156–172; Manuel DeLanda, *A New Philosophy of Society: Assemblage Theory and Social Complexity* (London: Continuum, 2006); Bennett, supra n 2.

[91]   Simon Choat, 'Science, Agency and Ontology: A Historical-Materialist Response to New Materialism,' *Political Studies* 66(4) (2018): 1027–1042, at 1028.

[92]   Svend Brinkmann, 'Humanism after Posthumanism: Or Qualitative Psychology after the "Posts",' *Qualitative Research in Psychology* 14(2) (2017): 109–130, at 115.

[93]   Karen Barad, 'Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter,' *Signs* 28(3) (2003): 801–831, at 815.

[94]   DeLanda, supra n 90 at 126.

[95]   Barad, supra n 93 at 817.

[96]   Ibid.

[97]   Karen Barad, 'Diffracting Diffraction: Cutting Together-Apart,' *Parallax* 20(3) (2014): 168–187, at 175.

[98]   Karen Barad, 'Nature's Queer Performativity,' *Qui Parle* 19(2) (2011): 121–158, at 140.

[99]   Karen Barad and Daniela Gandorfer, 'Political Desirings: Yearnings for Mattering (,) Differently,' *Theory & Event* 24(1) (2021): 14–66, 25.

[100]   Bennett, supra n 2 at 23. See also Bruno Latour, 'On Actor-Network Theory: A Few Clarifications,' *Soziale Welt* 47(4) (1996): 369–381, at 369.

Discussions about agency within transitional justice scholarship overwhelmingly focus on human agency (including its gendered dimensions),[101] and in particular on the individual agency of victims. Moreover, a strong accent is put on facilitating the exercise and expression of this agency, as reflected in support for ideas of victim-centred and survivor-centred justice.[102] Bueno-Hansen's work on Peru, in contrast, makes prominent the limitations of these liberal understandings of agency, which are critically acontextual and removed from the reality of how some individuals (her focus is specifically on Quechua-speaking *campesina* [rural] women) personally experience agency. According to her, 'The liberal concept of agency becomes one of many ways of conceptualising agency, thereby opening a space for multiple modalities of agency.'[103] It is significant, therefore, that the new materialist ideas outlined in this section themselves constitute, and offer, alternative and expanded 'modalities of agency' that have yet to be substantively explored within transitional justice. Moreover, their implications for the field are substantial. As Celermejer and O'Brien remark, once categories such as agency and autonomy 'cease to function as the ontological prerogative of the human alone, the relegation of ethical concerns about beings other than humans to welfare or protection ceases to be sufficient.'[104]

It is important to comment in this context on the work of Colombia's Special Jurisdiction for Peace (JEP) – established as part of the 2016 peace agreement between the government and the Revolutionary Armed Forces of Colombia (FARC) – and its recognition of territory as a victim of the country's more than 50 years of armed conflict.[105] Through these five resolutions, which were written by Indigenous judges and evidenced the sustained activism of Indigenous and Afro-Colombian social movements, the JEP itself effectively enacted what Barad refers to as 'cutting together-apart.'[106] It reconfigured the relationship between human and more-than-human worlds by transforming the territories in question into 'legal subjects with rights to justice, truth and reparation, and the right to participate in each stage of the legal process.'[107]

These developments might cautiously be viewed as nascent examples of posthumanist transitional justice and what it could look like. Huneeus and Rueda Sáiz, however, make the important point that any proposed carry-over into non-Indigenous law of a concept forged by Indigenous communities in Colombia 'risks recreating exploitative relations through cultural appropriation.'[108] It is necessary, therefore, to think more broadly about potential ways of developing transitional justice in new posthumanist directions. The article's final section offers a set of thoughts and reflections in this regard.

TOWARDS POSTHUMANIST TRANSITIONAL JUSTICE

According to Mutua, traditional systems of transitional justice – meaning those that spring from the liberal tradition – 'are incomplete and ineffective because they do not focus on people and victims, but are rather concerned with vindicating their own internal norms.'[109] This article's argument, in contrast, is that these systems are 'incomplete' because they have a predominantly anthropocentric focus that misses (or minimizes) the intrinsic relationality between human and

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[101] Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering Agency in Transitional Justice,' *Security Dialogue* 46(2) (2015): 165–182.

[102] See, e.g., Simon Robins, 'Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Postconflict Nepal,' *International Journal of Transitional Justice* 5(1) (2011): 75–98; Hollie Nyseth Brehm and Shannon Golden, 'Centering Survivors in Local Transitional Justice,' *Annual Review of Law and Social Science* 13 (2017): 101–121.

[103] Pascha Bueno-Hansen, 'Engendering Transitional Justice: Reflections on the Case of Peru,' *Journal of Peacebuilding and Development* 5(3) (2010): 61–74.

[104] Celermajer and O'Brien, supra n 7 at 477.

[105] Alexandra Huneeus and Pablo Rueda Sáiz, 'Territory as a Victim of Armed Conflict,' *The International Journal of Transitional Justice* 15(1) (2001): 210–229. See also Keina Yoshida and Lina M. Céspedes-Báez, 'The Nature of Women, Peace and Security: A Colombian Perspective,' *International Affairs* 97(1) (2021): 32–33.

[106] Barad, supra note 97 at 176.

[107] Huneeus and Rueda Sáiz, supra n 105 at 210.

[108] Ibid., 228.

[109] Mutua, supra n 36 at 7.

more-than-human worlds – and the entanglement of human stories and experiences within larger ecosystems. According to Cudworth and Hobden, the imperative of posthumanism is precisely to 'develop tools for developing an understanding of human embeddedness in non-human animate and inanimate systems.'[110] Translating this imperative into transitional justice requires, as a starting point, a new conceptual framework for thinking about societies that have experienced conflict, instability and/or large-scale violence. What this article specifically proposes is a social-ecological systems framework.

The Relevance of Social-Ecological Systems in Transitional Justice Contexts

Berkes and Folke – an applied ecologist and a transdisciplinary environmental scientist respectively – began using the term social-ecological systems (SESs) to make the point that separating social and ecological systems is both arbitrary and artificial.[111] There exist crucial feedbacks between these systems, and focusing on one to the detriment or neglect of the other is problematic.[112] As Walker and Salt underline, 'We all live and operate in social systems that are inextricably linked with the ecological systems in which they are embedded; we exist *within* social-ecological systems.'[113]

Existing research on SESs has strongly (although not exclusively) focused on these systems' resilience, in the sense of their capacity to deal with shocks and disturbances – such as floods or hurricanes – and to absorb them in such ways 'as to retain [their] essential structures, processes and feedbacks.'[114] SESs have never been discussed or explored as a conceptual framework for thinking in new posthumanist ways about transitional justice and the legacies of harm that the latter seeks to address (and indeed SESs have hardly been mentioned in research on war and armed conflict more generally).[115] It should be noted in this regard that Fletcher and Weinstein previously called for 'an ecological model of social reconstruction that considers a spectrum of interventions that includes, but is broader than, criminal trials.'[116] However, while they invoked ecological language, their focus was squarely on social systems and the complexities of social repair[117] – and not on *social-ecological* systems or harms needing 'repair' *across* these systems.

Notwithstanding the basic idea of SESs as an 'integrated concept of humans-in-nature,'[118] it is striking that there is very little explicit discussion of posthumanism in research on these systems (and vice-versa). Part of the explanation for this is arguably disciplinary; the concept of SESs is rooted in the natural sciences, while posthumanism is mainly associated with the humanities and social sciences. Furthermore, research on SESs is primarily about system behaviour and does not, in contrast to broad posthumanist agendas, specifically aim to de-centre humans. Indeed, one of the criticisms of SESs is that the concept gives too much weight to human agency.

In their work on the ongoing COVID-19 pandemic, for example, Baker et al. insist that SES frameworks must 'adequately account for the agency of non-human nature in shaping societal

110 Erika Cudworth and Steve Hobden, 'The Posthuman Way of War,' *Security Dialogue* 46(6) (2015): 513–529, at 524.

111 Carl Folke, Thomas Hahn, Per Olsson and Jon Norberg, 'Adaptive Governance of Social-Ecological Systems,' *Annual Review of Environment and Resources* 30 (2005): 441–473, at 443. See also Fikret Berkes and Carl Folke, eds., *Linking Social and Ecological Systems: Management Practices and Social Mechanisms for Building Resilience* (Cambridge: Cambridge University Press, 1998).

112 Claudia R. Binder, Jochen Hinkel, Pieter W. G. Botts and Claudia Pahl-Wostl, 'Comparison of Frameworks for Analyzing Social-Ecological Systems,' *Ecology and Society* 18(4) (2013): 26.

113 Brian Walker and David Salt, *Resilience Thinking: Sustaining Ecosystems and People in a Changing World* (Washington: Island Press, 2006), 31 (emphasis in original).

114 W. Neil Adger, Terry P. Hughes, Carl Folke, Stephen R. Carpenter and Johan Rockström, 'Social-Ecological Resilience to Coastal Disasters,' *Science* 309(5737) (2005): 1036–1039, at 1036.

115 See, however, Pamela Zúñiga-Upegui, Cecilia Arnaiz-Schmitz, Cristina Herrero-Jáuregui, Simon M. Smart, César Agustin López-Santiago and María F. Schmitz, 'Exploring Social-Ecological Systems in the Transition from War to Peace: A Scenario-Based Approach to Forecasting the Post-Conflict Landscape in a Colombian Region,' *Science of the Total Environment* 695 (2019): 133874.

116 Laurel E. Fletcher and Harvey M. Weinstein, 'Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation,' *Human Rights Quarterly* 24(3) (2002): 573–639, at 581.

117 Ibid., 637.

118 Fikret Berkes and Dyanna Jolly, 'Adapting to Climate Change: Social-Ecological Resilience in a Canadian Western Arctic Community,' *Conservation Ecology* 5(2) (2002): 18

events.'[119] It is not the case, however, that these frameworks neglect or fail to acknowledge other-than-human agency (even if they are not post-anthropocentric). Morris et al., as one illustration, refer to bark beetles as agents of change, commenting that the disturbances they cause can heavily impact on communities through disruption to ecosystem services[120]; and Nabavi and Danielli underscore that SESs are constructed by a 'heterogeneous assemblage of human and non-human actors (such as humans, species, institutions, infrastructure, concepts and documents) that are constantly networking together in a very fluid way.'[121]

In other words, there are important synergies between SESs and posthumanism (and new materialism) which have not been adequately acknowledged or explored to date. Noteworthy in this regard is Baker et al.'s aforementioned research on the pandemic, which presents posthumanism as providing 'an excellent theoretical approach to bring "nature" back into SES analysis.'[122] This article, in contrast, is not arguing that posthumanism can make a particular contribution to SESs (or indeed that SES analyses can offer something new to posthumanism). What it underlines, rather, is the relationship between them and the significance of this, in turn, for transitional justice, as the basis for a crucial epistemic shift in '*ways of knowing* atrocity.'[123]

While transitional justice processes involve different types of systems, including political, judicial, security and educational systems, this article proposes a meta systemic framing of 'transitioning' societies as SESs, as a way of bringing posthumanist ideas and concerns directly into the field of transitional justice. Practically, such a framing would entail giving attention to how multiple actors within SESs generate system dynamics and how, together – as relational assemblages – they experience harms, including the harms of war and large-scale violence, that affect these systems. It would also require sensitivity to some of the contextually and culturally located ways that communities experience harm, including through the disruption of social-ecological relationships. Viaene's work with Maya Q'eqchi' women in Guatemala, for example, notes that, 'In the case of the sacred maize, when someone disrespects, desecrates or defiles maize, it causes a disharmony in the spiritual relationship with this sacred food.'[124]

The basic concept of SESs, in short, provides an important framework within which to explore posthumanist ideas and to develop transitional justice in new directions. Fundamentally, it is not enough for transitional justice work to seek only to address the legacies of past *human* rights violations. A more holistic and relational approach requires attention not just to who but also to *what* has been harmed and how. Ultimately, it is time for transitional justice, as a field, to 'practice better care of kinds-as-assemblages (not one species at a time).'[125] The final part of this section discusses some possible ways that it might do so.

Practising Visceral Geography, Storytelling and Learning to Listen

Posthumanist ideas and concerns, to reiterate, remain markedly under-explored – and indeed widely overlooked – within transitional justice scholarship. Celermajer and O'Brien, however –

119 Susan Baker, Michael W. Bruford, Sara MacBride-Stewart, Alice Essam, Poppy Nicol and Angelina Sanderson Bellamy, 'COVID-19: Understanding Novel Pathogens in Coupled Social–Ecological Systems,' *Sustainability* 14(18) (2022): 11649.

120 Jesse L. Morris, Stuart Cottrell, Christopher J. Fettig, R. Justin DeRose, Katherine M. Mattor, Vachel A. Carter, Jennifer Clear, Jessica Clement, Winslow D. Hansen, Jeffrey A. Hicke, Philip E. Higuera, Alistair W. R. Seddon, Heikki Seppä, Rosemary L. Sherriff, John D. Stednick and Steven J. Seybold, 'Bark Beetles as Agents of Change in Social-Ecological Systems,' *Frontiers in Ecology and the Environment* 16(1) (2018): 34–43, at 35.

121 Ehsan Nabavi and Katherine A. Danielli, 'Rediscovering Social-Ecological Systems: Taking Inspiration from Actor Networks,' *Sustainability Science* 12 (2017): 621–629, at 622.

122 Baker et al., supra n 119.

123 Nicola Palmer, Briony Jones and Julia Viebach, 'Introduction: Ways of Knowing Atrocity: A Methodological Enquiry into the Formulation, Implementation and Assessment of Transitional Justice,' *Canadian Journal of Law and Society* 30(2) (2015): 173–182, at 176.

124 Viaene, supra n 60.

125 Donna J. Haraway, 'Anthropocene, Capitalocene, Plantationocene, Chthulucene: Making Kin,' *Environmental Humanities* 6(1) (2015): 159–165, at 165.

a sociologist and cross-disciplinary researcher/environmental policy officer, respectively – have offered a rare glimpse into what transitional justice might look like, and entail, if it extended care and attention to more-than-human harms. They do so through a specific focus on soil, underlining that violence to soil (including pollution and compaction) – a frequent occurrence in situations of war and armed conflict[126] – 'involves damage to soil ecological and physical integrity, and thus its flourishing and ability to support biodiversity.'[127] In considering how transitional justice processes could respond to and address soil harms, they accentuate the need for changes in how agricultural and training practices are undertaken, in order to foster greater respect for and understanding of soil ecosystems among those who work with them.[128] Focused on Australia, the authors point out that where such changes have occurred, they have been largely confined to the private sphere,[129] although they have also been communicated to wider audiences through collaborative relationships between artists and farmers. These collaborations are 'specifically dedicated to engaging larger publics in the transformations taking place through regenerative practices and thereby altering the myths and narratives within which soil is currently located.'[130]

While this foregrounding of soil is both original and thought-provoking, the concept of soil harms arguably has limited practical application. It may not easily resonate, for example, in developing countries where high levels of poverty prevail and where many people rely on the land to feed themselves and their families. In some situations, it would also be unrealistic to expect those who work most closely with the land – such as subsistence farmers – to raise wider awareness about soil ecosystems and their integrity. As Celermajer and O'Brien themselves make clear, the ideas that they put forward should primarily be viewed as 'intimations, openings, suggestive practices that may iterate into larger openings' that hold out new possibilities for justice.[131]

This article engages with the idea of visceral geography in a similar vein, while also presenting it as potentially having a much broader application than soil harms. Visceral geography is about the 'feeling' body. To cite Sweet and Escalante, it views the body as 'the geographical space of inquiry and pays particular attention to how bodies feel internally – sensations, moods, physical states of being – in relation with surrounding spaces and environments within communities.'[132] It is also a concept that emphasizes the 'fuzzy boundaries' between the human body, as something that is quintessentially relational, and its wider environment.[133] In this regard, there are clear parallels between visceral geography and Alaimo's work on transcorporeality, referred to in the article's second section.

Visceral geography is often discussed in relation to food. The ways in which people viscerally experience food, for example – including through touch and taste – can provide valuable insights into their affective and emotional relationships with place. Longhurst et al., as one illustration, have examined how a group of migrant women in New Zealand actively used food and cooking to recreate a 'sense' of home (i.e., their countries of origin) in the host country.[134] Visceral geography has also been explored in relation to slow food, 'a food-based social movement organization dedicated to "good (tasty), clean (environmentally sound) and fair (socially just)" food

126 Giacomo Certini, Riccardo Scalenghe and William I. Woods, 'The Impact of Warfare on the Soil Environment,' *Earth Science Reviews* 127 (2013): 1–15.
127 Danielle Celermajer and Anne T. O'Brien, 'Alter-Transitional Justice; Transforming Unjust Relations with the More-than-Human,' *Journal of Human Rights and the Environment* 12 (2021): 125–147, at 139.
128 Celermajer and O'Brien, supra n 7 at 507.
129 Ibid., 145.
130 Ibid., 146.
131 Ibid.
132 Elizabeth L. Sweet and Sara O. Escalante, 'Bringing Bodies into Planning: Visceral Methods, Fear and Gender Violence,' *Urban Studies* 52(10): 1826–1845, at 1827.
133 Hayes-Conroy and Hayes-Conroy, supra n 14 at 1279.
134 Robyn Longhurst, Lynda Johnston and Elsie HO, 'A Visceral Approach: Cooking "at Home" with Migrant Women in Hamilton, New Zealand,' *Transactions of the British Institute of Geographers* 34(3) (2009): 333–345, at 339.

(slowfood.com).'[135] Scholars have variously analyzed how visceral experiences of slow food are linked to and foster social and environmental activism. Hayes-Conroy and Martin point out in this regard that 'the question of how bodies come to feel good (or bad) in and through certain forms of acting emerges as fundamental to our aim to understand mobilisation.'[136]

Visceral geography, however, also has a wider relevance and application. Particularly pertinent in this regard is Ash's suggestion that 'bodies are a medium that can be used to bring background or previously undetected non-human objects and forces to the forefront and so enable them to be studied and analysed.'[137] This article argues that incorporating visceral geography into transitional justice is one possible and promising way of operationalizing, methodologically, the proposed conceptual framing of societies as SESs and, in so doing, of creating space for acknowledgement and expression of more-than-human harms. There are two aspects to this, relating to storytelling and listening respectively.

Storytelling is a crucial part of transitional justice, and visceral geography could be used to carve out new storytelling spaces that encourage and enable individuals to tell their stories *with* the more-than-human world – and to articulate and express their feelings about harms done not only to themselves, but also to the environments and ecosystems with which their everyday lives are deeply interconnected. How was their land affected and how do they feel when they go back to that land and are reminded of how it too suffered? What emotions do they experience when they think about pollution of rivers, killing of livestock, destruction of flora and fauna?

It might be argued that such questions largely preserve, rather than disrupt, the anthropocentric foundations of transitional justice, in the sense of prioritizing the stories of human victims and giving them the right to speak on behalf of other-than-human victims. This, however, is to disregard the latter's agency as a co-creator of these stories and the intrinsic phenomenology of storytelling as an intra-active and collaborative 'co-worlding.'[138] In short, experimenting with visceral geography as a storytelling framework and methodology in transitional justice settings is crucially about fostering the development and telling of stories 'in ways that are open to other ways of constituting, of responding to and in a living world.'[139] An example of this, as a non-verbal form of storytelling, is environmental dance, which involves incorporating environmental stimuli into movement.[140]

It is important, however, to think about visceral geography in relation not only to storytelling but also to listening – a fundamental corollary of storytelling which has nevertheless received far less attention within transitional justice scholarship. This article submits that a more explicitly posthumanist application of visceral geography necessitates listening – and knowing how to listen – to sentient more-than-human worlds and what they are themselves communicating, including through silences and altered soundscapes that offer vital sonic insights into harms caused. Rodríguez-Sánchez and Cabedo Mas' research in Colombia has shown how experiences of forced displacement greatly alter individuals' soundscapes, in the sense that relocating from (most commonly) rural to urban areas is also a process of venturing into new 'sound territories.'[141] Yet, altered soundscapes also tell their own stories that need to be heard. In short,

[135] Allison Hayes-Conroy, 'Feeling Slow Food: Visceral Fieldwork and Empathetic Research Relations in the Alternative Food Movement,' *Geoforum* 41(5) (2010): 734–742, at 734.

[136] Allison Hayes-Conroy and Deborah G. Martin, 'Mobilising Bodies: Visceral Identification in the Slow Food Movement,' *Transactions of the British Institute of Geographers* 35(2) (2010): 271.

[137] James Ash, 'Visceral Methodologies, Bodily Style and the Non-Human,' *Geoforum* 82 (2017): 206–207, at 206.

[138] Neimanis, supra n 72 at 64.

[139] Thom van Dooren and Deborah Bird Rose, 'Lively Ethnography: Storying Animist Worlds,' *Environmental Humanities* 8(1) (2016): 77–94, at 85.

[140] Nigel Stewart, 'Dancing the Face of Place: Environmental Dance and Eco-Phenomenology,' *Performance Research* 15(4) (2010): 32–39, at 34.

[141] Andrea Rodríguez-Sánchez and Alberto Cabedo Mas, 'Changes in the Social Fabric of Victims of the Armed Conflict in Colombia Based on an Analysis of their Sound Environments,' *Musicae Scientiae* 26(3) (2022): 627–647, at 643.

just as crucial feedback mechanisms operate within SESs,[142] this article's proposed framing of transitional societies as SESs requires listening to 'the eco-feedback'[143] within these systems.

CONCLUSION

Mutua maintains that 'Dogmatic universality is a drawback to an imaginative understanding of transitional justice.'[144] This article has aimed to demonstrate what posthumanism can contribute to a more imaginative understanding of transitional justice that reflects multiple and pluralized 'lifeworlds'[145] – to return to a concept introduced at the outset – rather than a predominantly liberal lifeworld. In so doing, it has underlined the importance of incorporating relationality into transitional justice theory and practice. Lehman has commented that 'posthumanist relational ontologies are particularly well equipped to theorize the instability, incompleteness, complexity, and nonlinearity that haunt social life in situations of ongoing war and disaster.'[146] Despite this, the field of transitional justice has not substantively engaged with them.

This research has particularly underscored the utility of posthumanist relational ontologies for thinking about harm. While it is not the first to problematize the narrowness with which transitional justice has traditionally approached the concept of harm, the article has brought something new to existing critiques. Drawing on posthumanist literature, as well as related work on transcorporeality and the blue humanities to accentuate the 'flow' dynamics of harm, it has challenged the incompleteness of anthropocentric framings. Violence and destruction do not only harm humans. Rather, their effects 'are distributed across unique, irreducible worlds that are co-constituted by diverse forms of being.'[147] The article has also stressed, however, that the 'paradigm shift towards relational thinking'[148] that it ultimately advocates requires more than just a relational reconceptualization of harm. It also necessitates a relational approach to agency and acknowledgement of more-than-human agency – a concept that was explored using Barad's work on new materialism and discussion of intra-action.

It is imperative to stress that the article's application of posthumanist ideas to transitional justice should not be interpreted in any sense as implying that justice for human victims is unimportant or less important than other types of justice. The crucial point is that the pursuit of human justice needs to be situated and approached within a larger context. Fundamentally, it is essential to 'always consider the wider multibeing milieu in which justice can live (and thrive).'[149] The article, therefore, has not specifically focused on the question of what justice for more-than-human victims might look like. Its aim, rather, has been to reflect on what it would mean to think about transitional justice 'within intra-actional, post-human, relational entanglements'[150] – and to practically operationalize these entanglements.

First, it has highlighted the potential of a concept that is most associated with ecology scholarship – SESs – as a way of thinking about societies that have experienced large-scale violence and disturbances. There are obvious synergies between SESs and posthumanism – even if these bodies of literature remain very much separate from each other – and this article has stressed

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[142] Brian Walker and Jacqueline A. Meyers, 'Thresholds in Ecological and Social–Ecological Systems: A Developing Database,' *Ecology and Society* 9(2) (2004): 3.
[143] Matt Harvey and Steve Vanderheiden, '"For the Trees Have No Tongues": Eco-Feedback, Speech and the Silencing of Nature,' in *Posthuman Legalities: New Materialism and Law Beyond the Human*, ed. Anna Grear, Emille Boulot, Iván D. Vargas-Roncancio and Joshua Sterlin (Cheltenham: Edward Elgar, 2021), 53.
[144] Mutua, supra n 36 at 5.
[145] Mills, supra n 9.
[146] Lehman, supra n 86 at 487.
[147] Audra Mitchell, 'Only Human? A Worldly Approach to Security,' *Security Dialogue* 45(1) (2014): 5–21, at 18.
[148] Boulot et al., supra n 8 at 9.
[149] Celermajer and O'Brien, supra n 7 at 507.
[150] Patti Lather, 'Methodology-21: What Do We Do in the Afterward?' *International Journal of Qualitative Studies in Education* 26(6) (2013): 634–645, at 639.

the utility of SESs as a conceptual framework for incorporating posthumanist ideas and concerns into transitional justice theory and practice. Second, it has discussed the idea of visceral geography as a possible methodology for developing and exploring different types of storytelling (and listening practices) in transitional justice processes, to reflect the fact that the posthumanist subject is 'ontologically polyvocal.'[151] Although visceral geography is not associated in extant scholarship with either SESs or posthumanism, this research has demonstrated how it might be used to capture and express crucial social-ecological relationships, as a way of further incorporating posthumanist priorities into transitional justice praxis.

The ideas presented in this article are necessarily exploratory, but it is hoped that they will foster new discussion and debate among transitional justice scholars and practitioners. Fully embracing posthumanism – which in any case, to repeat, is a diverse and heterogeneous school of thought – is not a prerequisite for examining and being open to posthumanist ways of thinking and what they can potentially bring to the field of transitional justice and its future development. Ultimately, posthumanism is about fostering 'more inclusive modes of connecting and engaging across difference'[152] and about forging and respecting solidarities between human and more-than-human worlds. It is from these solidarities, in turn, that a new 'project of hope, justice, and responsibility can emerge.'[153]

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[151] Braidotti, supra n 1 at 93.
[152] Petra Tschakert, 'More-Than-Human Solidarity and Multispecies Justice in the Climate Crisis,' *Environmental Politics* 31(2) (2022): 277–296, at 291.
[153] Ibid.