

SHATTERED VOICES

Language, Violence, and the
Work of Truth Commissions

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The following is an abridged version of the introduction to Professor Phelps' new book, to be published by the University of Pennsylvania Press in spring, 2004.

In the winter of 1992 in London, I attended one of the first performances in English of *Death and the Maiden*, a play by Chilean writer Ariel Dorfman. Juliet Stevenson's brilliant depiction of Paulina Salas presented a transfixed audience with a compelling question: what happens when a new and tenuous democracy, of political necessity, turns its back on some of the victims of the regime it has replaced? Paulina is just such a victim, and the play provides a troubling answer.

The play takes place in an unnamed South American country and has three characters: Paulina, who was kidnapped and tortured by the oppressive regime some 15 years earlier; Gerardo, her husband, who was named to head the new president's commission charged with investigating the crimes of the past regime—but only those crimes that resulted in death; and Roberto Miranda, a stranger who spends the night at their remote house, whom Paulina recognizes (by his voice, as she was blindfolded during her torture) as the doctor who repeatedly raped and tortured her.

Paulina's already fragile emotional state is thrown into turmoil by her husband's appointment. Her kidnapping and torture will not be investigated because they are not considered to be among the "most serious" crimes committed during the dictatorship. For all official purposes, her pain and humiliation did not happen. The political process, she now discovers, promises only that her silence must continue. The new government, the government in whose cause she refused to give over names, including Gerardo's, will not take retribution for her.

Confronting the failure of legal state retribution, Paulina decides to take personal revenge. After the men have gone to sleep, she finds Gerardo's gun, ties up the doctor, and gags him. She then hides his car; in it she discovers a cassette recording of Schubert's *Death and the Maiden*, the very music that her torturer played repeatedly as he raped her.


When Gerardo awakens, he is, naturally, shocked at what Paulina has done and tries to explain the practicalities: "If he's guilty, more reason to let him go. Don't look at me like that. You want to scare these people and provoke them, Paulina, till they come back? Because that is what you're going to get. Imagine what would happen if everyone acted as you did. You satisfy your personal passion, you punish on your own, while the other people in this country with scores of other problems who finally have a chance to solve them, those people can go screw themselves—the whole transition to democracy can go screw itself—... Let him go, Paulina. For the good of the country..." Roberto Miranda, in his own self-interest, also presents a compelling argument against any action: "So we go on and on with violence, always more violence. Yesterday they did

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terrible things to you and now you do terrible things to me and tomorrow that same cycle will begin all over again. Isn't it time we stopped?"

Gerardo and Dr. Miranda are right, of course. The violence Paulina contemplates toward Miranda both mirrors and perpetuates the horrors committed against her. She remains enmeshed in a cycle of violence that may have no end. All the arguments are there: why dredge up the past and dwell on past wrongs? Why risk a backlash? Let bygones be bygones and move forward in a spirit of reconciliation. But Paulina's needs are personal, not political. She asks, "What about my good? . . . You're asking me to forget." She seeks, as do most victims, a rebalancing. Her torture took something from her that she wants to take back. The Latin root of retribution is *retribuere* meaning "to pay back" (*re* + *tribuere*). Adequate retribution for Paulina will pay back to her something that she lost as a result of the crimes against her.

Shattered Voices argues that what she lost was language. Paulina's ability to articulate her pain was taken away by her torture, and any adequate balancing she might achieve requires a restoration of that language. Pain and oppression destroy a person's ability to use language, and the rebalancing that is at the heart of revenge and retribution requires the recovery of that destroyed language. Near the end of the play, Paulina lays out for Gerardo her emotional response when she first heard Miranda's voice that night. At first she wanted an eye for an eye; she wanted someone to rape him: "But then I realized that wasn't what I really wanted. And you know what conclusion I came to, the only thing I really want?... I want him to confess. I want him to sit in front of that cassette-recorder and tell what he did—not just to me, everything, to everybody—and then have him write it out in his own handwriting and sign it and I would keep a copy forever—with all the information, the names and data, all the details. That's what I want." Paulina was surprised to discover that words were what she needed; she wanted Miranda's confession. She wanted the story of what happened to her to be heard and acknowledged.



So, what happens when a new and fragile democracy turns its back on some (or even all) of the victims of the regime it has replaced? The troubling and provocative answer that the play provides is this: if what happened to Paulina is ignored, if the state fails in its responsibility to exact retribution for her, she will take revenge into her own hands. If a new government turns its back on the victims, those victims will, in time, get their own back, becoming the perpetrators in the next stage of the cycle, the cycle of revenge that has no appropriate stopping place. If a state expects the Paulinas of the world to be the ones who make the concessions, it ignores critical truths about human history and psychology.

History shows us that revenge cycles end when the victims cede the right to take revenge to the state *and* the state properly fulfills this duty. That is, the victims are somehow satisfied that they have retrieved something they have lost. What they get back, of course, can in no way be commensurable with what was lost by the harm. Nonetheless, it must be, in some measure, *satisfying*.

Shattered Voices first looks backward at the evolution of private revenge into state retribution. It demonstrates that revenge was once at the heart of the idea of justice and that the taking of revenge was a noble duty. As nation-states emerged, that duty was given over to (or taken over by) central authorities and became state-sponsored judgment and punishment, but the human need for revenge continued to be acknowledged and served as the basis for state punishment. Revenge and justice continued to be aligned. Moreover, the giving over was tentative and reluctant and frequently taken back by the individual or family, especially in those instances in which the state failed to take retribution.

Thus, *Shattered Voices* lays the groundwork for the argument that a state *must* do something in response to wrongs against its people. Ignoring the needs of victims guarantees that the revenge cycle will continue. For all we know or think we know about revenge and retribution, we have not developed a way of thinking about alternatives to traditional violence for violence—whether personal or public. Our vision is limited by our history.

The center of the book's theoretical project is to explore whether there is any reason to think that stories can work as alternatives to traditional state-sponsored violence in the form of punishment. Can stories work this way in actual transitional democracies—countries that have few choices as to the action they take as they make the transition from a violent past? It analyzes the relationship between language and the violence that accompanies oppression, arguing that the appropriation and manipulation of language are central to the technology of oppression. It asks whether stories can do anything of value in the wake of such oppression. What are the relationships between language and power, language and pain, language and violence? Is language an appropriate balance

for violence and pain? Can having a story told and acknowledged possibly satisfy the emotional needs of victims? And, if so, what forms should this language take?

The question—can it work over the long term?—is not a theoretical one, and the stakes are high. Transitional democracies are faced with the concrete and pressing problem of how to deal with the past without destroying the future. History, recent and long past, has shown that cycles of revenge are indeed unending if dealt with in primitive and unthought-out ways. From southern Europe to Latin America, eastern Europe to South Africa, Rwanda and Bosnia, the solutions are varied and controversial. A fledgling democracy is in the process of building a new moral community. What ways of dealing with the past can best achieve this goal? A spectrum of solutions has been tried: trials, both national and international; exclusion from government posts; the opening of secret files; commemorations in art and ceremony; forgiveness and reconciliation; confrontations; and storytelling—truth commission reports.

Shattered Voices presents seven potential benefits of storytelling in the context of transitional democracies: (1) translating chaotic events into a story provides therapy for victims (a claim that is well-documented), but also the creation of story from experience is an essentially human activity that enables all of us to make sense of our lives; (2) the free and open telling of stories can reveal more truth than other responses, including trials; (3) the restoration of the ability to use language for oneself in one's own way balances the loss of language effected by oppression and violence and, thus, is a form of retribution in a basic semantic sense (a sense of the word that was lost as the philosophy of punishment shifted the focus from the victim to the perpetrator) of *giving back* that which was taken away; (4) stories can bring about communication between people who normally cannot understand each other; (5) the storytelling setting, in some circumstances, provides healing ritual, akin to *carnival*, in which the hierarchy is inverted and the people are empowered; (6) the stories are a visible manifestation of the invisible in a sacramental sense; and (7) the truth commission reports give the stories a plot (in the technical sense used in narrative theory) and result in the creation of a constitutive history for the emerging state. These seven benefits offer an expanded vision of the worth of stories for a transitional democracy, and they provide new and hopeful ways of thinking about and using such stories.

To clarify these points and to root them in actual commissions, *Shattered Voices* looks in detail at commissions and reports from four countries: Argentina, Chile, El Salvador, and South Africa, and asks this question: what kind of community does the report imagine and create? The book's final claim, and perhaps its most critical contribution, is that in the developing culture of ubiquitous truth reports,

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we need to become attentive to the form that these reports take. The form of the report and its use of victims' stories necessarily convey a political message to the citizens of the emerging democracy. *Shattered Voices'* theoretical framework and its analysis of prominent truth reports reveal that some reports are better than others. Why? To what forms should the writers of truth reports aspire?

Truth commission reports have only come into existence in the final decades of the twentieth century, and they are seen as filling a gap when countries do not have the will or the resources to pursue more traditional forms of justice: investigations, trials, and punishment. As time passes, though, truth commissions are criticized for doing as much harm as good. Critics claim that the commissions are a poor substitute for traditional "justice," an inadequate second-best, and that truth commissions and their reports encourage premature closure.

Shattered Voices not only refutes the first of these common criticisms, in fact, it maintains that truth commission reports may constitute a radically new kind of justice and are, in any event, a necessary component of any adequate understanding of justice. Justice is not a single event that occurs for once and for all—"we were harmed and now we have 'justice'"—but is, instead, an ongoing, dynamic process, of which storytelling is a vital part.

About the second criticism—that the reports are a rush to closure—*Shattered Voices* offers a cautionary word about narratives in general and the reports in particular: that they can tempt us to a comfortable sense of closure more appropriate to fictions than actual political and human situations. The book also engages two other potential problems: hearing or reading too many stories of violence may result in "psychic numbing," in which we shut off our empathetic response rather than feeling anything; and, the appropriation of people's stories of pain, for whatever well-intentioned reasons, is a morally and ethically problematic act. Stories can be used to promote a moral vision of the world in the interests of power and manipulation. Is it possible to fashion truth commission reports in such ways as to minimize their misuse in the interests of the new power structure?

Lingering doubts persist about the efficacy or propriety of language when confronting mass atrocity, that "radical evil seems to surpass the boundaries of moral discourse."^{*} When I set out to look at truth commission reports through the lens of narrative the-

ory (in a broad sense), I expected that such a view would provide a richer vision of the potentialities of the reports, and, indeed, this has proven to be the case. Truth commission reports are capturing the imagination because stories can achieve powerful ends, many of which have not been articulated or even brought into consciousness. *Shattered Voices* begins the process of uncovering what stories can achieve in the context of transitional democracy, whether they represent the simple drama of storytelling or something far more profound and significant.

Looking at the reports through narrative theory allows us to see their strengths and weaknesses in an apolitical way—as, after all, *stories*. *Shattered Voices* seeks to develop a theory about the role of language in revenge and retribution and in so doing makes several claims. First, given the historical and psychological evidence about revenge, putting the past behind by attempting to draw a bright line between the past crimes and the new government, in other words, "getting on with it" with no action, is unworkable and unwise. The metaphor of balancing is at the heart of discussions about revenge and retribution, a metaphor that we should consider and take seriously. When grievous harms occur, a rebalancing *will* occur whether it is orderly and lawful or disorderly and unlawful. Second, adequate government action need not be state-sponsored violence in the form of prosecutions; as Paulina discovered, *lex talionis* may not be the rule. At the same time, a state should provide or assist victims in finding alternative means of psychic support that provide the benefits sought in revenge: preserving self-esteem and honor, providing physical security, and satisfying the desire for justice. Third, in any case, state-enacted redress must not be decided upon from the top down; the desires and emotions of the victims must be taken into account and outlets provided for them. Fourth, language, if not necessarily the end-all of the retribution process, is requisite to any adequate balancing. This fourth claim has several implications that have to do with the work of truth commissions and, in fact, all other responses to an oppressive past, including trials. A solution is viable only if it provides an atmosphere in which storytelling and subsequent dialogue can flourish.

Gerardo's question—what would happen if everyone acted as you did?—is a compelling one to which we know the answer if we are attentive to history. Miranda's question—*isn't it time we stopped?*—is the contemporary humanitarian response. But Paulina's question—*what about my good?*—is too often put aside. What is Paulina's "good" and can it be achieved without bringing down the country? That's what *Shattered Voices* attempts to answer.

^{*} Carlos Nino, *Radical Evil on Trial* (New Haven, CT: Yale University Press, 1996), ix. This question is taken up in Saul Friedlander's *Probing the Limits of Representation: Nazism and the "Final Solution"* (Cambridge: Harvard University Press, 1992) in terms of the Holocaust, how narratives about the Holocaust and Nazism "[t]est implicit boundaries and...raise not only aesthetic and intellectual problems, but moral issues as well."