

Ambiguities of Witnessing: Law and Literature in the Time of a Truth Commission

Mark Sanders

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Mark Sanders positions his *Ambiguities of Witnessing* as an interdisciplinary study which argues for the intersection of legal and literary discourses. Specifically, he reads the testimony and final report of South Africa's Truth and Reconciliation Commission (TRC) in concert with recent South African literary production, including works by Zoë Wicomb, Njabulo Ndebele, J.M. Coetzee, and Antjie Krog. The TRC, a "juristic person" created as part of the negotiated settlement between the apartheid government and representatives of the liberation movement, heard testimony from victims of human rights abuses and also ruled on the amnesty applications of the perpetrators of those abuses during South Africa's transition to democracy. As a victim-centred quasi-legal body, the TRC provides, as Sanders observes, "a singular occasion for thinking about the relationship between law and literature" because victim testimony was not subjected to the same forensic scrutiny as were amnesty applications (4). The TRC's responsiveness to victim testimony in turn directed TRC proceedings "toward goals not anticipated by the framers of the laws that inspired them." Thus Sanders establishes his two central premises: "when testimony at the commission's hearings transformed its agenda it did so not in spite of the law but *because* of it" and furthermore "the ambiguity in all language that, in the most traditional of terms, designates the literary, abides at the very nub of forensic procedure" (4-5). That is, while legal procedure may attempt to eliminate the interpretive ambiguity upon which literature depends, testimony is nevertheless inevitably unverifiable in the moment in which it is heard, and while the law shapes testimonial narrative, it also, in this shaping, inevitably produces the conditions of counternarrative. In this way, legal "truth" and literary "fiction" do not oppose, but rather enable each other.

Sanders anchors his understanding of TRC proceedings in a discussion of the concept of *ubuntu*, which studies of the TRC often explain with the English phrase "a person is a person through other people." Sanders attempts to elaborate the dynamics of *ubuntu* through a close reading of the Zulu "*umuntu ngumuntu ngabantu*," which the TRC report takes as a paradigmatic statement of the concept. In analyzing the

linguistic inflections of other languages, such as Tswana (Setswana), and in emphasizing that *ubuntu* is not simply a community-minded philosophy but rather a theory of social constitution which insists on the primacy not of the individual, but of social relationships, Sanders highlights the nexus of translation, hospitality, and radical reciprocity underlying the TRC's responses to victim testimony. Ultimately he argues that the commission became a proxy of the perpetrators for their victims and generalized for the South African public at large (to which TRC proceedings were widely reported) a sense of responsibility for human rights abuses, thus granting the public a "phantasmatic agency of reparation" (9). Sanders next observes that a significant way in which this agency of reparation altered the TRC's original course was in the commission's accommodation of requests for funeral rites. The repeated calls of women for the mourning of victims, which have been read in numerous other studies as evidence of women's (self-)erasure from the narrative of the TRC, and to which the TRC responded by creating a special hearing for women's testimony of their own experiences, Sanders instead reads as a scene of empowerment in which women set terms for reparations. Through their testimony, apartheid is revealed to have been, and to be, "a proscription on mourning, specifically of the other" (35) which "would be undone through condolence" (49).

Critiques of the TRC which argue for its failure as an instrument of change are misguided, Sanders shows, because they measure the commission's success against a singular goal of "reparation." Through readings of Krog's *Country of My Skull* and Coetzee's *Disgrace*, Sanders underlines the danger of viewing the TRC from such an instrumentalist perspective. Rather than establishing a monological truth and cementing a national reconciliation, "in inviting . . . unverifiability, in seeking to be host to the word of the other . . . the eliciting of testimony partakes of and with poetry" (168) and demands multiple attempts at "reparations" (116), including literary and personal responses. Sanders' epilogue, in which he mourns the Xhosa woman who helped to take care of him as a child, positions *Ambiguities of Witnessing* as one such response.

As I imply above, Sanders' study is especially useful as a rejoinder to dismissals of the TRC and its importance. However, in his defence of the TRC, Sanders seems on at least one occasion to be too willing to find in it the seeds of radical social change. Of women's reluctance in testimony to name names and disclose details of sexual abuses within the liberation movement, Sanders argues that "not being explicit when the secret is an open secret can be read as a critical gesture." He suggests that in a situation where women "can disclose that secret" or "they can disclose *that* there is a secret, hinting at its outer edges," the latter may be the more empowering move because the irresolution of this disclosure provokes continuing "interpretive labour" and reserves for the victims the possibility of bringing charges at a later date (82). In the aftermath of Jacob Zuma's rape trial and the virulently misogynist responses to it, and

in light of the extremely high incidence of gender-based violence in post-apartheid South Africa, Sanders' argument here seems overly optimistic.

Sanders achieves great sophistication and rigour in his theoretical framework while still maintaining a focus on the material legacy of the TRC process. He does not theorize for its own sake, but rather his meticulous close readings are consistently marked by his sincerity and by the exigencies of an ethics of responsibility. In this way, *Ambiguities of Witnessing* not only makes a valuable contribution to post-colonial studies, to legal theory, and to trauma theory, but it also reflects an important ethical turn in contemporary literary studies.