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Giving Voice to the Voiceless? Second Thoughts on Testimony in Transitional Justice

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Introduction

As an instrument of transitional justice, truth commissions have gained considerable popularity in the course of the past three decades. This growing popularity has been accompanied by broad debates on methodology, justice, and even epistemology. As NGO's influence grew, 'empowerment' and 'participation' became important elements of public discourse surrounding a truth commission's work. Increasingly, this influence has led recent truth commissions to adopt corresponding policies in search of more inclusive ways of reconstructing history and narrating atrocity. Since the South African Truth and Reconciliation Commission, public hearings have become a common feature of truth commissions around the world. Many commissions have held public hearings to collect testimony, including, among others, the *Truth and Reconciliation Commissions* in Peru, Liberia and Sierra Leone, the *Moroccan Equity and Reconciliation Commission*, the *Greensboro Truth and Reconciliation Commission* in the USA, the *Ghana National Reconciliation Commission*, and the *Commission for Reception, Truth*

and Reconciliation in East Timor. Without a doubt, testimony and public hearings have become increasingly common in these efforts.

Yet, notwithstanding the growing popularity of public hearings and testimony, and in contrast to the considerable body of publications concerning issues related to most detailed questions on truth commissions and transitional justice in general, public hearings have provoked surprisingly little criticism. If at all, critics have stressed problems of procedural fairness (Freeman 2006), security (Hayner 2001), and the like. Some (mostly feminist) theorists have stressed gendered expectations and the privileging of rape stories at the expense of all other experiences of women survivors (Ross 2001; Theidon 2007). Selection processes have also been addressed (Coxshall 2005). Nevertheless, to a wide academic and professional community, the general democratic value of testimony and public hearings seems to be a matter of common sense.

This paper proposes some second thoughts on testimony and public hearings. Based on a recent research project on social rules of truth production in the Peruvian *Truth and Reconciliation Commission* (hereafter: *TRC*) (Winter 2008), it seeks to explore the genre of testimony as found in public hearings and challenge the hegemonic conception of testimony and public hearings as an inherently democratic medium of truth production.

“Too far Afield”—Demarcations

Several kinds of texts have been treated under the terms of *testimony* or *testimonio* in different branches of research, yet the concepts covered by these terms are manifold. Latinamericanists (e.g. Beverley 2004; Sklodowska 1996; Sommer 1996; Yúdice 1996) generally make use of the Spanish term *testimonio*, referring to the literary genre of *testimonial literature*. Holocaust researchers also use to speak of *testimony* predominantly referring to written documents (e.g. Waxman 2006). In some cases, the term is also used to describe survivors' video or audio testimony as collected by the *Fortunoff Video Archive for Holocaust Testimonies* at Yale University, or the *Survivors of the Shoah Visual History Foundation* (Bernard-Donalds and Glejzer 2001; Langer 1991; Wiewiorka 2006), as well as testimony given at the *Eichmann trial*

in Jerusalem (Wieviorka 2006). Recently, human rights organizations have also begun to collect video- and audio testimony from survivors of violent conflicts, e.g. the project *IDP Voices*, led in Columbia by the *Norwegian Refugee Council* in cooperation with the *Internal Displacement Monitoring Center*.

Testimonio or *testimony* is a historically specific, contextually situated and manifold way of truth-telling.¹ Elizabeth Jelin (2002: 83) pinpoints the emergence of testimony as a central medium of truth-production to the 1961 Eichmann trial in Jerusalem. Unlike the Nuremberg trials, which had relied mainly on written documents for evidence, the Eichmann trial was based largely on witness accounts. Therefore, for Annette Wieviorka the Eichmann trial marks “the advent of the witness” (Wieviorka 2006: 389): “With the Eichmann trial, the witness becomes an embodiment of memory (un homme-mémoire), attesting to the past and to the continuing presence of the past” (391). After World War II, the interest in life narratives increased greatly, especially in the global “West” (Schaffer and Smith 2004: 1) and narrations of human rights abuse and poverty by “cultural others” and “minorities” became especially prized. The “era of testimony” (Wieviorka, cited in Jelin 2002: 83), whose point of emergence was the Eichmann trial, reached its peak in the 1980s and 1990s, yet continues until today.

The function ascribed to testimony by Eichmann trial general attorney Gideon Hausner provides the basis for its continuing success in differing contexts. Unlike written documents, as a medium testimony is believed to provide “a living record of a gigantic human and national disaster” (Hausner, cited in Wieviorka 2006: 390). It is said to be able to reconstruct events in a way “that men would not recoil from the narrative as from scalding steam, and so that it would not remain the fantastic, unbelievable apparition that emerges from Nazi documents” (ibid.). In short: testimony is capable of what ‘sober’ documents fail to achieve: “to reach the hearts of men” (ibid.).

¹ By *truth-telling* I refer to historically and locally specific and competitive practices of speech that produce information accepted as *true* by a given reference-group or a given addressee.

Analyzing testimony

The special attributes ascribed to testimony by general attorney Hausner predestine it for use in a truth commission. The concept of *catharsis*, essential part of any truth commission's vocabulary, points to some important differences between trials and truth commissions crucial to the application of narrative testimony: while criminal trials are primarily directed towards individualized wrongdoers (and thereby tend to individualize atrocity), truth commissions address a collective subject. This collective subject is generally an entire society, which is imagined as 'sick' or 'crazy' and in need of 'healing,' 'exorcism' or 'purification' (e.g. Lerner Febres 2002: 7). In contrast to criminal proceedings, which seek to *restore* a normative social order, truth commissions (at least officially) aspire to *change* society in its hitherto existing condition. The aim a truth commission seeks to achieve is a broad social sensitization and identification with the "Other's" suffering, rather than the deterrence of potential wrongdoers. In this sense, Salomón Lerner Febres, the president of the Peruvian TRC, explained his commission's job as "beginning to pave the way, supporting a collective, civic reflection" (ibid.).

Testimony as used in the Peruvian TRC is a special *genre* that cannot be described appropriately in common terms of qualitative social scientist research. Earlier, I have listed several forms of speech or writing that go under the term of *testimony* or *testimonio* in different fields of research. Yet the existing reflections on these types of testimony are of limited use for a description of *testimony* as collected in a truth commission's public hearings. Notwithstanding its practical popularity, this special type of *testimony* has attracted little attention in critical research. Pursuing this, I wish to propose some general thoughts on the kind of *testimony* applied in a truth commission's public hearings and on the special problems related to this kind of data for qualitative social research. These reflections are also of general interest to professionals in the sector of transitional justice, as they entail implications for truth production by a truth commission. Of course, these thoughts make no claim to completeness – I rather wish to inspire future debates of the issue.

Formally, *testimony* in many ways resembles *narrative interview* as applied extensively in qualitative social scientist research

(see e.g. Schütze 1978). It is introduced by an invitation to narrate and is only exceptionally interrupted by a commissioner. Regarding its general openness in relation to subjects and structures it also resembles the narrative interview. Nevertheless, in the case of the Peruvian *TRC*, this openness was limited by the preparation witnesses received before giving *testimony* (I will later resume on the implications of institutionalized preparation). As a basic principle, the preparation of *testimonies* is an important interference with its openness and might influence a *testimony* significantly, regarding its content as well as its structure. Nevertheless, these preparations are not able to positively determine the witnesses' behavior or the contents of their *testimonies*. Firstly, discourses on 'giving voice' that surround truth commissions allow for 'subversive' speech; and secondly, as power in a truth commission is not absolute, speakers always keep a good degree of autonomy.

As any other narration, rather than "positive truth," testimony reveals the ways survivors experienced atrocity, the meanings they attribute to their experiences, and the discursive resources they have to make sense of their lives. In this sense, testimonies are documents of what Arthur Kleinman et. al. (1997: ix) have termed *social suffering*, a concept that

brings into a single space an assemblage of human problems that have their origins and consequences in the devastating injuries that social force can inflict on human experience. Social suffering results from what political, economic, and institutional power does to people and, reciprocally, from how these forms of power themselves influence responses to social problems. (ibid.)

Thereby, *social suffering* reveals "the interpersonal grounds of suffering: in other words, that suffering is a social experience" (ibid.). In terms of data, testimony is thus especially valuable for ethno- and sociopsychological research on culturally distinctive ways of suffering. For reasons I will now explore, testimony is also especially valuable for the analysis of social criteria for truth production.

Any qualitative (and quantitative) analysis needs to pay tribute to the way data was produced and the special social, political, and psychological circumstances of its production. This is especially true for testimony given in a truth commission's public hearing. I wish to reiterate and stress that no way of speaking is more *authentic* than

another, as any speech act is embedded in a specific social context; rather, as a historically specific and contested concept, *authenticity* itself is an object of sociological and anthropological research.² Yet, this does not mean that *authenticity* is not explicitly claimed in testimony (Winter 2008). As a discursive practice, testimony reveals a “communicative pattern of production of assertions” (Keller 2005: 229; my translation). Thereby it follows certain social rules and conventions of speech, which are linked to the special situational context in which a testimony is produced, but also to a larger political frame and to the speaker’s situation in a given social and global context. It is therefore necessary to consider the context of production of the testimony to be analyzed, as well as its implications for the speaker.

First of all, I wish to state that a testimony given in a truth commission’s public hearing can not be compared to the participation in any opinion poll or study of oral history. To underline the special value of testimony as data for research on social rules of truth production, let me first explain some important differences by citing John Beverley:

In oral history it is the intentionality of the recorder (...) that is dominant, and the resulting text is in some sense “data.” In testimonio, by contrast, it is the intentionality of the narrator that is paramount. The situation of the narration in testimonio has to involve an urgency to communicate, a problem of repression, poverty, subalternity, imprisonment, struggle for survival, implicated in the act of narration itself. The position of the reader of testimonio is akin to that of a jury member in a courtroom. (Beverley 2004: 32).

Although Beverley refers to *testimonial literature*, I believe his point is applicable to testimony given in a public hearing as well. In contrast to other research contexts—where interviews generally are most helpful to the researcher—it is the survivor who depends most urgently on the epistemic value listeners or society as a whole attribute to his or her narration in a public hearing. In the Peruvian case, many survivors invested a good deal of hope in their testimonies and the TRC’s work (Theidon 2007: 459). Researchers who wish to analyze this kind of testimony should therefore consider that what is at stake in a public hearing is no less than the negotiation of truth and authority -and in

² For a good example of especially interesting research on the production and negotiation of *authenticity*, see the vast body of scholarship on *indigenusness* and *indigeneity* (e.g. Graham 2002).

many cases also economic expectations. This means that stories must also be understood as a *currency* in an economy of transitional justice: “Memories were narrated with new possibilities and aspirations in mind” (ibid., 450). In addition, in most cases this negotiation takes place after years or even decades of official negation and mystification of severe human rights abuse and atrocity. In many cases, victims and survivors routinely suffered slander and/or ongoing repression –even by members of their very own communities. This implies, as Kimberly Theidon aptly suggested on the Peruvian case, that “speaking out” in public may not be an especially relieving experience for survivors, but may be a subjectively and objectively dangerous thing to do (ibid., 462; Coxshall 2005: 212). On the one hand, testimony must therefore always be analyzed as a way for survivors of gaining material or symbolic redress for the harm they suffered; but on the other hand and just as much, it must be analyzed as a very risky and dangerous speech act that may result in further humiliation in an extremely sensitive issue, as rape, torture, the loss of goods and chattels, or the killing of loved ones are. For these reasons and in contrast to a popular cliché, testimony is not an especially *spontaneous* or *authentic* genre of speech—it should be interpreted instead as a narration which is carefully adapted to the special and subjectively dangerous situation of a public hearing and the hopes and fears the speaker invests in it.

For the reasons explained above I suggest that testimony is most valuable for researchers who wish to explore social and cultural concepts of truth and criteria for truth production. I propose that testimony—more than other types of interviews—reveals conceptions of truth and aspects of experience that survivors (as social subjects) deem *convincing* in relation to hegemonic discourses of truth production. Possible positionings and strategies of speech are not fixed or determined, though, but may vary in relation to the speakers situation in society. At the same moment, a testimony’s blanks, ruptures, and breaks may serve to mark those topics and positionings that survivors in a certain social and discursive context feel to be too *risky* (Theidon 2004: 110). The same is true for the way commissioners deal with narrations that do not fit neatly into hegemonic discourse. Attempts to “normalize” or “smoothe” “deviant” narrations might mark the dependence of socially accepted truth from its submission under

historically specific forms of speech and positioning. Testimony is therefore helpful data for researchers who wish to inquire into problems of social truth production and the possibilities of subaltern speech.

Testimony in transitional justice: giving voice to the voiceless?

No truth commission is invariably able to produce certain specific forms of speech. Narrative interview as a genre is often believed to generate what Schütze termed the “dynamics of narration” [Zugzwänge des Erzählens] (Schütze 1978: 4), yet this rather deterministic assertion calls for specification. The process of subjectivation is more comparable to an act of relating to relations of power and domination than to an interpellation in an Althusserian sense (Althusser 1977). Narrative interview as well as *testimony* certainly interpellate a subject in a certain way, yet they will not determine his or her response. Testimony does not only *allow* for secrets to be kept and for the negation of complete declarations (however these might be possible)—indeed these voluntary silences take place regularly (Beverley 2004: 38; on silence in transitional justice, see also Coxshall 2005). Subtle omissions and ruptures as well as open refusals to speak may be found in many testimonies. Rigoberta Menchú reminds us of the (self-set) limits of the confessional imperative: “I’m still keeping secret what I think no one should know. Not even anthropologists or intellectuals, no matter how many books they have, can find out all our secrets” (Rigoberta Menchú, cited in Beverley 2004: 38).

In this sense, although testimony facilitates certain discourses and discourages others, it should not be interpreted as an obedient medium determined by hegemonic discourse or by dynamics inherent to its genre. Is this to say, however, that testimony is a subversive medium instead? *Subaltern Studies* have interpreted testimony as a political genre of speech. John Beverley states that:

It has to do with how people who are marginalized, repressed, and exploited (...) use something like testimonio for their purposes: that is, as a weapon, a way of fighting back. (...) To recall Marx’s well-known distinction, testimonio aspires not only to interpret the world but also to change it. (Beverley 2004: xvi)

The speaker, Beverley writes, positions him—or herself as a subject in a collective (subaltern) situation and situates his or her personal history

in a given social setting of inequality (ibid., 33, 41). He explains the meaning of testimony as follows:

What is at stake in testimonio is not so much truth *from* or *about* the other as the truth *of* the other. What I mean by this is the recognition not only that the other exists as something outside ourselves, not subject to our will or desires, but also of the other's sense of what is true and what is false. (ibid., 7)

The political character of testimony implies its potential for subversion. For Beverley, testimony marks a point of departure for addressing and destabilizing hegemonic discourse, power relations, and the unequal distribution of speech. In his eyes, testimony is an “interpellation *from* the subaltern” rather than—in an Althusserian sense—an interpellation *of* the subaltern: “So there are also moments in testimonio when we hear something that doesn't fit with our sense of political or ethical correctness. These moments summon us to a new kind of relationship with others, a new kind of politics” (ibid., 2).

In this sense, survivors and witnesses may be interpreted as competent experts for social relations of power and domination by holding a specific everyday knowledge of relations between speech and language/power. This is most true for the Peruvian case I investigated, where culturalist constructions of linguistic *difference* are paramount to relations of social power. Discourses of *giving voice to the voiceless* and *empowerment*, which surround a truth commission's work, may further support the subversive potential of testimony and, at the same moment, deconstruct the power relations inherent to these discourses.

Nevertheless, there is little need for euphoria. Testimony's condition as a predominantly subaltern genre demarcates its limitations. It should not be forgotten that—in the Peruvian case—only to a very limited degree it was up to an individual's own decision *which* genre of speech he or she would choose; in reality, there was little choice at all: institutional discrimination (the implicit reservation of higher, objectifying positions for members of hegemonic social groups) not only established testimony as a genuinely subaltern genre, but also made it the *only* genre available to members of subaltern groups on an institutional level. The formal openness of testimony was limited as well; in the first instance, stories had to match certain criteria to be considered for presentation in a public hearing. During the public hearings, commissioners did not hesitate to react promptly (and at

times harshly) when confronted with survivors who would not accept the limitations of time or content set by the commissioners, thereby exposing the power relations that are inextricably interwoven with the politics of testimony. As a result, the credo of *giving voice to the voiceless* implicitly included the possibility of withdrawing voice if not used “properly.” The one thing that was clearly not intended, however, was the self-contained *taking* of voice.

Public hearings staged by the Peruvian TRC were highly ritualized events. They invariably began with a formal invitation voiced by the commission’s chair, Dr. Salomón Lerner Febres, a well respected philosopher and the president of a prestigious private limeño university. Subsequently, the witness would be put under oath of “telling the truth and only the truth,” followed by a short address of welcome and an honoring of his or her willingness to retell and share traumatic experiences. People who were perceived to be *Indigenous* were told to feel free to testimonialize “in Quechua, in Spanish, just as you feel most comfortable” (Beatriz Alva Hart, in Abarca Ortíz and Chumbes Abarca 2002). Finally, the *word* would officially be *handed over* to the survivor in exchange for his or her story: “Please, if you could now give us your testimony” (ibid.). Data from a broad range of documents suggests that this stiff formality was intended to provide a dignified framing and to signal respect for the survivors’ stories. Notwithstanding these noble intentions, in some cases the commissioners’ clinging to the official protocol resulted in cutting short those who either wouldn’t wait to be *given voice* or—resulting in even greater irritation—wouldn’t accept the time and topic limits imposed on their *voice*. Let me cite a telling example from the Huamanga hearings to clarify my point.

Paulina Abarca Ortíz, a Quechua speaking woman from the small highland community of Paccha, and her son, Marcelino Chumbes Abarca, were invited to attend a public hearing in the city of Huamanga (Ayacucho), one of the places most painfully and cruelly affected by the armed conflict.³ They self-identified as survivors of a long, bloody

³ The Peruvian TRC estimated that some 38 out of 100 victims of the armed conflict died or “disappeared” in the –quite sparsely populated– department of Ayacucho. In a stunning calculation, the TRC stated that “if all Peruvians had been Ayacuchanos” there would not have been an estimated 69.280, but some 1.2 million deaths to be bemoaned (TRC 2003: 53). More recent excavations of unreported mass graves indicate that the actual numbers are probably even higher.

history of both state and insurgent repression, as well as of arduous resistance and intracommunity violence, rendering Marcelino a half-orphan when he was still a child, and Paulina a widow and single mother of five, an event she recalled to have felt “like a raptor taking a hen which has poults” (Chumbes Abarca and Abarca Ortíz 2002; my translation). Both Paulina and Marcelino placed the killings within a much wider frame of governmental neglect and indifference, so that their testimony by far exceeded the narrow frame of what is usually understood by *political violence* and could best be termed a narration of *social suffering* (Kleinman et. al. 1997). Paulina Abarca and Marcelino Chumbes were obviously well aware of the power relations that structured speech in Peruvian society and the poor value placed on their peoples and—especially—their language. Yet, seemingly, they were also aware of the politics of empowerment and knew how to make use of the ambivalent discourses surrounding them.

Marcelino Chumbes began his eloquent testimony by rejecting notions of voicelessness and, in Quechua, informing the commissioners that he and his people indeed *had* a voice—yet one many in the audience proved unable to understand, this not being an expression of his own linguistic incompetence, but of that of the monolingually Spanish speaking part of the audience:

We peasants do indeed speak—in Quechua! This is just the way it is. Because of this/ because of this at the countryside they even *read* in Quechua! (...) In other countries, Japanese (sic.), Chile, Brasil, the *mistis* [mestizos]—they can’t understand. (Chumbes Abarca and Abarca Ortíz 2002; my translation).

(Interestingly, the interpreter reduced his initial statement to the matter-of-fact assertion “We peasants speak Quechua”). He went on drawing a positive image of *campesino* identity as hardworking, suffering, and culturally distinctive people before he began to narrate in great detail the tragedy of his community. After an hour or so, the session’s leading commissioner, Beatriz Alva Hart, interrupted Marcelino Chumbes and thanked him and Paulina for giving testimony, but Marcelino asked her for “just a bit, *señora*, just a bit.” Subsequently, Paulina and Marcelino would substantially extend the time limits set by the commissioners, filling their extra time with claims to reparation and urging politicians to keep their promises and to once and for all implement existing laws. Their repeated yet disarming and charmingly

performed refusal to stop talking first produced irritation and helplessness among the commissioners (and laughter among the public) and ultimately overt aggression. Paulina Abarca wouldn't stop talking until being interrupted brutally by a commissioner silencing her in Quechua and appropriating thus her legitimating ethnic strategy: "Don't repeat any more! Stop declaring, will you? We have understood you very well. Is this clear?" (Alberto Morote Sánchez, in Chumbes Abarca and Abarca Ortíz 2002). Interestingly enough, the interpreter wouldn't translate the commissioner's command, thereby holding this telling exposure of hidden power structures back from the monolingually Spanish speaking part of the audience.

The incidence is especially troubling because of the hegemonic discourse of *giving voice to the voiceless*. Actually, the commissioner Beatriz Alva Hart had initiated the session by telling the witnesses that

for us, the testimony that you are going to offer us is *very* important, not just for the work we are doing by investigating the truth, but because we want *everybody* to *listen* to what has happened to you. Be sure that we are going to listen to you *very* attentively and with an open heart!" (Beatriz Alva Hart in: Chumbes Abarca and Abarca Ortíz 2002; my translation)

Obviously, the *economies of speech* included some hidden restrictions that were only exposed in an unexpected situation of deviant behaviour. Part of this deviance was in fact the very act of *bringing one's own voice* instead of accepting the one *offered* by the Commission with all its limitations. By speaking in Quechua and ignoring commands in Spanish, Marcelino Chumbes and Paulina Abarca subverted the ethnic rules of speech and effectively rendered the commissioners *voiceless*. The scene shows how even in a situation that is supposed to provide a dignified context and overcome racist and culturalist power structures, such hierarchies prevail.

At this point, the *economies of speech* that are deeply intertwined with the young tradition of truth commissions as an instrument of transitional justice become visible: truth commissions have often claimed to *give voice to the voiceless* and thereby reconstructed fundamentally unequal relationships between commissioners and survivors from the beginning. The *economies of speech* expressed in the claim to *give voice to the voiceless* not only imply the exclusion of survivors from a truth commission's institutional level (after all, how is

someone supposed to give a voice, who doesn't even seem to have one him- or herself?); the claim also uncritically reproduces constructions of linguistic (in-)competence and the image of the voice- and speechless indigenous (woman) extensively criticized in feminist and postcolonial theory. It thereby masks the social construction of racialized and gendered linguistic incompetence exposed by Marcelino Chumbes' speech. Surely, *voicelessness* was meant to be interpreted in the Spivakian sense, meaning that "even when the subaltern makes an effort to death to speak, she is not able to be heard, and speaking and hearing complete the speech act" (Spivak 1996, 292). Yet I still don't find this notion very helpful, as it locates lack inside those who are *denied* participation, not inside those who *deny*.

Linguistic incompetence was also present in the *prestructuring* offered to witnesses and survivors in the run-up to the public hearings. The necessity of preparing the *testimony* in advance was explained by the commission with reference to the "complexity of the [survivors'] repertoire and narrative strategy" (TRC, not dated, 2.4). This "richness" was supposed to "meet efficiently the limitations of time (...) as well as the necessity to serve the narration's educational aspect toward the nation" (ibid., 2.4). In the course of the preparations, the witness was expected to rehearse the "clear presentation of information regarding the incidents," as well as of the "meaning attributed to the incidents by the victims." Yet, in no case psychologists should prepare a "script" that might serve "interest(s) others than those of the victim" (ibid., 2.4). Thereby the TRC defined the potentially contradictory requirement for the preparation of the testimonies to achieve "clarity and efficiency of the public presentation" without "affecting the victims' right to present their own points of view and to apply their own narrative strategies" (ibid., 2.4). The ideal of reconcilability of a "clear" and "efficient" narration with the formulation of "the victims' own points of view" and the "meaning attributed to the incidents by the victims" was not questioned. Instead, coherence and positive translatability were taken for granted, which fell short of the subjective messiness of a conflictive experience. Experience and attribution of meanings were implied to be unambiguous and identical, which resulted in the construction of a fixed identity of the narrating person. In consequence, the productive effects of incoherence and irritation were given up in favor of a "plain"

narration and witnesses were asked to “make sense” by adopting hegemonic narrative structures.

Finally, the alleged voicelessness of survivors of racism and human rights abuse also implies differences in authorized genres of speech and general validity of the truth produced. While *testimony* was introduced as a genuinely subaltern *genre* based on notions of subjective and personal truth, in the Peruvian TRC commissioners and staff were authorized to give declarations and scientific explanations, using a hegemonic scientific language and producing thus “objective” truth detached from their unmarked bodies. They even expressly claimed absolute neutrality and disinterested, impartial morality (Lerner Febres 2002: 7; Winter 2008). Finally, the act of *giving voice to the voiceless* reserves the ultimate possibility of *taking it away* if used in an “improper” way. That this is not just an academic quibbling became sadly obvious in the case of Paulina Abarca and Marcelino Chumbes. The Peruvian TRC thus reproduced patterns of social hegemony and subalternity by assigning distinct positions and restricting the strategies of speech available to survivors and witnesses; testimony served as a tool for the reproduction of these patterns.

Conclusion

Annette Wieviorka cites Frédéric Gaussen as saying that “the idea has taken hold that all lives equally deserve to be told” (Gaussen, cited in Wieviorka 2006: 391). She adds: “What Gaussen describes is a democratization of historical actors, an attempt to give voice to the excluded, the unimportant, the voiceless.” (Wieviorka 2006: 391). Yet the affirmation that all lives deserve to be *told* neither means that all narrations are equally accepted, nor that power relations between speakers disappear. Testimony given in a truth commission’s public hearings is thus a genre of speech *available* to members of subaltern groups. Yet at the same time it demarcates a *no-go-zone*—a position subalterns must not reclaim to speak from. In the Peruvian case, such was (among others) the objectifying position of a commissioner. Exclusions were justified by pointing to hegemonic conceptions of truth, that linked *objectivity* to unmarked and allegedly *unaffected* situations (Winter 2008). In consequence, testimony as a subaltern genre also

implies a fixation of available modi of truth production: the “subjective” and “individual” truth that testimony is meant to offer stands in stark contrast to the “objective” and (potentially) penally, historically, and scientifically “relevant” truth of a truth commission’s final report. Yet these differences are generally taken for granted and rarely questioned.

Testimony may well open ways for hitherto unheard narrations and, to a limited degree, even allow for negotiations and redefenitions of established truths (Schaffer and Smith 2004); yet, as long as *testimony* is not accompanied by an opening of more powerful genres of speech to subaltern people, it undermines its very own democratic standards. In the end, what was handed over to the President in a solemn ceremony was not a collection of testimonies, but twelve heavy volumes of written word—the truth commission’s final report. This report may also most probably be the one authoritative document historians, anthropologists, and sociologists will refer to in the future. As such, *truth* is ultimately being represented by this written document, not by *testimony*. I would like to remind readers of Gayatri Spivak’s plea for subaltern spaces to disappear: “We cannot forget that working for the subaltern means the subaltern’s insertion into citizenship, whatever that might mean, and thus the undoing of subaltern space” (Spivak 1996: 307). Thus, genres of speech explicitly reserved and established for subaltern voices only serve as a fig-leave. They foster resubalternization and rather add to stabilizing and legitimizing, than to overcoming, inequality.

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Yet in practice transitional and consolidating democracies often remain fragile and incomplete, lacking strong institutions essential for effective voice and accountability, including freedom of expression and widespread opportunities for civic engagement. What can be done to strengthen democratic development and, in particular what is the role of the media in this process? Part I suggests that the mass media will have a positive impact on good governance and human development if they function effectively as a watchdog holding the powerful to account and as a civic forum facilitating a diversi

The field of transitional justice, which investigates such questions, involves the philosophical, legal, and political investigation of the aftermath of war. This entry will provide an introduction to the central problems animating this relatively new field. It will do so by examining the history and difficulties associated with the operation of three important transitional policies: war crime tribunals, truth commissions, and lustration policies.[1] We will consider, among others questions, tensions between the desire for peace and stability after war and the importance of putting human right

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