

## WHERE DOES THE BLOOD COME FROM? : TRUE STORIES AND REAL SELVES AT THE TRC HEARINGS

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**Abstract.** While much of the academic work on the Truth and Reconciliation Commission (TRC) has been broadly constructionist in character, such work typically draws a line around the physical and historical reality of abuse. In this article we consider the key elements necessary to a thorough-going constructionist reading of TRC survivor narratives. Read from a top-down perspective, survivor narratives are the product of the legal, political, religious and media discourses that went into the making of the TRC. Read from a bottom-up perspective, survivor narratives involve the recursive construction of a self able to reflect on itself as the subject of a human rights abuse.

### WHERE DOES THE BLOOD COME FROM?

"The pieces of the jigsaw puzzle have been taken out of the box and shaken up. Now they need to be put together to create a picture in which all will be able to see themselves reflected." (Burton, 1998: 24).

"The chief of the section that typed the transcripts of the hearings told me: As you type, you don't know you are crying until you feel and see the tears falling on your hands." (Desmond Tutu, from the foreword to the TRC's **Final Report**, 1998).

Tasked with drawing up a comprehensive account of human rights abuses during apartheid rule, the South African Truth and Reconciliation Commission (TRC) compiled a vast archive of documentary and oral evidence. At the centre of this archive is the testimony given by survivors - stories of persecution, torture and abuse that in their gruesome directness invite denotative readings, that is, as indexical of events that really happened. Such readings require careful cross-checking of survivors' testimonies against each other and against other sources of evidence (such as perpetrators' confessions), a task taken on with varying degrees of success by the TRC's

investigative unit (Burton, 1998). The TRC's **Final Report** (1998) is accordingly replete with factual findings such as the following:

"THE COMMISSION FINDS THAT THE ASSAULTS AND MUTILATION OF THE BROTHERS, PETER AND PHILLIP MAKHANDA, TOOK PLACE IN THE BACK ROOMS OF THE MANDELA HOUSE IN ORLANDO WEST IN MAY 1987 AND THAT MEMBERS OF THE MUFC PARTICIPATED IN THE ASSAULT AND/OR MUTILATION." (TRC, 1998, capitalization in original).

While the TRC archive is in the first place a catalogue of human rights abuses during the apartheid years, and thus requires weighing of evidence to arrive at such statements of fact, it will also, inevitably, attract very different, "constructionist" readings. This is so for two reasons. First, because the TRC process was explicitly concerned not only with uncovering what had happened in the past, but also with doing it in such a way as to *produce* certain effects, in particular to bring about national reconciliation. Second, because the TRC textual corpus enters the public domain at a time when the performative powers of texts - their capacity to fabricate consensual realities, to themselves become indistinguishable from the real - have become central to both academic and "popular" sensibilities. In academia this is evident in the prominence of post-structuralist, post-modern and constructionist work, while in "popular" culture it is reflected for example in movies such as **The Truman Show**, **Wag the dog** and **The Matrix** that problematise the distinction between representation and what is being represented.

Constructionist readings do not interrogate texts as (more or less) accurate reflections of what lies outside the text, but ask how texts operate to manufacture what appears to be an outside, and thus such readings could be accused of reducing the world of physical bodies, natural laws, and historical events to a product of social discourses and practices, rather than accepting the world of facts as the bedrock on which discourses and practices rest. This is clearly a useful tactic in "denaturalising" taken for granted social facts such as the inevitability of scientific progress, social arrangements based on notions of individual agency, racial and gender differences, and so on, but becomes problematic when applied to ethically loaded phenomena in which the facticity, beyond what may be thought of as a discursive gloss, of what really happened is at issue. Examples include the question of "false memory syndrome" in child sex abuse (cf. Berliner & Loftus, 1992), the holocaust (cf. Cohen, 1992) and now the TRC.

Is it possible to produce a constructionist reading of TRC transcripts (as constructing versions of reality) while at the same time acknowledging the actuality and the injustice of the events spoken of? While much of the academic work on the TRC has been broadly constructionist in character, such work typically draws a line around the physical and historical reality of abuse. A frequent point of focus is that of healing, with the therapeutic nature and consequences of different modalities of remembering highlighted (e.g., Chicuecue, 1997; De la Rey & Owens, 1998; Hamber, 1998; Hayes, 1998), the assumption being that at the very least remembered events attain a certain reality through the physical and mental symptoms in which they have become inscribed. In some cases the tension between remembering versus creating truth is explicitly discussed (e.g., Gobodo-Madikizela, 1995; Hamber, 1998; Humphrey, 1998).



but always without crossing a certain invisible line that would entail directly questioning the truth status of survivors's testimonies. Even the thorough-going constructionist analysis of TRC texts by Hook and Harris (in press) preserves a space for the "real" to make an appearance from outside the realm of representation - in this case through the affective force exerted by TRC texts as they overspill the boundaries of the discursive order. Similarly, Tobias's (1999) critique of the idea of truth and reconciliation as attainable through linguistic closure, nevertheless allows an extra-discursive reality in through the back door of fragmentary, evocative and lyrical language such as that found in Antjie Krog's (1998) **Country of my skull**.

In this article we consider the "advent of the real" (Hook & Harris, in press) not in the many parasitic texts that have emerged around the TRC, but in the victim hearing transcripts themselves. Our aim is to provide an overview of the salient issues that any constructionist reading of the transcripts would have to consider, while also exploring the limits of constructionist analysis, that is, to establish if constructionism is pragmatically and ethically sustainable in relation to the transcripts without recourse to some non-discursive surplus of authenticity. We approach the transcripts from two vantage points: A top-down reading of the various structural mechanisms (discourses, institutions and practices) that shaped and produced the transcripts, and a bottom-up reading of the narratives of bodily violence at the heart of the transcripts.

### THE TRC AS A MACHINERY OF PRODUCTION.

As its title implies, the TRC was conceived as a process both of uncovering the truth and of bringing about social change (e.g., Hamber, 1998). Not only was truth-recovery thus from the outset qualified by the demands of reconciliation, but the nature of the truth to be recovered was conceptualised as involving more than purely factual matters. The **Final Report** (TRC, 1998) speaks of four notions of truth: *Forensic truth* which is concerned with establishing facts about events (what happened to whom, where, when and how) and their causes; *personal or narrative truth* which gives meaning to individuals' multi-layered experiences, provides insights into pain and creates opportunities for recovery; *social or dialogue truth* which is the truth of experience established by interaction, discussion and debate; and *healing or restorative truth* which involves reparation, the restoration of dignity and acknowledgement that individuals's pain is real.

Although the finer nuances of such distinctions may not always be clear [Posel (1999: 12) calls it "a very wobbly, poorly constructed conceptual grid"], their overall import is to shift truth away from a disinterested account of "what really happened" to an element in social processes such as insight, reconciliation and healing. Truth and reconciliation is, understandably, much conflated in TRC discourse, with both recruited into an agenda of restoring a lost wholeness: "The pieces need to be reassembled to give shape to the original vase ... the broken pieces of the relationship need to be reassembled" (Arendse, 1997:17).

The broad rhetorical manoeuvres in which truth and reconciliation are made interdependent (and these could of course be analysed in much greater detail than we have done here) form the most general discursive background against which the truth

of individual survivor narratives should be traced. Survivor narratives did not arise "spontaneously", but were spoken into a space opened up by the constructions of truth and reconciliation that went into the making of the TRC. In addition to this, narratives should be read as having been conditioned by the institutional arrangements and practices of the TRC.

#### **INSTITUTIONAL BACKGROUND.**

The TRC was in the first place a legal instrument (as defined in the *National Unity and Reconciliation Act*) designed to facilitate the constitutional transformation of the South African state. Although the legal aspect of the Commission was particularly prominent in relation to the granting of amnesty to perpetrators (who were cross-examined to establish if their applications met certain strictly defined criteria), it also helped to establish the tenor of what could be said at victim hearings. "Statements" were for example taken from survivors, they were sworn in, and there was a degree of cross-examination (although not explicitly presented as such). Because the Commission was legally tasked with uncovering the truth about gross human rights abuses in South Africa's past between March 1960 and December 1993, testimonies concerning "lesser" abuses (relating, for example, to pass laws) or abuses committed before or after these dates were not heard.

Second, these legal structures and procedures existed within the larger *political* frame of racial tolerance and compromise that regulated the transfer of power to a democratic order. The panel appointed by President Mandela to select commissioners was multiracial and represented major political parties, two ecumenical church leaders, a trade unionist and two human rights lawyers. The seventeen commissioners eventually selected by this panel likewise represented various ethnic, political and gender groups. Thus over and above what survivors explicitly stated in their testimonies, simply by participating in this process they were to some extent aligning themselves with the politics of reconciliation. Had the TRC operated in a political context emphasizing restorative economic justice (as called for by Cronin, 1999) rather than racial reconciliation, we can be sure that a very different set of survivor transcripts would have been the result.

Third, the TRC's work clearly occurred within a *theological* frame, as exemplified in the numerous religious and quasi-religious utterances and interventions of its chairperson, Archbishop Desmond Tutu. Thus the Christian doctrine of forgiveness was continually invoked, together with other religious values such as the importance of community and the sanctity of the truth.

Finally, the TRC was in large measure a *media* event - with the narratives of survivors and perpetrators broadcast on a daily basis to millions of South Africans via television, radio and newspapers. Radio broadcasts delivered reports in eleven South African languages, and ten percent of the hearings were aired on television (Graybill, 1998). For many, the lasting impression of the TRC will be of media spectacles such as perpetrators demonstrating their torture methods, high profile politicians denying involvement, and - above all - survivors overcome by the emotion of their own telling.



As an institution operating in the political, religious, legal and media spheres, the TRC was an instrument of the modern, technocratic state and therefore intelligible from within a global culture dominated by Europe and America, rather than from within an 'indigenous' African culture. Although the word "ubuntu" crops up from time to time in transcripts and in the **Final Report**, and political and other songs of local significance were sung at some hearings, African rituals and African languages were very much secondary, as (despite legislation to the contrary) they are in most government structures. Survivors were encouraged to give testimony in their first language with simultaneous translation to other languages, but transcripts were made of the English translations only. Many of the finer nuances of what was said were no doubt thus lost in the English transcripts, a factor that should be taken into account in any reading of the transcripts, whether from a factual or a constructionist perspective. From a constructionist perspective, however, the issue of translation is more complex, as the Englishness of proceedings was in any case imprinted on everything said at the hearings, with the option of speaking in an African language not necessarily facilitating a more direct expression of lived experience, but rather in some ways disadvantaging individuals who chose to speak an African language in what remained an essentially English environment.

### **ORGANISATIONAL STRUCTURES AND PRACTICES.**

Despite numerous organisational glitches (Shea, 1999, gives the TRC a C-minus for administration), one of the most remarkable features of the TRC process is the degree to which these broad political, ethical, juridical and media projects were translated into organisational practice. The Commission received more than 20 000 statements in respect of almost 40 000 gross human rights abuses, showcased approximately 10% of these in public hearings (mainly individual stories, but also statements by political parties and other special interest groups) and produced a 2 700 page report. To achieve this a head office was set up in Cape Town with regional offices in East London, Durban and Johannesburg, and an Amnesty Committee, Reparation and Rehabilitation Committee, and Human Rights Committee were formed. The Commission's budget amounted to approximately R200 million, the bulk of which was spent on salaries for its approximately 400 staff arranged in a massive network of structures such as research and investigative units, legal consultation facilities, various committees, and psychological counselling services (these structures are reviewed in Volume 1 of the **Final Report**, TRC, 1998).

Statements from survivors were invited through the media and facilities set up in many outlying areas for these to be recorded on a statement form. Although statement-takers were trained to be sensitive and sympathetic, the practice of recording statements on behalf of a state institution on a pre-designed format inevitably mimics the well-established practice of "statement-taking" which is the domain of the policeman, and silences the kinds of associations that may occur in a more informal or communal storytelling environment. Reference to information previously provided to statement-takers is common in victim hearing transcripts, with "the statement" at times appearing to take on the status of a foundational document to which what is said at the hearing is secondary.

Each statement was assessed to establish if it met the Commission's criteria for gross human rights abuses and a representative sample of approximately 2000 witnesses invited to testify in public. This process of selection is clearly highly contestable. The **Final Report** (TRC, 1998) implies that public hearings were strictly representative of the larger sample of statements in terms of objective characteristics such as age, race, gender, region and type of violation, but the process can also be seen as a more active managing of the TRC's media profile. Posel (1999: 15), for example, calls it a "careful political balancing act". In addition to attempts to be objectively representative and to satisfy particular political constituencies, stories were in all likelihood also included because they were coherent (cf. Tobias, 1999), sufficiently "serious" and made tangible a history that in the view of those doing the selection might otherwise have been neglected. In terms of interpreting the survivor narratives now contained in the TRC archive, the significance of the selection process is that the material finally available for analysis is already overtly sifted, shaped and constructed in particular ways.

The ways in which stories were grouped together also impacted on the nature of the stories eventually told. The Commission appears to have operated mainly in "historical-geographical" mode in that testimonies were grouped together on the basis of having happened in particular locales at particular times. This probably did help to connect individual trauma to its wider context in communities and historical periods and to build broader political narratives within which particular individuals' stories could fit. By the same token, however, other possible meanings were made to recede, such as for example the commonalities between geographically distant people who suffered similar kinds of violations or injuries.

#### **ON THE DAY OF THE HEARING.**

The organisational machinery of the TRC having run its course (statements having been taken and evaluated and a few selected and grouped together for oral presentation) the day of the victim hearing finally arrives:

"The camera lights shine down on a stage decked in white-draped tables and flowers. Palm trees line the front of the stage. It could be a wedding setting except for the national flags, the Truth and Reconciliation Commission banners and boxes of tissues centred on the table. A person, usually a woman, sits facing a panel of commissioners. Perhaps she is accompanied by a friend or a child or a husband. Sometimes she is alone. A community briefer comforts her when words choke her, and she weeps. She tells a story of loss and pain and suffering. The commissioners listen, nodding in sympathy. They ask questions. After ten or twenty minutes the woman steps down from the stage, her story told. It will enter the official records of the Truth and Reconciliation Commission as a set of data that contributes to the 'establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from March 1, 1960 to the cut-off date'" (Ross, 1997:7).

TRC victim hearings were designed to be maximally "survivor friendly". This included prior preparation of survivors, simultaneous translation facilities, frequent expressions (particularly before and after each oral submission) regarding the importance and value



of survivors' testimony, and attempts to treat emotional displays with tact and sympathy. We have shown how the opportunity for speech afforded survivors was conditioned by a colossal machinery of knowledge production, and to an extent the survivor friendly nature of the hearings can be seen as an attempt to balance this seemingly overwhelming force.

Ironically, however, the entire mass of TRC discourse and institutional practice, which must indeed appear intimidating to the survivor as she seats herself in front of the commissioners and prepares to speak, is simultaneously entirely dependent on the authenticity and spontaneity of what she is about to say. Every effort is therefore made to ensure that nothing will impede the free and clear expression of her testimony. The sound equipment is checked, translators and transcribers are ready to capture her every word and a TRC-appointed "briefer" or family member is seated next to her for emotional support. The chairperson welcomes her, introductions are made, there is a brief explanation of proceedings, she is sworn in, and finally one of the commissioners proceeds to gently "lead" her through her evidence. When she has finished with her story, questions are asked by the panel to clarify information, to show sympathy with her as victim and survivor, and to determine specific needs which she may have as a result of the violation. Finally, appreciation is expressed for her participation.

At the centre of all this activity is the survivor's story, and at the centre of her story is the moment of the actual violation. Although she provides some biographical information, outlines the events that led up to the violation, and may say a few words about her life in its aftermath, the primary focus always appears to be on "the incident" - a word that occurs again and again in transcripts and in the **Final Report**. It is this incident which the survivor is required to speak, which the audience has come to hear, and which will be turned into a soundbite for radio and television. This is the pristine moment of authentic, first-hand testimony around which the entire apparatus of the TRC revolves.

From a constructionist perspective such evocations of authenticity are of course essentially circular. Society sets up conditions to make particular kinds of utterances possible and then treats these utterances as discoveries rather than social products, the only difference in the case of the TRC being that it is a novel social institution so that the particular combination of mechanisms through which it incites and then records discourse are still somewhat unfamiliar.

### **THE PAINFUL TRUTH.**

One of the characteristic (although not unique) features of the "TRC discursive complex" is that at its core it is concerned with inciting talk about the precise moment when a "gross" human rights violation occurred and about the resultant physical and psychic pain. Interestingly, pain is conventionally presented as a silencer of language, an ultimate reef against which all language runs aground:

"Not only is pain resistant to language, but it destroys language itself. As pain intensifies, language becomes simpler until it disappears: first our sentences shrink to single words; our words become whispers; then screams, cries and grunts. The

process is a regression through all the stages of language development back to the state of being preverbal." (Spitz, 1989:11).

It is perhaps because of this supposed capacity of pain to obliterate language that so much attention is focused in media and academic discussions about the TRC on moments of emotional breakdown, when "words fail us". Again and again the tears that flowed at TRC hearings are celebrated as a sign of some unspeakable truth that literally goes beyond words, or pointedly dismissed as "crocodile tears", put on for the benefit of the cameras.

Yet although survivors were frequently (and perpetrators occasionally) "overcome" with emotion, the transcripts do not betray a language that struggles to find utterance, about to revert (as Spitz would have it) to the "preverbal". Rather, we find complex, multi-faceted constructions crafted with the most careful attention to detail and narrative structure - setting the scene, gradually building up the tension, and then finally arriving at the climactic moment when "the incident" appears with cinematic immediacy:

*"They opened the door. I saw him and he was pushed in a caravan, they said to me I must come closer to him. As I was looking at him I saw him, he had changed. I could not easily identify him. He was bruised on the face. The eyes were also closed and the jaw was broken. On the hands here you could see that it was bruised. As I was looking at the nose I saw the blood coming from the nose. I looked at the leg and the leg was also swollen. I felt very sorry. I was actually touched. As I was touched, the white policeman pushed me and I fell down. I got injured in one of my legs. After that I did not know what happened. I don't know actually, I fainted. I gained my consciousness somewhere else, not near the place where the cops were. I found myself now in another house and I saw a sister and then I said to myself where am I at the moment? When I looked at myself at my shoe I saw a lot of blood on my shoe, I was surprised; where does the blood come from? It was because of the injury I sustained."* (Gejane Pauline Mbiba, 5th September 1996, Case HRV1104, Nelspruit hearing).

One could read a story such as this as a process of repeated and recursive taking distance from an embodied chronological reality in what Melucci (1996:18) describes as a metamorphosis of multiple and discontinuous emotions, thoughts and modes of self, coexisting in different times, succeeding one another, intersecting and overlapping in subjective experience. Ms Mbiba's story is presented in the staccato sentences of unmediated factual reportage, but clearly it is about more than "forensic truth". Forensic truth requires the production of a facsimile in the present of what happened in the past, and indeed the story is shot through with doublings up of past and present, but in ways that are entirely ironic to the project of factual recall. One Ms Mbiba labours to square her recollection of the "incident" with the contingent demands of a TRC victim hearing; another likewise labours to recall her son's features and to reconcile them with what she now sees before her. One conducts a lingering inspection of each sign of abuse on his body; another gestures towards her own body (*"on the hands here you could see that it was bruised"*) as if it too had become just a piece of flesh. One notes the blood coming from her son's nose as evidence of what had befallen him; another notes with surprise the blood on her own foot; a third again interprets it for us as evidence of what must have happened to her body in her absence. One is touched by what she sees;



another assures us of the actuality of this; another notes the simultaneity of the emotional and physical assault; another wakes up in strange place, certain of nothing.

Although the story is intended as testimony to events that really happened, it is ironically also a recollection exactly of *not* being able to recollect - of having been in a time and place where one's self was not present. It is this characteristic of many TRC stories that epitomise both the radical constructedness *and* essential truth of what survivors have to say:

*"Then this continued until I don't know when, then I realised that in the process I had bumped against something like a desk or a table. Then I got relieved, I do not know what caused that. Then I realised I am in a room that is being used, what for, I do not know because I bumped against the table. Then I felt this should be my protection, I do not want to move away from this table. Then these two would move, then this sjambokking would continue. I realised during this process that I was no more. No, before that I had a pricking feeling on one of my toes. Somebody, I realised later had tramped on my naked foot with a heel because one of my small fingers here apparently had been fractured or something had happened, because from there on I was moving sort of limping."* (Dennis Neer, 21st May 1996, Port Elizabeth Hearing).

The world of the survivor story is one in which knowing is reduced to a sheer capacity to bump into things, to feel pain. It is a world where the body itself becomes a thing so that it can surprise with post-hoc evidence of having had an existence in a time and place outside of conscious recollection. But it is also a world in which the temporal, spatial and bodily dislocation of the self is reduplicated in language to fabricate a new and purposeful coherence - simultaneously erasing and re-establishing the self in the act of speaking of a realisation "that I was no more".

It is tempting to think of the socially constructed nature of reality as a robotic acting out of certain fixed scripts - men performing the rituals prescribed by chauvinist discourses, racists speaking the language of racial superiority, workers hailed by ideologies of service - and to oppose to these "dominant discourses" some more innocent and less coherent mode of speech. Foucault (1967:xii), for example, speaks of "stammered, imperfect words without fixed syntax", and of "naive knowledges ... beneath the required level of cognition or scientificity" (1980:82), offset against implacable "scientific" discourses. In such a conception, survivor narratives such as these are either over-determined by dominant discursive structures or escape social constructionism and speak truly through being in some way pre- or extra-linguistic.

We would argue that survivor narratives speak truth not to the extent that they operate outside the powers of discourse, but in a subtle engagement with the discursive tensions that constitute the modern individual. The achievement of individual identity in modernity is not simply a matter of taking on a static "subject position", but of engaging in continuous repositioning, changes of perspective, and reappraisal while nevertheless presenting as an authentic witness of what really transpired.

Truthful witnesses are not so much expected to "get their stories straight", but to display precisely the proper degree of incoherence required to differentiate the

authentic from the fake. As in other modernist texts, the self in survivor narratives is multiply reflected and refracted in itself (doubles back, changes direction, loses the thread of its story, becomes incoherent) yet manages to fabricate for itself a larger coherence, beyond the confines of its story, so that we may have no doubt about its ultimate authorial integrity. To the extent that TRC survivor narratives differ from more mundane "confessions" (a middle class client speaking to his therapist; a job applicant completing a questionnaire) it is not that survivors speak in simpler language of more overt events, but that the truth they speak of is based if anything on even more intricate form of self-reflection.

## CONCLUSION.

The first aim of this paper, to identify the salient issues that a constructionist reading of TRC survivor transcripts would have to consider, require both a listing (such as that presented in the first part of the paper) of the various structures that constrained or enabled survivors in what they could say, and (as was attempted in the second part) a consideration of how survivors constructed themselves, from moment to moment, as speaking subjects. A satisfactory constructionist account of TRC survivor transcripts would not, however, attempt to resolve the dichotomy thus set up between "structure" and "agency", for example by "proving" that testimonies were over-determined by their conditions of speaking (or alternately that they escaped all such determinism). Rather, it would seek to demonstrate how such problematics are played out in both the practices of the TRC and in our attempts to analyse them.

The second aim of the paper, to explore the limits of constructionism in relation to the TRC, is similarly premised on a particular modernist problematic. Our impulse, when confronted with abuses such as those perpetrated by agents of the apartheid state, is to place them in a realm of absolute facticity and to set such facts against the fictional world of discourse. Discourse then becomes an ephemeral abstraction floating above the real - either as comment about "what really happened" or as linguistic trace detectable in the speech of those who have been traumatised. We would argue instead that contrary to what is implied in questions about the limits of discourse, the events survivors speak of, and the fact of their speaking, are neither brute facts nor imaginary constructions but painful realities precisely because they were and are discursively constructed.

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