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Narrating Rape at The Truth and Reconciliation Commission in South Africa

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RTTERI001

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Declaration

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature

Date

Signed by candidate

26 March 2005

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26 March 2005

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ABSTRACT

The seven women who shared their stories of rape at the human rights violation hearings of the Truth and Reconciliation Commission ('TRC') in South Africa offer a nascent public record of women's experiences of rape under apartheid. This project is motivated by a desire to examine how these testimonies of rape were affected by explicit and implicit underlying narrative frameworks associated with the language of the TRC, and that of rape. In particular, this project analyses the extent to which the juxtaposition of these two frameworks at the TRC may have either enabled or constrained the seven women's narratives.

The scope of this project is limited to women's *narratives* of rape and does not attempt a comprehensive examination of socio-cultural reasons for rape's occurrence, the specificities of male rape or the underlying reasons why individuals elected not to testify at the TRC about rape. However, elements of each of these issues are covered within the project.

To achieve the above, I apply a qualitative, social constructivist approach, relying on the principles of narrative theory and analysis, to highlight the construction, violation and re-construction of both individual and collective narrative identities at the TRC hearings. General theories on narrative identity, including those of Alasdair MacIntyre and Paul Ricoeur, inform my approach. In tandem with my examination of the rupturing effects of trauma on narrative identities, I consider the therapeutic value of testimonies in re-constructing the narrative identities of women who have been raped.

I analyse the narrative framework of the TRC through examination of the language of the Promotion of National Unity and Reconciliation Act, (No. 35 of 1994), which explicitly linked the opportunity for victims to "tell their own stories" of gross violations of human rights to the concept of national reconciliation. I conclude that the language of "reconciliation through truth" explicitly informs the TRC narrative framework, while religious-redemptive and legal-procedural discourse implicitly informs that framework.

Subsequently, I examine the discursive elements associated with rape to construct a narrative framework of rape. I conclude that a woman's ability to articulate her story of rape depends in

large part upon the context of the narration and the available framework for storytelling. Thus, these narrations may be influenced by a variety of factors, including internalised feelings of shame or guilt and the need to assert one's 'credibility' in order for the story to be 'heard'.

Thus, this project concludes that these seven narratives of rape were influenced, moulded and ultimately constrained by the religious-redemptive and legal-procedural features of the narrative framework of the TRC. In particular, although reconciliation at the TRC was conceptualised as a bilateral process involving both victims and perpetrators sharing their stories, no perpetrators publicly spoke about their participation in rape. Even so, the TRC's language of reconciliation significantly framed and constrained women's articulations of rape. In addition, Commissioners' questions reflected common assumptions about rape and rape victims, which effectively constrained some of the women's narratives and implicitly questioned their 'credibility'.

This project highlights the need for a focused gender-sensitive approach to eliciting testimonies of rape, prior to the commencement of proceedings, in order to fully comprehend the ways in which such narratives may be both constrained and enabled within competing narrative frameworks. I also recommend that South African women's stories of rape be revisited in the future, in an environment more conducive to narrations of rape.

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"I want to congratulate the women who are here, because they dare stand up, they dare open those wounds... as they are speaking here today, they speak for many of us, like myself, who are still cowardly to talk about the experiences we went through.

When today they make their sobs, they must know that there's a flood of tears from those who did not even dare to come here today. They must know that when they make their sighs when they remember, that many of us are groaning inwardly, because we are not yet ready to make those outward sighs of the pain.

I speak as one of those. I speak, Chairperson, I could not sleep last night, because I sat with myself, I sat with my conscience. I sat with the refusal to open those wounds..."

-- Thenjiwe Mthintso, Chairperson of the Commission of Gender Equality, Johannesburg special women's hearing, 28 July 1997

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Chapter One:

⌘ INTRODUCTION ⌘

Across the globe, as repressive regimes gave way to more democratic governments in the “third wave”¹ of democracy and the atrocities of prior regimes came to light, new governments have found it necessary to confront massive human rights violations suffered by the victims of “dirty wars”, “disappearances” and other counter-insurgency operations. New democratic or successor regimes in this precarious political position have historically faced four choices in confronting the legacy of past violations: amnesia; blanket amnesty to perpetrators; prosecution of alleged perpetrators; or the establishment of an official truth-seeking mechanism, such as a ‘truth’ commission, in which victims are able to relate their stories of violence (Huyse, 1995: 52; Hayner, 2001: 10-14). This last option has increasingly been selected by new democracies as the method by which to redress the wrongs of the past. The Argentine journalist Horacio Verbitsky, when asked why it is necessary to reopen old wounds through a ‘truth process’, said, “Because they were badly closed. First you have to cure the infection, or they will reopen themselves” (quoted in Hayner, 2001: 133). Verbitsky expressed a view that had gained increasing currency during the closing decades of the 20th century; namely, that the traumas of the past had to be dealt with, and that this could best be done by allowing victims and perpetrators alike the opportunity to tell their ‘stories’.

However, in this process of bilateral storytelling, certain stories have invariably been marginalised or ‘silenced’. In particular, most truth commissions have been remiss in eliciting testimony from women about their experiences of violence, especially sexual violence (Hayner, 2001: 78). While more recent truth commissions, such as the one in South Africa, have recognised the need to actively seek out women’s testimonies for inclusion in their truth-seeking process, there has still been a disproportionately small number of women who have shared their stories, as are believed to have actually experienced sexual violence. Moreover, there has been a failure to actively explore the narrative significance and

¹ The “first wave” of democracy occurred post-World War II and the Nuremburg trials are considered the predecessor to most modern transitional justice initiatives (Brito, 2001: 3). The “second wave” occurred in the southern part of Europe in Greece, Spain and Portugal in the 1970s. The “third wave” began in Latin America in the mid-1980s, extended through Eastern Europe and reached Africa and Asia in the 1990s (Brito, 2001: 4). For discussion on second wave and early third wave cases, see Hertz, J. (1978) “On Reestablishing Democracy After the Downfall of Authoritarian or Dictatorial Regimes,” in *Comparative Politics* 10, pp: 559-62.

implications of women who *have* shared their stories of rape. This chapter delineates the prevailing need for an exploration into women's narratives of rape as they were told at the Truth and Reconciliation Commission ('TRC') in South Africa.

1.1 The Truth and Reconciliation Commission in South Africa

There have been twenty-one 'truth'² commissions since 1974³ that have operated globally in countries as diverse as Chile, Nepal and Burundi; among others⁴. The TRC in South Africa was part and parcel of a political compromise brokered in the negotiated settlement between the African National Congress ('ANC') and the apartheid government. The postamble of the 1993 Interim Constitution introduced the constitutional mandate for amnesty:

"In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past" (Interim Constitution, Act No. 200 of 1993).

Later, Parliament linked this amnesty condition to a victim-centred, truth-seeking process. The passage of the Promotion of National Unity and Reconciliation Act No. 35 of 1994 (henceforth, the 'Act') into law on 16 December 1995 created the Truth and Reconciliation Commission in South Africa. One of the central concerns of the TRC was to "promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past" by hearing victims' and perpetrators' stories of 'gross human rights violations' committed during the period from 1 March 1960 to 10 May 1994. The Act defined 'gross human rights violations' as "killing, torture, abduction/disappearances, severe ill-treatment, or the conspiracy to commit such acts" (the Act). By the December 1997

² These commissions have not always been called 'truth' commissions. They have also been referred to as "commissions on the disappeared", "historical clarification commission", etc (Hayner, 2001: 14)

³ This was the "Commission of Inquiry into the Disappearance of People in Uganda since the 25th January 1971".

⁴ These commissions have operated under different mandates and with varying degrees of 'success': for instance, the Bolivian truth commission in 1982, tasked with inquiring into "disappearances" of suspected "terrorists" and "revolutionaries" from 1967-1982, was disbanded before finishing, whereas the truth commission in Chad in 1990 provided insight into the involvement of foreign governments in the training and funding of human rights abusers. This Commission provided the only detailed, published report on human rights violations under former president Hissène Habré, which facilitated later prosecutions (Hayner, 2001: 59). For a detailed overview of each of the twenty-one commissions, see Hayner, P. (2001) *Unspeakable Truths* (New York: Routledge), pp: 32-71.

closing date for the submission of victim statements, 21, 298 statements concerning 37, 672 violations had been received⁵ (Truth and Reconciliation Commission of South Africa Report, Vol. 1, ch. 4: 166; henceforth 'TRC Report'). Ten percent of those – or approximately 2,000 victims – were given the opportunity to publicly testify⁶ (Ross, 2003a: 13).

While the TRC, in accordance with its mandate to deal with 'gross violations of human rights' did not primarily set out to investigate the structural and systemic aspects of apartheid, it did endeavour to address the social context in which apartheid operated through nine institutional and special hearings on different sections of state and society, including the legal community and how youths and women were specifically affected by the violence of the apartheid era⁷ (TRC Report, Vol. 4). Evidence from these hearings afforded a provisional understanding of the extent to which a culture of human rights violations had subsumed all levels of society during apartheid.

Yet according to some observers and analysts, these hearings did not address the fundamentally problematic feature of prioritising 'gross human rights violations' over a broader understanding of 'violation', which included the general policies and systemic practices of racial discrimination and apartheid. For example, one prominent critic, Mahmood Mamdani, argued that the TRC's focus on 'victims' and 'perpetrators' led it to exclude the 'beneficiaries' of apartheid – those 'bystanders' who thrived under the oppressive regime while others laboured to provide for such advantages. Mamdani believes that such an omission obscures the link between 'racialised power' and 'racialised privilege' (Mamdani, 1998: 17). The problems engendered by the TRC's focus on 'gross human rights violations' are even more salient when examining the special women's hearings.

⁵ Although the South African TRC submitted its report in October 1998, it in effect continued to work for several more years in order to complete the amnesty hearings and to formulate a reparations program (Hayner, 2001: Appendix 1, 297)

⁶ The largest number of these written statements came from the KwaZulu-Natal region at 9,506 with the second largest number coming from the Gauteng area at 3,511 (Boraine, 2000: 114). While 86.9 per cent of the statements came from the African population, only 1.1 per cent came from the white population. Most of the statements came from those aged thirty-seven and older with men primarily in the younger category and women mostly in the middle-aged to elderly age groups (Boraine, 2000: 115).

⁷ In addition, the TRC held several 'special hearings' focused on other key institutions such as the faith community, the health sector, business and labour, prison and the media. Additional hearings examined the activities of the 'Mandela Football Club', use of chemical and biological weapons against opponents of the apartheid government, compulsory military service and political party policies.

1.2 Creating a 'Safe Space' for Women

Apart from the submissions and testimonies by individual victims, the TRC had from its inception encouraged submissions from interested parties in order to facilitate the satisfactory completion of the truth-seeking requirement of the process. In May 1996, a month after the first public hearings commenced, gender researchers, Beth Goldblatt and Sheila Meintjes, prepared a detailed submission to the TRC in which they argued that the TRC should adopt a 'gendered' approach – looking at the way society locates women and men in relation to all areas of their lives – to the TRC hearings (Goldblatt and Meintjes, 1996: 2). The submission argues that while men's experiences are also gendered, it is women's voices that are most often 'silenced'. Specifically, Goldblatt and Meintjes' submission argued that women experienced gross human rights violations differently than men, in part because many of the assaults, such as rape, attacked their sexuality or sexual identity as women (Goldblatt and Meintjes, 1996: 3).

The submission concluded with a proposal for a variety of mechanisms designed to accommodate a gender-sensitive approach during the victim hearings. More specifically, it argued that the TRC should implement, a variety of suggestions, several of which were aimed at eliciting women's stories of rape, in particular: that rape victims should specifically be encouraged to testify; the restructuring of questionnaires so as to elicit questions of sexual violation; further gender-specific training of statement takers to prompt questions about rape; the utilisation of 'closed' hearings whereby women do not have to repeat their statements in front of television cameras⁸; and the use of expert testimony, in particular about sexual violence⁹ (Goldblatt & Meintjes, 1996: 35-7). These recommendations articulated the need for a significant change in the design and conduct of the public hearings, through a greater awareness of the distinct nature of women's stories.

⁸ Although the TRC offered the women the chance to testify 'anonymously', but then published their names on the transcripts, which were then available for purchase on CD-Rom or for free on the official website of the Truth and Reconciliation Commission.

⁹ Other suggestions included: that women should be able to testify on behalf of other women; the opportunity for women to have their statements taken by women; eliciting help from psychologists who have worked with abused women for advice on how best to address victims; the publicising of section 38 of the Act which binds all members and employees of the TRC to the preservation of confidentiality; the opportunity for women to testify as a group; and the hosting of a meeting with the press to encourage them to adequately cover women's experiences and the gender issues which arise during the course of the proceedings (Goldblatt and Meintjes, 1996: 35-37).

However, Goldblatt and Meintjes' suggestions were not readily implemented into the TRC proceedings. At the human rights violation ('HRV') hearings, the failure to incorporate a gender-sensitive approach resulted in a discursive invisibility in relation to the gender-specific effects of apartheid. In her detailed analysis of the TRC, Social Anthropologist Fiona C. Ross noted that although more than half of the 204 witnesses who testified in the first five weeks of hearings were women, they rarely testified about their own experiences of human rights violations (Ross, 2003a: 22). At this stage in the TRC proceedings, the skewed pattern of gendered participation and testimony posed a threat to the ability of the TRC process to provide the full 'truth' regarding gross human rights violations in its proposed account of South Africa's past.

Indicating some awareness on its part of this problem, the Commission sponsored two public meetings in June 1996 to hear suggestions from participants, who ranged from representatives of women's organisations to media personnel, on how best to solicit women's testimonies. At one of these meetings in Cape Town on 14 June 1996, Commissioner Mapule Ramashala delineated the problem of not hearing women's testimonies by stating, "Women are articulate about describing their men's experiences but are hesitant about themselves...if women do not talk then the story we produce will not be complete" (quoted in Ross, 2003a: 23).

After these two public meetings, the TRC began to integrate some of Goldblatt and Meintjes' suggestions into the structuring of later TRC hearings. The need for a 'complete story' prompted the Commission to create three 'Special Hearings on Women' held in Cape Town (7 August 1996), Durban (24-25 October 1996) and Johannesburg (28-29 July 1997) to facilitate the production of firsthand accounts of personal experiences of violation. These hearings represented an attempt to give voice to women by creating a 'safe' space in which to share their stories. There was no official¹⁰ women's hearing in the Eastern Cape, an unfortunate exclusion due to the high levels of violence committed against women in prison in that region (TRC Report, Vol. 4, ch. 10: 283; Graybill, 2002: 103). While there was no

¹⁰ The hearing in Mdantsane, an East London township, on 13 June 1997 has sometimes been referred to as a women's hearing (Krog, 1998: 248) because of the high number of women who testified about violations committed against them. However, that hearing was not an officially designated 'women's hearing'.

explanation given for this omission, the TRC Report acknowledged that, “the absence of a special hearing in the Eastern Cape could, in itself, distort the picture” (TRC Report, Vol. 4, ch. 10: 283).

Significantly, many Commissioners, as well as many gender activists were particularly concerned that women testify about sexual violation. The TRC Report stated that “given the close relationship between sex and gender, one of the more obvious differences in the way women and men might experience gross human rights violations is the extent to which they suffered from sexual violations, and the nature of those sexual violations” (TRC Report, Vol. 4, ch. 10: 296). In public discourse, rape was represented as an experience that women should testify about, and about which they would under certain conditions (Ross, 2003a: 24).

The prevalence of rape in South Africa may partially explain the emphasis on eliciting such stories. South Africa has been widely cited as having one of the highest numbers of reported rapes in the world (Human Rights Watch, 1995: 2). Police statistics, victim surveys and estimates by NGOs, such as the Rape Crisis Centre, provide current knowledge about the frequency and extent of violence against women¹¹. In 1988, a total of 19,368 rapes were reported to the South African Police Service (SAPS) and by 1994, the number of reported rapes had increased to 42,429 with a record peak of 50,481 reported cases in 1996¹² (SAPS). Nevertheless, women, in practice, seldom testified about their experiences of sexual violation in the TRC hearings while significantly, men were not called upon to testify about their experience of sexual violation¹³.

Despite the provision of these special hearings, only twenty-six women spoke directly about their own experiences of gross human rights violations and of these twenty-six, seven related

¹¹ Statistics about the prevalence of sexual violence have been problematic and there are as of yet, no conclusive and reliable numbers. The statistics cited are based on empirical evidence and in the absence of definitive statistics about sexual violence, among the most reputable in calculating the rate of sexual violence in South Africa.

¹² There could be two potential reasons which taken together may possibly explain the upsurge in reporting: an enhanced capacity to report sexual violence engendered by the new South Africa’s emphasis on gender equality, which may have empowered more women to document their violation; or an actual increase in violence, which may be symptomatic of the upheaval of a society undergoing social transformation, urbanisation, globalisation and class changes. I would argue that it was probably a combination of the two factors.

¹³ In reality, men did experience various forms of sexual abuse during the Apartheid years, particularly within detention facilities, but it was only women’s stories of sexual violation that Commissioners explicitly expressed concern about in the course of the victim hearings. See Chapter Five of this project for an elaboration of the discrepancy between eliciting men and women’s stories of rape.

experiences of rape. Presupposing, as the TRC did, that rape constituted a crucial aspect of women's experiences under apartheid, the small number of women's testimonies of rape represents a gaping hole in the formulation of truth and the completion of the Commission's objective of "establishing as complete a picture as possible" (the Act), which may be due, in part, to the problem of classifying rape as a 'gross human rights violation'.

1.3 The Problem of Rape as a 'Gross Human Rights Violation'

In terms of its mandate and general discursive approach, the Commission was constrained to consider sexual violence and rape primarily in terms of the different categories of 'gross violations of human rights' (TRC Report, Vol. 4, ch. 10: 287-88). Within that working definition, the TRC classified rape, "regardless of the circumstances under which it occurred", in addition to solitary confinement, as 'severe ill-treatment'¹⁴ (TRC Report, Vol. 4, ch. 10: 296).

I posit that embedding rape into the vague category of 'severe ill-treatment' along with other diverse forms of harm obfuscated specific cultural, social and historic understandings of sexual violation. The TRC Report acknowledged, "the definition of gross violation of human rights adopted by the Commission resulted in blindness to the types of abuse predominately experienced by women" (TRC Report, vol. 4, chap. 10: 316). From the perspective of broader discourse on sexual violence, this discursive location of rape is highly problematic; indeed, the classification of rape as a particular form or instance of 'gross human rights violation', and more specifically as 'severe ill-treatment' constitutes a conceptual quagmire.

Rape seemingly did not warrant singular attention. In practice, 'severe ill-treatment' became a residual and non-descript category for all those violations that did not include "killing, abduction or torture" – the only three specified forms of gross human rights violation. Coalescing rape with other divergent violations, such as solitary confinement, under the rubric of 'ill-treatment' negates the specific complexities of rape and hence, an understanding

¹⁴ For a detailed analysis of the category of 'severe ill-treatment' see Burton, M. (2000) "Making Moral Judgments" in Villa-Vicencio, Charles and Wilhelm Verwoerd (eds), *Looking Back, Reaching Forward* (Cape Town: University of Cape Town Press) pp: 80-82.

of rape – a key obstacle in eliciting women’s testimonies of rape. As such, some women may not have classified their assault as a ‘gross human rights violation’ and may have elevated the suffering of other individuals above their own (Goldblatt and Meintjes, 1997: 10-11).

The assimilation of rape within severe ill-treatment as a sub-category of gross human rights violations raises methodological, as well as practical considerations in regard to my project. Only seven women spoke directly about rape, which may have been in part due to the ambiguity of what constituted ‘severe ill-treatment’. Statement-takers often did not directly ask victims if they had experienced sexual violence; there was no categorical construct in which to include rape; rape inconsistently emerged from Commissioners’ testimonial interventions and frequently depended upon Commissioners’ sensitivity to the issue (Ross, 2003a: 88). As stated by HRV Committee member Pumla Gobodo-Madikizela, “Severe ill-treatment doesn’t include a whole range of abuses that it should, particularly in relation to women. Women have been abused psychically and emotionally. While the definition does have room for this, it is interpreted by legal people who tend to steer away from any feeling-related subjects” (as quoted in Owens, 1996: 68).

This quandary of rape as a gross human rights violation at the TRC motivates my research question and design in my concern for critically analysing the assumptions, significance and implications of women’s testimonies of rape at the TRC hearings.

1.4 Research Question and Design

It will be a central objective of this dissertation to find ways of exploring these underlying tensions and conflicts in the TRC process, more especially as they affected women’s testimonies at the victim hearings. To this end, the research question of this dissertation will be concerned with the particular ‘narrative framework’ which informed the TRC’s HRV hearings. It will also be concerned with possible other narrative frameworks involved in women’s testimonies of rape. My primary concern will be with the ways in which the juxtaposition of these two narrative frameworks, that invoked by the TRC in its victim hearings, and that suggested in the sexual violence literature, are or are not similar and

complementary or perhaps inconsistent and antithetic to each other. Thus, it is common cause that both narrative frameworks rely on the significance of allowing or enabling women to “tell their own stories” of sexual violence and rape, and that they also share similar assumptions about the healing and therapeutic functions of doing that.

However, the specific terms in which such processes of narrating rape and sexual violence are conceptualised, as well as their conditions and objectives, may differ significantly. Thus, for example, the TRC was concerned to get the victims of human rights violations to testify at the HRV hearings as part of a process of individual, communal and national reconciliation. While the sexual violence literature may agree on the significance for women to break the silence and tell their stories of rape and sexual violence, it does not necessarily share the TRC’s perspective on victims, truth and reconciliation.

Accordingly this thesis will set out to explore such questions as the following:

- What was the explicit or implicit narrative framework underlying the TRC’s HRV hearings?
 - What were the distinctive features of this narrative framework?
 - To what extent did it enable or constrain the testimonies of women about sexual violence and rape? (These questions will be the main focus of Chapter 3).
- What explicit or implicit narrative frameworks have been suggested in the literature on rape?
 - What are the distinctive features of this narrative framework and how do these compare with that of the TRC narrative framework?
 - To what extent is this narrative framework similar or complementary to, or antithetical and in tension with, the TRC narrative framework? (These questions will be the main focus of Chapter 4).
- To what extent did either of these narrative frameworks inform the actual testimonies of women at the TRC’s victim hearings in enabling or constraining ways?

- Do these testimonies indicate the consequences of possible narrative tensions between the different narrative frameworks involved?
- How then should these women's testimonies narrating their experiences of rape at the HRV hearings be best understood, and what conclusions may be drawn regarding the silences and tensions in these testimonies? (This will be the main focus of Chapter 5).

It will be my contention that the women's stories of rape that emerged from the public hearings occupied an embedded and tenuous position between the narrative framework of the TRC and that of a narrative framework associated with rape; featuring characteristics of both, the stories of rape told to the TRC represented an inchoate compromise between these two narrative frameworks.

Thus, I will engage in both an 'internal' and an 'external' critique of the TRC. From an internal perspective, the TRC sought to link 'voice' and 'story-telling' with the 'restoration of human and civic dignity'¹⁵ as a means by which to promote individual and national reconciliation, both 'thick' and 'thin'¹⁶. It is arguable that the TRC faltered in this respect in terms of its own stated objectives and principles with regard to some of the women who narrated their stories of rape. Analysing the TRC from an external critique, the TRC's stated objectives may be shown to conflict and clash in several respects with the narrative framework of rape, which may have been problematic for women narrating their story of rape at the TRC.

In Chapter Two of this dissertation, I set up the concepts, approaches and theoretical analyses that I will use and refer to during the rest of the project. I am adopting a constructive qualitative and narrative analysis approach to women's testimonies of rape. In particular, I utilise the notion of 'narrative identity' in concomitance with my proposition that selves are narratively constructed and, with reference to personal narratives of women who testified at

¹⁵ See Achille Mbembe (2000) for a discussion of the relationship between voice, the restoration of dignity and the constitution of the subject in post-slavery and post-colonial discourse in Africa.

¹⁶ 'Thick' reconciliation has been defined as religious with elements of confession, forgiveness, sacrifice and redemption while 'thin' reconciliation has been associated with more secular and national concerns (Wilson, 2001: 121-2).

the TRC, I consider the ways in which subjectivities and identities are negotiated in stories of rape.

In Chapter Three, I elucidate the TRC narrative framework as analysed by various TRC analysts and specifically, Richard Wilson. In Chapter Four, I examine the narrative framework of rape and in particular, discursive elements associated with narrations of rape. In Chapter Five, I employ the transcripts and submissions from the HRV hearings, in addition to newspaper articles, to construct an applied analysis of women's stories of rape. Chapter Six offers concluding thoughts about the intersection of the TRC narrative framework and the narrative framework of rape in relation to women's narratives of rape, arguing that stories of rape operated as a specific and localised narrative framework which juxtaposed with the TRC narrative framework, constrained and inhibited the narratives.

1.5 Survey of the Literature

Despite the substantial and growing literature on the TRC, minimal attention has been paid to the relationship between gender and the TRC, and even less attention has been given to rape as a specific form of gross human rights violation that women, in particular, experienced. There have been numerous articles and studies written on the prevalence of rape in South Africa (Vetten, 1999; Goldblatt and Meintjes, 1997; Human Rights Watch, 1995; Vogelmann, 1990), its effects (Herman, 1992; Koss and Harvey, 1991) and the wider cultural and social factors associated with its occurrence (Sideris, 1997; Ward, 1995). At best, we find some sporadic references to gender and/or rape in relation to the TRC (Ross, 2003a, 2003b; Goldblatt and Meintjes, 1997), but few, if any, make any attempt to investigate rape and sexual violence as a human rights violation from a sustained narrative analytical perspective. Thus, this project attempts to bridge the gap between narrative analysis, rape and the TRC. However, prior to developing my own analysis, it is necessary to provide a survey of those texts, which do, to some extent, explore the subject of the TRC, rape, and the relationship between the two.

1.5.1 Literature on the TRC

The starting point for examining literature on the TRC must be the transcripts of the HRV hearings. The entirety of the victims' hearing transcripts may be found on the *CD-Rom of the Truth and Reconciliation Commission Website, November 1998*, along with several of the amnesty transcripts, press reports and other TRC-related material. In addition, the five-volume report *Truth and Reconciliation Commission of South Africa Report* published in October 1998, contains a historical overview of the levels and types of violence under apartheid and "window cases" of victims' testimonies.

In addition, there have been a number of texts written by former commissioners of the TRC. For example, the memoir of Archbishop Desmond Tutu, *No Future without Forgiveness* (1999), recalls his role as the Chairperson of the TRC. In the book, he details his belief in a "third way" that could bridge the gap between victims' desire for retribution and the pragmatic constraints of the negotiated political settlement (Tutu, 1999: 33). His memoir overwhelmingly confirms his belief that the conflicts of South Africa's past could be transcended through forgiveness. Former deputy chairperson of the TRC, Alex Boraine, offers his insider perspective on the TRC's conception, planning, inner tensions, personalities and eventful life in *A Country Unmasked* (2000). This text provides an invaluable framework for understanding the TRC and relating it in practical and philosophical ways to the struggles for truth, justice and reconciliation.

Richard Wilson's *The Politics of Truth and Reconciliation in South Africa* (2001), provides a valuable critique and analysis of the TRC's emphasis on reconciliation through his examination of the impact of the TRC's restorative justice approach to healing on the African townships of the Vaal region to the south of Johannesburg. Wilson argues that the TRC's emphasis on truth telling and 'reconciliation' had little effect on popular ideas of justice as retribution. Richard Wilson's analysis points to three distinct narratives on reconciliation that permeated and informed the TRC proceedings. These narratives will be the sustained focus of Chapter Three.

1.5.2 Literature on Rape

Literature on rape is domain-specific and within each domain, the points of emphasis in relation to rape differ (Artz, 2001: 5). While it is simply beyond the scope of this project to provide a survey of the vast and complex literature on rape, the texts discussed below are particularly relevant to discussions of rape, and narratives of rape.

During the latter part of the twentieth century, feminists began advocating for rape to be conceptualised as a crime of violence, rather than as a sexual act (Brownmiller, 1975: 12). In *Rape: The Power of Consciousness*, Susan Griffin argues that rape was “an act of aggression in which the victim is denied her self-determination. It is an act of violence which, if not actually followed by beatings or murder, nevertheless always carries with it the threat of death” (Griffin, 1979: 3). In her landmark book on the subject of rape, *Against Our Will: men, women and rape* (1975), author Susan Brownmiller constructed a large-scale grand historical narrative by amalgamating stories of ‘historic’ rapes starting in sixteenth century France through to the modern mass rape-murders of a Boston strangler. In fusing these stories together, Brownmiller delineated the history of rape and the power dynamics inherent in an act of rape.

Moving from literature on rape, in general then, to key texts relevant to the narration of rape, Ken Plummer’s *Telling Sexual Stories* (1995) thoroughly examines the narrative elements of rape stories and suggests the social and political role that stories play and the social processes through which they are constructed and consumed. In specific relation to women’s testimonies of rape in a legal context, Jane Bennett of the University of Cape Town examines the specific problem of ‘credibility’ and ‘plausibility’ in her article, “Credibility, plausibility and autobiographical narrative: some suggestions from the analysis of a rape survivor’s testimony” (1997). In particular, she examines the inhibiting and detrimental effect that having to prove one’s credibility may play on a woman’s narration of rape.

1.5.3 *Literature on Gender and the TRC*

The vast majority of articles written about gender and the TRC have criticised the TRC for failing to procure women's testimonies; however, they did not give substantial attention to rape in particular. In those articles, which do discuss rape, the writers have generally focused on the social constraints for speaking out about sexual violation (Goldblatt and Meintjes, 1997) or the broader relationship between political/sexual violence and public and private violence (Sideris, 2000). When explanations have been offered for the lack of women's testimony on sexual violence, the explanations are usually couched in those social and cultural factors, which may have hindered women's willingness to testify, rather than a detailed examination of the narrative frameworks associated with the TRC and rape.

As previously mentioned, Beth Goldblatt and Sheila Meintjes' submission to the TRC, "Gender and the Truth and Reconciliation Commission" (1996) influenced the structuring of three special women's hearings. Defining gender as the social construction of masculinity and femininity, Goldblatt and Meintjes argued that women are accorded identities which cast them in particular social roles and have restricted their civil and political status on the basis of the 'public-private' divide (Goldblatt and Meintjes, 1996: 23). Goldblatt and Meintjes situate women as direct and indirect victims of apartheid and include recommendations for incorporating a 'gendered' approach to the HRV, Amnesty, and Reparations and Rehabilitation Committees (Goldblatt and Meintjes, 1996: 37).

The primary text on gender and the TRC is Fiona C. Ross' *Bearing Witness* (2003), which analyses the gender dimensions of the TRC from a social anthropological and ethnographic perspective. Ross' work is based on a combination of primary field research done in Zwelethemba, a township located in Worcester, and the transcripts of women political activists at the public TRC hearings. Ross points out that women spoke mainly of men's sufferings in their testimonies and rarely vocalised their own experiences of human rights violations (Ross, 2003a: 17-18). She then questions how suffering is given a voice and acknowledged and argues convincingly for attention to be paid to the process of 'listening', suggesting that women's testimonies are complex and necessitate careful navigation between 'silence' and 'voice' (Ross, 2003a: 50).

Ross' examination of the gendered dimensions of the TRC does not specifically focus on rape. Her most sustained examination of the topic occurs in conjunction with the testimony of Yvonne Khutswane, who spoke at the Worcester human rights violation hearing in July 1996 about being sexually assaulted, but not raped, by the police (Ross, 2003a: 80). Ross examines how testimonial interventions that occurred between Khutswane and Commissioner Pumla Gobodo-Madikizela shaped Khutswane's story of sexual violation and how subsequent to the testimony, Khutswane's story of multiple harms, which included torture and detention, became winnowed down to a 'simple' tale of sexual violation (Ross, 2003a: 87-93).

While I do refer to Ross' research throughout my dissertation, my project diverges from her work in significant ways. For instance, I focus solely on rape as a particular form of gross human rights violation, while Ross broadens her study to include the multivariate forms of harm that women experienced under apartheid. In addition, I deviate from her anthropological perspective in my adaptation of a social constructivist and narrative analytical approach to my examination of rape within different narrative frameworks.

There are substantial gaps in the literature on the relationship between gender and the TRC and specifically, between rape and the TRC. My dissertation is motivated, in part, by a desire to begin to fill that need.

1.6 Specificities and Limitations to the Scope of this Study

Prior to examining the narrative frameworks associated with women's testimonies of rape at the TRC's victim hearings, a few caveats are necessary to stress the specific and limited objectives of this research question.

Firstly, my study does not aim to provide a factual description or explanatory account of patterns of violence and rape in South African society at large or in comparative perspective, nor does it set out to explain the disproportionate nature of women's testimonies regarding sexual violence and rape. There were numerous overarching personal, social and cultural

factors which may have hindered a woman's ability and desire to share such intimate tales of suffering with the local and global audiences of these public hearings. Thus, the goal of this project is not primarily to explain why more women did not testify about rape, but to highlight the narrative dissimilitude and tensions between the two frameworks when they did testify, and to explore the significance and consequences of such narrative tensions.

Secondly, my study does not seek to establish the historical, or factual truth, of the women's claims about rape in their testimonies at the TRC hearings, nor with the extent to which this might be representative of sexual violence and rape against women more generally.

Thirdly, this study is not meant to provide a case study of women's testimonies about rape and sexual violence, which might be compared to similar and dissimilar cases elsewhere.

Fourthly, the narrative frameworks of the TRC and rape are reconstructed and utilised as analytical frameworks, informing and underlying the TRC's hearings and women's testimonies. These two frameworks are not intended to encapsulate the entirety and complexity of all narratives or the intricate patterning of particular testimonies of rape. They are analytical constructions providing a structure for interpreting the data produced in women's stories of sexual degradation; there can be no suggestion that they were rigidly adhered to in any individual's testimony.

Fifthly, I have focused this project solely on the testimonies of those women who testified at a public hearing about their firsthand experience of rape. I do not include the testimonies of women who made reference to their second-hand knowledge of rapes that occurred to other women. In addition, I have elected not to examine other forms of sexual violation, such as, being denied sanitary pads during menstruation, or being assaulted while pregnant. This decision was based in part on the TRC's explicit bifurcation of "rape or threats of rape and other forms of sexual abuse" from the abuse of "biological functions such as menstruation and childbirth" (TRC Report, Vol, 5, ch. 10: 256). Moreover, the TRC Report categorically and specifically states that, "the Commission regarded rape as 'severe ill-treatment'" (TRC Report, Vol. 4, ch. 10: 296). Thus, in examining rape within the ambit of severe ill-treatment, other forms of violation experienced by South African women during apartheid, while important, fall outside the scope of this project.

Sixthly, many individuals who testified at the TRC feel understandably exhausted by the many researchers and journalists who wish to speak with them about their experience at the TRC (Ross, 2003b: 330). The issue of invading the privacy of these women would arise primarily if I were investigating the actual cases of rape and their causes and consequences. However, my analysis is concerned with the women's *testimonies* at the TRC and the *narratives* of rapes generated in that context. In so far as these testimonies were recorded and in the public domain, this project required a close reading of their testimonies, but did not necessitate any further invasion of the women's privacy.

Seventhly, there are numerous translation errors throughout the testimonies. Victims were able to testify in a language of their choice and their testimonies were simultaneously translated into English, Afrikaans and one other major language (*CD-Rom of the Truth and Reconciliation Commission Website*, November 1998). However, interpreters often had trouble translating the idiomatic patterning of the African languages into English. In addition, transcribers also made errors in typing the written transcript of orally rendered testimonies. Thus, translation errors of the TRC testimonies occurred at two levels: interpretation and transcription. For the purpose of uniformity, I have not interfered with these errors, but have left them intact. Where quotes contain such errors, they are literal citations directly from the transcripts from which they originated.

Finally, while this project necessitates taking an often critical look at the TRC's approach for eliciting stories of rape, the goal is not to criticise the TRC, but instead to provide a better understanding of the role of the TRC's narrative framework, in both enabling and constraining women's testimonies at the HRV hearings, and more specifically at the relationship between that narrative framework and the narrative framework of rape. A better understanding may help inform and enhance future truth-seeking mechanisms' ability to elicit and handle stories of sexual violation. Women's experiences of sexual violation must be seen as an essential element in efforts to redress a country's horrific past and to close the festering of open societal wounds, thus allowing victims to envision and realise a collaborative and united future; one of the stated goals of the TRC.

Thus, this project is concerned with analysing the women's testimonies at the TRC hearings as *narratives* of rape and sexual violence. This project examines the significance,

assumptions and implications of the TRC and sexual violence narrative frameworks and *not* the causes or consequences of sexual violence, as such. In analysing these testimonies with reference to these underlying narrative frameworks, I will examine how these narrative frameworks both enabled and constrained women's testimonies of rape, by first examining the integration of their experience of rape into a cohesive narrative identity.

theoretical construct in order to investigate the women's construction, violation and re-construction of their narrative identities.

2.1.1 Qualitative Approach

A qualitative approach to this project is most appropriate and relevant for analysing women's narratives of rape at the TRC. Qualitative research is intrinsically linked to a particular context whereas experimental quantitative research consciously operates outside that context and will often manipulate the setting of the study (Mason, 2002: 45; Silverman, 2000: 8). As such, a particular qualitative context-dependent study does not have methodological objections against using a limited sample number of testimonies whereas the use of a small sample of testimonies in a quantitative context-independent study, aimed at reaching general conclusions, would be highly problematic (Bryman, 2001: 4; Chambers, 2000: 12). This project investigates women's testimonies of sexual violation as they occurred in the particular context of the TRC process, which makes a qualitative perspective preferable to a quantitative approach.

Furthermore, in my concern for gaining an understanding of women's narrative identities, a causal investigation, with its emphasis on the systematic investigation of cause-and-effect relationships, did not seem the appropriate method. I adopt a holistic perspective, reflective of a qualitative approach, in my concern for the opinions, experiences and feelings of the women who testified at the TRC as opposed to certain quantitative research methods, such as content analysis, which depend more on the researcher's ability to identify a set of variables (Seale, 1999). The use of content analysis – with its concerns for coding data to obtain counts of words, phrases or word-phrase clusters for purposes of statistical analysis – in my examination of women's testimonies would not have offered me an understanding of their narrative construction, violation and re-construction of identities. In sum, as a qualitative research method is concerned with meanings and interpretation as objects of investigation, it is uniquely situated for an examination of women's testimonies of rape at the TRC.

While qualitative analysis encapsulates a variety of sundry approaches, the one most appropriate for this project was social constructivism. The next section offers an introduction

to the central notions of social constructivism and discourse analysis as theoretical background for the applied narrative analyses to follow.

2.1.2 Social Constructivism

Social constructivism is particularly appropriate as a theoretical framework for a narrative analysis of women's testimonies of rape since the notion of the narrative construction of identity has been a central concern of the social constructionist approach since its beginnings. Within this sub-section and sub-section 2.1.3, I situate two complementary methodologies – narrative analysis and discourse analysis – as tools of social constructivism as a general theoretical framework.

The aim of a constructivist qualitative analysis of narratives is not to perform a stylistic, grammatical, or purely linguistic analysis of texts, but to develop an appropriate methodology for reading narratives in search of a better understanding of the narrators' construction of their self-identities. Social constructivism contends that all phenomena are socially and culturally constructed. More specifically, social constructivism challenges the idea that identities are given naturally and/or produced solely through acts of individual will. As stated by Gergen, "Our present identity is not a sudden and mysterious event but a sensible result of a life story...such creations of narrative order may be essential in giving life a sense of meaning and direction" (Gergen, 1994: 187). By thus arguing for the fluidity of identities, social constructivism aims to restore the power of practice and agency to individuals (Burr, 1995: 3).

In her book, *An Introduction to Social Constructionism*, social psychologist Vivien Burr describes the central propositions of social constructivism in theory and practice. In conjunction with her examination of 'personality', Burr argues that social constructivism is 'counter-intuitive' because it challenges the assumption that individuals exist as autonomous beings whose emotions are 'intimate', 'spontaneous' expressions of an inner self (Burr, 1995: 1). Instead, social constructivism focuses on how the development of an individual's concept of 'self' is constructed in and through interactions with others and particular social practices.

Burr posits four fundamental tenets of the social constructivist position (1995, 2-5). First, researchers must adopt a critical stance towards all assumed – or ‘taken-for-granted’ – knowledge of the world as a given and objective reality. Burr argues that the world does not simply present itself objectively to the observer, but always as understood through human experience. This epistemological challenge results in a critical attitude towards ideas of the social and cultural world’s ‘naturalness’; on the contrary it is commensurate to the claim that any given culture’s ‘naturalness’ is socially constructed.

Since the human experience is always situated and contextualised, the second assumption of the social constructivist position argues that researchers must proceed sensitively with regard to the historical and cultural specificity of the data (Burr, 1995: 4). An individual’s understanding of the world is temporally and spatially contextualised; the means by which language classifies things emerges from social interaction within a group of people at a particular time and in a particular place. Thus, categories of understanding are situational.

Third, social constructivism suggests that knowledge is produced through social interaction between people or, in other words, particular social processes sustain knowledge. Language is crucial in this process of constructing a ‘shared’ version of knowledge. Thus, given the differences not only in syntactical, but also in the semantic and conceptual structure of natural languages, numerous possible ‘social constructions’ of the world are possible (Burr, 1995: 5).

Fourth, Burr proposes that differences in knowledge correspond with patterns of social action. Discursive knowledge structures are possible ways of practising in any given place and time. Reality is socially constructed by interconnected patterns of communicative behaviour. Within a social group or culture, reality is defined not so much by individual acts, but by complex and organised patterns of ongoing social interactions and practices. If people’s understanding of the phenomena changes, the social actions related to it may change concurrently (Burr, 1995: 5). Thus, the fundamental tenet of social constructivism is that there is no essential or stable essence inside things or subjects that determine their ‘nature’. Social constructivism encompasses various positions, which all share a common epistemological scepticism about the nature of ‘facts’ and view knowledge contextually and

historically with a particular concern for language in the construction of meaning, rather than with measurement and prediction of behaviour (Burr, 1995: 32).

For our purposes, a key significance of social constructivism as a theoretical framework is its rejection of any essentialist understanding of the self as a static entity with a stable core. Social constructivism directs attention to how meanings and identities are constructed through ongoing social processes and in particular languages; as such it is concerned with the analysis of processes rather than of structures (Burr, 1995: 8, 15). The self is thus seen as a 'relational self' constituted through, and by, enacting language exchange (Gergen, 1994: 190). Therefore, the social world in general and the identity of the self in particular should be conceived as a narrative construction:

“People communicate to interpret events and to share those with others. For this reason it is believed that reality is constructed socially as a product of communication...Our meanings and understandings arise from our communication with others...How we understand objects and how we behave towards them depend in large measure on the social reality in force” (Littlejohn, 1992: 190-1).

Moreover, human beings respond not to physical objects and events themselves, but to the meaning of those events. Meaning is not a property of the objects and the events themselves, but a narrative construction.

Social constructivism argues for epistemological relativism in which there can be no truth beyond language and cultural production. Thus, “there exists no truth but only numerous constructions of the world, and which ones receive the stamp of ‘truth’ depends upon culturally and historically specific factors” (Burr, 1995: 81). As such, notions of ‘truth’ and ‘knowledge’ engender questions about the nature of power in subjective discourses, the subject of the next section.

2.1.3 Power and Discourse

Discourse analysis is associated with social¹⁷ constructivism, which is not actually a method for investigation, but is rather a theoretical frame of reference regarding social reality¹⁸ (Luomanen, 2003: 2). As a methodology, it takes into account the key assumptions and implications of social constructivism. My research is based upon the theoretical claim that discourse is an element of social life, which is dialectically interconnected with other elements, and may have constructive and transformative effects on other elements. As such, discourse analysis contributes to research on social processes, such as the TRC, which is the social structural context of my research.

Discourse is an element of all social processes, events and practices; it figures prominently in social relations of power and ideology (Fairclough 1992: 4). Discourse is a way of constructing the meaning of a particular object in any given time and space. Foucault's influential notion of discourse is concerned with the politics of making language; the social consequences that a given system of representation have for a given culture's possible ways of thinking, practising and constructing identities, subjectivities and places. Foucault said, "knowledge is linked to power, it not only assumes the authority of 'the truth' but has the power to make itself true" (Foucault, 1997: 47). Discourses construct the world; there can be no 'truth' outside the contingent play of discourses, which are historically and culturally specific and always intertwined with power (Foucault, 1980: 3). As examined in Chapter Four, the concept of power in discourse is vital to analysis of narratives of rape.

Discourse provides individuals with the very constitution of 'meaning'; our knowledge and understanding of events, objects, ideas and actions is related to us by discourse (Fairclough, 1992). Furthermore, as elucidated by Burr, at any particular moment and place there will be disparate and often conflicting discourses, each of them declaring that their story is the 'truth' (Burr, 1995: 49). This element of discourse analysis particularly resonates with my

¹⁷ Constructivism may be divided into several branches: 'conventional' and 'critical' (Hopf, 1998), 'neoclassical', 'postmodernist' and 'naturalistic' (Ruggie, 1998: 35-6), 'thick' and 'thin' (Zehfuss, 2001).

¹⁸ Discourse analysis may also be associated with semiotic analysis, rhetoric analysis and ethnography (Luomanen, 2003: 3).

analysis of the problematic features of narrative truth when considering women's testimonies of rape.

2.2 Theoretical Conceptualisation

In this project, I distinguish between narrative as an abstract and general theoretical construct, on the one hand, and as an operationalised concept for purposes of applied analysis of the women's testimonies at the TRC, on the other hand. In terms of the terminology, this is achieved by using the term 'story' for the general phenomenon as an object of analysis while using 'narrative' for the theoretical construct. This necessitates an elucidation of the key theoretical concepts employed in this project, including 'narrative', 'story' and 'narrative identity' to elaborate the distinction between narrative as phenomenon and as research method. However, it is first necessary to discuss the theoretical concepts of narrative analysis.

Narrative analysis has become an increasingly influential qualitative tool in the social sciences and humanities. It focuses on the ways in which people make and use stories to interpret and describe the world, and the self, and takes as its object of investigation the story itself and looks at that through constructed social theories around different forms of telling about a person's experience (Bruner, 1990: 51). Thus, narrative analysis is not concerned with the content or "truth" of stories but with their structure, function and genealogy. The primary way individuals make sense of experience is by casting it in narrative form (Bruner, 1990: 2). Individuals construct linkages between past events or actions and later outcomes in personal narratives to claim sustained identities over varying circumstances, and so make sense of their lives.

Narrative analysis emphasises the structure of human agency and imagination, which makes it an appropriate methodological tool for studies of subjectivity and identity. Narrative analysis views narratives as social products that are produced by people in the context of specific social, historical and cultural locations. If narratives are viewed as *products* of social *processes* than analysis may proceed by reconstructing these underlying discursive and

narrative processes. This makes it particularly adept as a theoretical concept for illustrating the narrative complexities engendered by women's testimonies at the TRC.

2.2.1 Elucidation of the Terms 'Narrative and 'Story'

Prior to delving into key contemporary theories of narrative identity, it is first imperative to unpack and elucidate the concepts of a 'narrative' and a 'story' in order to clarify the significance of these terms. The word "narrative" comes from the Indo-European root 'gna' and the Latin *narraare*, which means both 'to tell' and 'to know' (Mitchell, 1981: 164). Narrative then implies a claim to a distinctive kind of knowledge, linking these two notions.

I take Hinchman and Hinchman's definition of 'narrative' as the starting point for my conceptualisation of the term: "discourse with a clear sequential order that connects events in a meaningful way for a definite audience, and thus offers insights about the world or people's experiences of it (Hinchman and Hinchman, 1997: xvi). From a feminist perspective, a narrative provides the opportunity to tell 'another story' – a woman's story – by allowing for the unravelling of social injustice and gendered power relations (Davies, 2003: 4-5).

The terms 'narrative' and 'story' are often coalesced when conducting analysis into the construction, violation and re-construction of narrative identities. According to Scholes, when the telling of an event is given a certain kind of shape and level of human interest, then a story is created (Scholes, 1966: 8). Stories, testimonies and tellings are "particular instances, synopses of experience, told at particular times for particular audiences and located in specific contexts" (Ross, 2003b: 332). Stories involve selectivity, simplifications and a rearrangement of elements, which vacillate over time with the individual's constant remaking of subjectivity (Davies, 2003: 5). Storytelling – which refers to the capacity to narrate the self in life's events for an audience wider than the self – operates as a bridge between the personal and the private (Jackson, 2002: 16; Ross, 2003b: 326). Jackson argues that "the very notions of self and selfhood...are themselves creations of a *social* relation between self and other, and do not exist 'outside of, or prior to' the narrative process...Stories...are...authored and authorized dialogically and collaboratively in the course of sharing one's recollections with others" (Jackson, 2002: 22). These private

constructions mesh with a community of life stories, which provide insight into the nature of the self.

Stories have been organically linked to distinctive therapeutic function – the notion of healing through telling. As mentioned in an earlier section of this paper, the TRC forged the notion of a ‘story’ as the organic and explicit link between ‘experience’, ‘voice’ and ‘dignity’, presupposing the value of narration in the creation of a coherent sense of self (Ross, 2003a: 78; Ross, 2003b: 333). In line with this, I use the term “story” as the object of investigation to refer to what victims recounted at the TRC and “narrative” as a theoretical construct to analyse emerging testimonial patterns.

Clarification on the particular usages to which I subject and understand the terms ‘narrative’ and ‘story’ facilitates an explication of narrative theories of identity, the fundamental theoretical underpinning to my analysis of women’s stories of rape at the TRC.

2.3 Narrative Theory

This section elucidates some predominant narrative theories on narrative identity – the notion that people construct their identity through the ‘stories’ they tell – as a background for my analysis of the nature and role of narrative identity in the women’s testimonies at the TRC. It is my contention that identities are shaped through the stories people tell, the way they tell them and how others re-tell those stories.

2.3.1 Representational and Ontological Narrativity

While this project is not aimed at constructing a treatise on narrative theory, as such, a brief compendium of some key elements and concerns of general narrative theory, e.g. the distinction between representational and ontological narrativity, is needed for my proposed use of narrative analysis.

Narrative theories may be differentiated as to whether they are primarily concerned with representational or with ontological narrativity¹⁹ (Somers and Gibson, 1994: 58). They disagree over whether stories merely “reflect” and “unfold” our inner character or actively “shape” our identities through the normative and “behavioural implications” they contain (Hinchman and Hinchman, 2001: 119). They also disagree over whether a story is something we have, something we create and tell, or something we are (Hinchman and Hinchman, 2001: 20).

Adherents of representational narrativity emphasise narratives as matters of representation, which “ceaselessly substitutes meaning for the straightforward copy of the events recounted” (Barthes, 1977: 119). To paraphrase Hayden White, narratives are the representational forms imposed on the chaos of lived experience (White, 1981: 4). However, even theorists like White are careful to insist that narratives are not merely representational. Thus, White asserts that there is a common and natural impulse to narrate and to give to events an aspect of narrativity, thus solving the problem of how to translate *knowing* into *telling*” (White, 1981: 1, emphasis in original). White argues that narrative provides a ‘metacode’ in which shared reality can be transmitted; and the absence of which indicates a lack or refusal of meaning itself. In this way, he suggests that the inherent “meaning” of events is in the narrativisation of those events. White differentiates between modes of historical discourse by distinguishing between, on the one hand, *narrating* an account of reality and imposing the form of a story upon it and, on the other hand, *narrativising* that reality (White, 1981: 2, 4); between a discourse that openly adopts a perspective that looks out on the world and reports it and a discourse that feigns to make the world speak itself *as a story*. However, White argues that in the latter case narrative may become problematic when individuals wish to give to ‘real events’ the form of a story as real events ultimately do not offer themselves as stories (White, 1981: 4).

On the other hand, those theorists who subscribe to an ontological narrativity approach argue that, “social life is itself *storied* and that narrative is an *ontological condition of social life*

¹⁹ Lewis and Sandra Hinchman (2001: 119-20) have identified additional cleavages between narrative theorists. While one sect of narrative theorists reject any attempt to shape one’s life, identity or social circumstances into a meaningful whole, the other maintains an aspiration towards integral selfhood and community. Narrativists also disagree about whether some accounts of a person’s life can be said to be ‘truer’ than others and if so, whether the truth or falsehood of a narrative is a matter of consequence for the individual. They also disagree about whether individuals can ever be the authors of their stories in any real sense, or only the protagonists.

(Somers and Gibson, 1994: 38, emphasis in original). The basic idea, as expressed by Somers and Gibson, is that “it is through narrativity that we come to know, understand, and make sense of the social world, and it is through narratives and narrativity that we constitute our social identities” (Somers and Gibson, 1994: 5). Hence, people produce accounts of themselves that are ‘storied’ in the form of stories or narratives; indeed, the social world itself is ‘storied’ in so much as ‘public’ stories circulate in public culture, providing people the means to construct personal identities and personal narratives. It is by locating ourselves in such social narratives, which are usually not of our own making that we begin to make sense of ourselves and thus acquire a certain agency. It is through narratives that the self is constituted – thus, narratives are not seen as a reflective action of an already constituted individual (Somers and Gibson, 1994: 59). It is this latter ontological approach that resonates with my purposed examination into women’s construction, violation and re-construction of narrative identities at the TRC.

While the aim of this paper is not to engage in a detailed account of general narrative theory, the succinct exploration of this prominent division in narrative theory between representational and ontological narrativity indicates the need for further exploration of relevant theories on narrative identity. The narrative theories discussed in the subsequent section are relevant to my proposition that narratives both construct and constrain notions of truth and identity. In particular, the below theories analyse the ways in which representations of the past are moulded in the process of being created and reinterpreted, thus offering a general theoretical foundation from which to base my examination of women’s testimonies of rape.

2.3.2 Narrative Identity

The notion of narrative identity provides a relevant conceptual underpinning for examining women’s stories at the TRC hearings and understanding those stories’ meanings within people’s lives. Understanding narrative and narrativity to be concepts both of representational and ontological narrativity within social constructivism, individual and collective identities may be understood to be constituted and reconstituted in the process of narration.

The women who testified at the TRC were responding to an opportunity to address traumatic losses and violations they had suffered in the past as a means to restore their dignity and identity with a view to the future. The ways in which individuals tell their histories shape what they may claim of their own lives. Barbara Hardy stated, “we dream in narrative, daydream in narrative, remember, anticipate, hope, despair, believe, doubt, plan, revise, criticise, construct, gossip, learn, hate and love by narrative” (Hardy, 1975: 5). Similarly, Jerome Bruner writes, “A life as led is inseparable from a life as told - or - a life is not ‘how it was’ but how it is interpreted and reinterpreted, told and retold” (Bruner, 1987: 137). From this perspective then, personal stories are the means by which identities may be fashioned and individuals become the autobiographical narratives by which they tell about their lives (Gergen, 1994: 187; Rosenwald and Ochberg, 1992: 1). Thus, identity itself is at stake when people are ‘silenced’ and not allowed to tell their stories and/or when the state officially denies the truth of any such stories.

The French philosopher Paul Ricoeur, most often associated with the hermeneutic or interpretive tradition, argues that lives have a particular, time-based relationship with narrative: “Time becomes human to the extent that it is articulated through a narrative mode” (Ricoeur, 1984: 52). Narratives are articulations of human time and dramatise the moment when agents act and others are affected by those actions (Ricoeur, 1984: 17). Ricoeur argues that narrative provides the kind of discourse necessary to integrate the complexities of the “historical present” – the time of actions framed by the agent’s space of experience and expectation of the future – with the actions, events and their human contexts: “The future, which [the mind] expects, passes through the present, to which it attends, into the past, which it remembers” (Ricoeur, 1984: 54). Historical time becomes human time “to the extent that it is articulated through a narrative mode, and narrative attains its full significance when it becomes a condition of temporal existence” (Ricoeur, 1984: 52). Building on this theory of narrative, Ricoeur argues that a narrative is the primary means through which people construct an identity: “The narrative constructs the identity of the character, what can be called his or her narrative identity, in constructing that of the story told. It is the identity of the story that makes the identity of the character” (Ricoeur, 1992: 147-48).

Ricoeur's insights about the connections between narrative identity and selfhood are further developed by Alasdair MacIntyre's analysis of the inherent links between the unity of a narrative and the commonplace nature of thinking of the self in the narrative mode (MacIntyre, 1981: 192). MacIntyre argues that in concomitance with modern views of moral judgment came a corresponding alteration in contemporary conceptions of selfhood. This modern conception of selfhood presupposes a concept of self whose unity resides in the unity of a narrative which links birth to life to death as narrative beginning to middle to end (MacIntyre, 1981: 191). MacIntyre states:

“The unity of a human life is the unity of a narrative quest. Quests sometimes fail, are frustrated, abandoned or dissipated into distractions; and human lives may in all these ways fail. But the only criteria for success or failure in a human life as a whole are the criteria or failure in a narrated or to-be-narrated quest. A quest for what?” (MacIntyre, 1981: 219).

Thus, the unity of an individual life is the unity of a narrative embodied in a single life (MacIntyre, 1981: 203). It is the systematic asking and answering of the questions ‘what is good for me?’ and ‘what is the good for man?’ in deed and action which plays an important part in constituting narratives; man in his actions and practice is a story-telling animal; he or she becomes through his or her history a teller of stories that aspire to truth (MacIntyre, 1981: 201).

An important implication of this view that people construct their identities through the stories they tell is that it implicitly challenges any tendency to essentialise identity as constant and immutable. People tell different and changing stories about their lives; it follows that their narrative identities change accordingly: “Identity is not fixed but a dynamic construction that adjusts continually to the changes experienced within and surrounding the self” (Singh et al, 1994: 17). Individuals understand their identities by the different stories they tell themselves about their lives. This narrative identity is not rigid, but is instead fluid and malleable: “Narrative identity takes part in the story's movement, in the dialectic between order and disorder” (Ricoeur, 1996: 145).

In constructing a narrative identity, individuals have to respond to the imputation of strict identity for claims of moral and/or legal responsibility (MacIntyre, 1981: 202). People view

other individuals as possessing a staunch identity, which over different periods and/or in different circumstances of one's lifetime remains static. Actually this does not accord with the manifold varieties of experience: there is no simple way of grounding identity – or lack of it – on the psychological continuity or discontinuity of the self. MacIntyre rejects the notion of an essentialist identity of the self, but introduces the alternative notion of a character instead: the self inhabits a character whose narrative unity is constructed in terms of the unity of the stories told by and about it (MacIntyre, 1981: 203). Until the story concludes – death – the identity of the agent remains flexible and open to revision.

Narrative identities may thus be considered 'relational' and 'processual'. Narrative identity is relational in the sense that persons are collectively and individually embedded in a historic, social and cultural context. Narrative identity is processual in the sense that it is constituted and reconstituted in time and over time through the narrative process (Hosu, 2003: 11). A narrative theory of identity inspires a narrative approach to action which assumes that 'people are guided to act by the relationships in which they are embedded and by the stories with which they can identify', so that an individual may only make sense of themselves in and through his or her involvement with others (Somers and Gibson, 1994: 67).

The narrative concept of selfhood is twofold (MacIntyre, 1981: 202-204). First, an individual is the subject of a history that belongs solely to them (MacIntyre, 1981: 202). This makes one accountable for the actions and experiences which compose a narratable life. The ability to ask someone to give an intelligible narrative account enables individuals to understand how an agent could at different times and different places be one and the same person and yet be so differently characterised. Thus, personal identity is just that identity presupposed by the unity of the character which the unity of a narrative requires (MacIntyre, 1981: 203). Without such unity there would not be subjects of whom stories could be told.

Second, the other aspect of narrative selfhood is correlative. Individuals are not only accountable for their own stories, but are also capable of asking others for an 'intelligible' account (MacIntyre, 1981: 203). As such, narratives have ethical dimensions in that the characters in the story are presented as capable of being judged. For example, the women who told their stories about being raped at the TRC feared being judged by those who heard their stories. The narrative unity of a life, in light of these ethical considerations, is

comprised of moments of ‘responsiveness’ or failure to respond to others. Individual’s identities intertwine with the narratives of others, thus rendering people as constituents in each other’s identity (Ricoeur, 1992: 144). In this way, individuals become embedded in each other’s stories; indeed, the narrative of any one life is part of an interlocking set of narratives (Ricoeur, 1996: 3; MacIntyre, 1981: 198). Every identity is “mingled with that of others in such a way as to engender second order stories which are themselves intersections between numerous stories...we are literally ‘entangled in stories’” (Ricoeur, 1996: 3). Significantly, particular narratives may be embedded within second order narrative frames or “narrative frameworks”. An agent may be a character in a number of narratives at the same time, some of which are embedded in other narratives (MacIntyre, 1981: 198). Thus, women’s testimonies of rape were embedded in the narrative of the TRC, which in turn was embedded in the story of South African transition. Moreover, what seemed to be an intelligible narrative in which one was playing a part may be transformed wholly or partly into a story of many unintelligible episodes. Thus, disrupting and traumatic experiences like torture and rape may negatively impact the ‘intelligibility’ of one’s life story, the more so if that story is silenced and inhibited.

Narrative is the basic genre for the characters of human actions: “Life is a story in its nascent state” (Ricoeur, 1991: 29). Thus, the moral acceptability of any given choice can be measured in terms of its consistency with the narrative unity of an individual life – past, present, and future – and in terms of its coherence with whatever deep values and conceptions of the morally good life are already established in the communities in which the individual lives (MacIntyre, 1981: 181-225). In other words, people are constantly involved in co-authoring narrative histories within narrative communities (MacIntyre, 1981: 193). Individual life stories unfold in response to the particular narrative of a particular community (MacIntyre, 1981: 205).

MacIntyre argues that social action itself has a basically historical character; to render the actions of others intelligible is to place a particular episode in the context of a set of narrative histories, histories both of the individuals concerned and of the settings in which they act and suffer (MacIntyre, 1981: 197). Indeed, our individual identities are incorporable into a collective identity. Thus, as examined in Chapter Three, individual experiences and suffering may potentially be collectivised.

Every person telling his or her own story comes to that narrative as a bearer of a social identity with a particular history, heritage and context. The women at the TRC hearings did not merely relate to the TRC's narrative framework, but also couched their stories in terms of the broader narratives of liberation and the struggle against apartheid. Thus, particular stories may be both enabled and constrained by more general or second order narrative frameworks.

Thus, individual identity is a narrative identity – the idea of a self as a storied self – but 'gross human rights violations', such as rape, may have a deleterious and corrosive effect on such narrative identities. The relationship between these violated narrated identities and the role of women's testimonies in restoring them is explored in the next section.

2.4 Theoretical Problematisation

Prior to exploring the rupturing effect of violence on language, it is important to note the perspective of Wittgenstein with regard to the limitations of language. In *Philosophical Investigations*, Wittgenstein famously advanced against the Lockean empiricism, which held with the philosophical existence of a "private language" (Wittgenstein, 1953: Sections 256-271)²⁰. Through discussion on the imagined instance of a 'private diarist', Wittgenstein argues that a private language is incomprehensible to the user because language needs to have rules for the expression of sensations. Wittgenstein asserts that language and communication are public; that human language is essentially shareable; and that language is social by nature and not a private construct. He concludes his discussion of the 'private diarist' by arguing that the meaning of words and their use of language are intricately bound up within a cultural paradigm, which allows individuals to identify and give meaning to what they say to themselves and others. Hence, Wittgenstein believes that it is impossible to have a private language²¹.

²⁰ As defined by Wittgenstein, 'Private language' refers to a "language, the terms of which are defined to refer to the private sensations of the user, and whose meanings only he can therefore know" (Wittgenstein, 1953: Section 243).

²¹ For a relevant discussion on the relationship between this conception of communality and the democratic and public nature of the TRC, see Anthony Holiday's article, "Forgiving and Forgetting: The Truth and

However, in a compliment to and subversion of Wittgenstein's argument, Elaine Scarry (1985) has argued in her book, *The Body in Pain*, that the private experience and significance of pain is not only resistant to language, it can also actively destroy it. Virginia Woolf once wrote, "let a sufferer try to describe a pain in his head to a doctor, and language runs dry" (quoted in Scarry, 1985: 4). This maxim highlights the limitations of language in describing the 'unsayable' experience of pain. In the narrative constituting and reconstituting of the self, the impact of extreme violence may destroy the ability of language to assert one's narrative identity. Extreme forms of violence, such as torture or, I posit, rape, are destructive of women's narrative identities, but the act of bearing witness may mitigate, and possibly restore, these violated narrative identities. The next section explores the "making and unmaking" of language in relation to extreme trauma (Scarry, 1985: 5).

2.4.1 Effects of Violence on Language

Rape is an act of violation that is elided from, and resistant, to conventional discourse. In examining women's raw, yet delicate narratives of sexual harm, we require different ways of 'reading' women's testimonies in light of different and possibly competing narrative frameworks. Elaine Scarry's meditations on the phenomenology of the body in pain illustrate the relationship between the physical and political pressure of pain and the subsequent silence and privation of language that may accompany women's testimonies of rape.

In her book, *The Body in Pain*, Scarry writes, "Intense pain is world destroying" (Scarry, 1985: 27). Analysing the ramifications of pain on language in politically sanctioned acts of torture, Scarry posits that certain violations of the underlying social compact are 'inexpressible' or 'unspeakable': "Nowhere is the sadistic potential of a language built on agency so visible as in torture" (Scarry, 1985: 27). Not only is it not possible to express the actual experience and content of pain in words – like Woolf's metaphorical 'pain in the head' – but pain also actively eradicates language and in its extreme instances reduces its victims to

Reconciliation Commission" (1998) in Nuttal, Sarah and Carli Coetzee (eds) *Negotiating the Past: The Making of Memory in South Africa* (Cape Town: Oxford University Press).

assumptions and implications of the TRC and sexual violence narrative frameworks and *not* the causes or consequences of sexual violence, as such. In analysing these testimonies with reference to these underlying narrative frameworks, I will examine how these narrative frameworks both enabled and constrained women's testimonies of rape, by first examining the integration of their experience of rape into a cohesive narrative identity.

Chapter Two

∅ NARRATIVE ANALYSIS ∅

A central element of my research question involves a proposed investigation into the different underlying narrative frameworks of the TRC's human rights violation hearings and the narrative framework of rape. Such an investigation is rooted firmly in the methodology of applied narrative analysis. As such, in this project I undertake a qualitative study – relying on the principles of narrative analysis – to reveal variations and contradictions in narrative frameworks at the TRC.

This chapter is organised as follows. Firstly, I consider the general theoretical and methodological location of my study of women's testimonies of rape and sexual violence as concerned with the narrative construction, violations and re-construction of identities. In general terms, this amounts to taking the qualitative approach associated with the theoretical position of social constructivists; more specifically I focus on the relational constitution of identities. Secondly, I refer to discourse, discourse analysis and narrative analysis as theoretical constructs and methodologies utilised by social constructivists. Thirdly, from discourse and power in general, then, I move more specifically to the analysis of narrative identity. Finally, I draw some implications for using a narrative theory of identity in the applied narrative analyses of the women's testimonies at the HRV hearings as the specific case studies of my project. By exploring the methods and theories of narrative analysis, I lay the foundation for an understanding of the specific TRC and rape narrative frameworks, which provide the foundation for my later applied analysis of women's testimonies of rape.

2.1 General Theoretical and Methodological Location

The value of a qualitative, constructivist, narrative analysis perspective for the purpose of this project rests in its ability to provide an informal theoretical construct, which is amenable to interpretative analysis in the reading of women's testimonies of rape. I later utilise this

theoretical construct in order to investigate the women's construction, violation and re-construction of their narrative identities.

2.1.1 Qualitative Approach

A qualitative approach to this project is most appropriate and relevant for analysing women's narratives of rape at the TRC. Qualitative research is intrinsically linked to a particular context whereas experimental quantitative research consciously operates outside that context and will often manipulate the setting of the study (Mason, 2002: 45; Silverman, 2000: 8). As such, a particular qualitative context-dependent study does not have methodological objections against using a limited sample number of testimonies whereas the use of a small sample of testimonies in a quantitative context-independent study, aimed at reaching general conclusions, would be highly problematic (Bryman, 2001: 4; Chambers, 2000: 12). This project investigates women's testimonies of sexual violation as they occurred in the particular context of the TRC process, which makes a qualitative perspective preferable to a quantitative approach.

Furthermore, in my concern for gaining an understanding of women's narrative identities, a causal investigation, with its emphasis on the systematic investigation of cause-and-effect relationships, did not seem the appropriate method. I adopt a holistic perspective, reflective of a qualitative approach, in my concern for the opinions, experiences and feelings of the women who testified at the TRC as opposed to certain quantitative research methods, such as content analysis, which depend more on the researcher's ability to identify a set of variables (Seale, 1999). The use of content analysis – with its concerns for coding data to obtain counts of words, phrases or word-phrase clusters for purposes of statistical analysis – in my examination of women's testimonies would not have offered me an understanding of their narrative construction, violation and re-construction of identities. In sum, as a qualitative research method is concerned with meanings and interpretation as objects of investigation, it is uniquely situated for an examination of women's testimonies of rape at the TRC.

While qualitative analysis encapsulates a variety of sundry approaches, the one most appropriate for this project was social constructivism. The next section offers an introduction

to the central notions of social constructivism and discourse analysis as theoretical background for the applied narrative analyses to follow.

2.1.2 Social Constructivism

Social constructivism is particularly appropriate as a theoretical framework for a narrative analysis of women's testimonies of rape since the notion of the narrative construction of identity has been a central concern of the social constructionist approach since its beginnings. Within this sub-section and sub-section 2.1.3, I situate two complementary methodologies – narrative analysis and discourse analysis – as tools of social constructivism as a general theoretical framework.

The aim of a constructivist qualitative analysis of narratives is not to perform a stylistic, grammatical, or purely linguistic analysis of texts, but to develop an appropriate methodology for reading narratives in search of a better understanding of the narrators' construction of their self-identities. Social constructivism contends that all phenomena are socially and culturally constructed. More specifically, social constructivism challenges the idea that identities are given naturally and/or produced solely through acts of individual will. As stated by Gergen, "Our present identity is not a sudden and mysterious event but a sensible result of a life story...such creations of narrative order may be essential in giving life a sense of meaning and direction" (Gergen, 1994: 187). By thus arguing for the fluidity of identities, social constructivism aims to restore the power of practice and agency to individuals (Burr, 1995: 3).

In her book, *An Introduction to Social Constructionism*, social psychologist Vivien Burr describes the central propositions of social constructivism in theory and practice. In conjunction with her examination of 'personality', Burr argues that social constructivism is 'counter-intuitive' because it challenges the assumption that individuals exist as autonomous beings whose emotions are 'intimate', 'spontaneous' expressions of an inner self (Burr, 1995: 1). Instead, social constructivism focuses on how the development of an individual's concept of 'self' is constructed in and through interactions with others and particular social practices.

Burr posits four fundamental tenets of the social constructivist position (1995, 2-5). First, researchers must adopt a critical stance towards all assumed – or ‘taken-for-granted’ – knowledge of the world as a given and objective reality. Burr argues that the world does not simply present itself objectively to the observer, but always as understood through human experience. This epistemological challenge results in a critical attitude towards ideas of the social and cultural world’s ‘naturalness’; on the contrary it is commensurate to the claim that any given culture’s ‘naturalness’ is socially constructed.

Since the human experience is always situated and contextualised, the second assumption of the social constructivist position argues that researchers must proceed sensitively with regard to the historical and cultural specificity of the data (Burr, 1995: 4). An individual’s understanding of the world is temporally and spatially contextualised; the means by which language classifies things emerges from social interaction within a group of people at a particular time and in a particular place. Thus, categories of understanding are situational.

Third, social constructivism suggests that knowledge is produced through social interaction between people or, in other words, particular social processes sustain knowledge. Language is crucial in this process of constructing a ‘shared’ version of knowledge. Thus, given the differences not only in syntactical, but also in the semantic and conceptual structure of natural languages, numerous possible ‘social constructions’ of the world are possible (Burr, 1995: 5).

Fourth, Burr proposes that differences in knowledge correspond with patterns of social action. Discursive knowledge structures are possible ways of practising in any given place and time. Reality is socially constructed by interconnected patterns of communicative behaviour. Within a social group or culture, reality is defined not so much by individual acts, but by complex and organised patterns of ongoing social interactions and practices. If people’s understanding of the phenomena changes, the social actions related to it may change concurrently (Burr, 1995: 5). Thus, the fundamental tenet of social constructivism is that there is no essential or stable essence inside things or subjects that determine their ‘nature’. Social constructivism encompasses various positions, which all share a common epistemological scepticism about the nature of ‘facts’ and view knowledge contextually and

historically with a particular concern for language in the construction of meaning, rather than with measurement and prediction of behaviour (Burr, 1995: 32).

For our purposes, a key significance of social constructivism as a theoretical framework is its rejection of any essentialist understanding of the self as a static entity with a stable core. Social constructivism directs attention to how meanings and identities are constructed through ongoing social processes and in particular languages; as such it is concerned with the analysis of processes rather than of structures (Burr, 1995: 8, 15). The self is thus seen as a 'relational self' constituted through, and by, enacting language exchange (Gergen, 1994: 190). Therefore, the social world in general and the identity of the self in particular should be conceived as a narrative construction:

“People communicate to interpret events and to share those with others. For this reason it is believed that reality is constructed socially as a product of communication...Our meanings and understandings arise from our communication with others...How we understand objects and how we behave towards them depend in large measure on the social reality in force” (Littlejohn, 1992: 190-1).

Moreover, human beings respond not to physical objects and events themselves, but to the meaning of those events. Meaning is not a property of the objects and the events themselves, but a narrative construction.

Social constructivism argues for epistemological relativism in which there can be no truth beyond language and cultural production. Thus, “there exists no truth but only numerous constructions of the world, and which ones receive the stamp of 'truth' depends upon culturally and historically specific factors” (Burr, 1995: 81). As such, notions of 'truth' and 'knowledge' engender questions about the nature of power in subjective discourses, the subject of the next section.

2.1.3 Power and Discourse

Discourse analysis is associated with social¹⁷ constructivism, which is not actually a method for investigation, but is rather a theoretical frame of reference regarding social reality¹⁸ (Luomanen, 2003: 2). As a methodology, it takes into account the key assumptions and implications of social constructivism. My research is based upon the theoretical claim that discourse is an element of social life, which is dialectically interconnected with other elements, and may have constructive and transformative effects on other elements. As such, discourse analysis contributes to research on social processes, such as the TRC, which is the social structural context of my research.

Discourse is an element of all social processes, events and practices; it figures prominently in social relations of power and ideology (Fairclough 1992: 4). Discourse is a way of constructing the meaning of a particular object in any given time and space. Foucault's influential notion of discourse is concerned with the politics of making language; the social consequences that a given system of representation have for a given culture's possible ways of thinking, practising and constructing identities, subjectivities and places. Foucault said, "knowledge is linked to power, it not only assumes the authority of 'the truth' but has the power to make itself true" (Foucault, 1997: 47). Discourses construct the world; there can be no 'truth' outside the contingent play of discourses, which are historically and culturally specific and always intertwined with power (Foucault, 1980: 3). As examined in Chapter Four, the concept of power in discourse is vital to analysis of narratives of rape.

Discourse provides individuals with the very constitution of 'meaning'; our knowledge and understanding of events, objects, ideas and actions is related to us by discourse (Fairclough, 1992). Furthermore, as elucidated by Burr, at any particular moment and place there will be disparate and often conflicting discourses, each of them declaring that their story is the 'truth' (Burr, 1995: 49). This element of discourse analysis particularly resonates with my

¹⁷ Constructivism may be divided into several branches: 'conventional' and 'critical' (Hopf, 1998), 'neoclassical', 'postmodernist' and 'naturalistic' (Ruggie, 1998: 35-6), 'thick' and 'thin' (Zehfuss, 2001).

¹⁸ Discourse analysis may also be associated with semiotic analysis, rhetoric analysis and ethnography (Luomanen, 2003: 3).

analysis of the problematic features of narrative truth when considering women's testimonies of rape.

2.2 Theoretical Conceptualisation

In this project, I distinguish between narrative as an abstract and general theoretical construct, on the one hand, and as an operationalised concept for purposes of applied analysis of the women's testimonies at the TRC, on the other hand. In terms of the terminology, this is achieved by using the term 'story' for the general phenomenon as an object of analysis while using 'narrative' for the theoretical construct. This necessitates an elucidation of the key theoretical concepts employed in this project, including 'narrative', 'story' and 'narrative identity' to elaborate the distinction between narrative as phenomenon and as research method. However, it is first necessary to discuss the theoretical concepts of narrative analysis.

Narrative analysis has become an increasingly influential qualitative tool in the social sciences and humanities. It focuses on the ways in which people make and use stories to interpret and describe the world, and the self, and takes as its object of investigation the story itself and looks at that through constructed social theories around different forms of telling about a person's experience (Bruner, 1990: 51). Thus, narrative analysis is not concerned with the content or "truth" of stories but with their structure, function and genealogy. The primary way individuals make sense of experience is by casting it in narrative form (Bruner, 1990: 2). Individuals construct linkages between past events or actions and later outcomes in personal narratives to claim sustained identities over varying circumstances, and so make sense of their lives.

Narrative analysis emphasises the structure of human agency and imagination, which makes it an appropriate methodological tool for studies of subjectivity and identity. Narrative analysis views narratives as social products that are produced by people in the context of specific social, historical and cultural locations. If narratives are viewed as *products* of social *processes* than analysis may proceed by reconstructing these underlying discursive and

narrative processes. This makes it particularly adept as a theoretical concept for illustrating the narrative complexities engendered by women's testimonies at the TRC.

2.2.1 Elucidation of the Terms 'Narrative and 'Story'

Prior to delving into key contemporary theories of narrative identity, it is first imperative to unpack and elucidate the concepts of a 'narrative' and a 'story' in order to clarify the significance of these terms. The word "narrative" comes from the Indo-European root 'gna' and the Latin *narraare*, which means both 'to tell' and 'to know' (Mitchell, 1981: 164). Narrative then implies a claim to a distinctive kind of knowledge, linking these two notions.

I take Hinchman and Hinchman's definition of 'narrative' as the starting point for my conceptualisation of the term: "discourse with a clear sequential order that connects events in a meaningful way for a definite audience, and thus offers insights about the world or people's experiences of it (Hinchman and Hinchman, 1997: xvi). From a feminist perspective, a narrative provides the opportunity to tell 'another story' – a woman's story – by allowing for the unravelling of social injustice and gendered power relations (Davies, 2003: 4-5).

The terms 'narrative' and 'story' are often coalesced when conducting analysis into the construction, violation and re-construction of narrative identities. According to Scholes, when the telling of an event is given a certain kind of shape and level of human interest, then a story is created (Scholes, 1966: 8). Stories, testimonies and tellings are "particular instances, synopses of experience, told at particular times for particular audiences and located in specific contexts" (Ross, 2003b: 332). Stories involve selectivity, simplifications and a rearrangement of elements, which vacillate over time with the individual's constant remaking of subjectivity (Davies, 2003: 5). Storytelling – which refers to the capacity to narrate the self in life's events for an audience wider than the self – operates as a bridge between the personal and the private (Jackson, 2002: 16; Ross, 2003b: 326). Jackson argues that "the very notions of self and selfhood...are themselves creations of a *social* relation between self and other, and do not exist 'outside of, or prior to' the narrative process...Stories...are...authored and authorized dialogically and collaboratively in the course of sharing one's recollections with others" (Jackson, 2002: 22). These private

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I take Hinchman and Hinchman's definition of 'narrative' as the starting point for my conceptualisation of the term: "discourse with a clear sequential order that connects events in a meaningful way for a definite audience, and thus offers insights about the world or people's experiences of it (Hinchman and Hinchman, 1997: xvi). From a feminist perspective, a narrative provides the opportunity to tell 'another story' – a woman's story – by allowing for the unravelling of social injustice and gendered power relations (Davies, 2003: 4-5).

The terms 'narrative' and 'story' are often coalesced when conducting analysis into the construction, violation and re-construction of narrative identities. According to Scholes, when the telling of an event is given a certain kind of shape and level of human interest, then a story is created (Scholes, 1966: 8). Stories, testimonies and tellings are "particular instances, synopses of experience, told at particular times for particular audiences and located in specific contexts" (Ross, 2003b: 332). Stories involve selectivity, simplifications and a rearrangement of elements, which vacillate over time with the individual's constant remaking of subjectivity (Davies, 2003: 5). Storytelling – which refers to the capacity to narrate the self in life's events for an audience wider than the self – operates as a bridge between the personal and the private (Jackson, 2002: 16; Ross, 2003b: 326). Jackson argues that "the very notions of self and selfhood...are themselves creations of a *social* relation between self and other, and do not exist 'outside of, or prior to' the narrative process...Stories...are...authored and authorized dialogically and collaboratively in the course of sharing one's recollections with others" (Jackson, 2002: 22). These private

constructions mesh with a community of life stories, which provide insight into the nature of the self.

Stories have been organically linked to distinctive therapeutic function – the notion of healing through telling. As mentioned in an earlier section of this paper, the TRC forged the notion of a ‘story’ as the organic and explicit link between ‘experience’, ‘voice’ and ‘dignity’, presupposing the value of narration in the creation of a coherent sense of self (Ross, 2003a: 78; Ross, 2003b: 333). In line with this, I use the term “story” as the object of investigation to refer to what victims recounted at the TRC and “narrative” as a theoretical construct to analyse emerging testimonial patterns.

Clarification on the particular usages to which I subject and understand the terms ‘narrative’ and ‘story’ facilitates an explication of narrative theories of identity, the fundamental theoretical underpinning to my analysis of women’s stories of rape at the TRC.

2.3 Narrative Theory

This section elucidates some predominant narrative theories on narrative identity – the notion that people construct their identity through the ‘stories’ they tell – as a background for my analysis of the nature and role of narrative identity in the women’s testimonies at the TRC. It is my contention that identities are shaped through the stories people tell, the way they tell them and how others re-tell those stories.

2.3.1 Representational and Ontological Narrativity

While this project is not aimed at constructing a treatise on narrative theory, as such, a brief compendium of some key elements and concerns of general narrative theory, e.g. the distinction between representational and ontological narrativity, is needed for my proposed use of narrative analysis.

Narrative theories may be differentiated as to whether they are primarily concerned with representational or with ontological narrativity¹⁹ (Somers and Gibson, 1994: 58). They disagree over whether stories merely “reflect” and “unfold” our inner character or actively “shape” our identities through the normative and “behavioural implications” they contain (Hinchman and Hinchman, 2001: 119). They also disagree over whether a story is something we have, something we create and tell, or something we are (Hinchman and Hinchman, 2001: 20).

Adherents of representational narrativity emphasise narratives as matters of representation, which “ceaselessly substitutes meaning for the straightforward copy of the events recounted” (Barthes, 1977: 119). To paraphrase Hayden White, narratives are the representational forms imposed on the chaos of lived experience (White, 1981: 4). However, even theorists like White are careful to insist that narratives are not merely representational. Thus, White asserts that there is a common and natural impulse to narrate and to give to events an aspect of narrativity, thus solving the problem of how to translate *knowing* into *telling*” (White, 1981: 1, emphasis in original). White argues that narrative provides a ‘metacode’ in which shared reality can be transmitted; and the absence of which indicates a lack or refusal of meaning itself. In this way, he suggests that the inherent “meaning” of events is in the narrativisation of those events. White differentiates between modes of historical discourse by distinguishing between, on the one hand, *narrating* an account of reality and imposing the form of a story upon it and, on the other hand, *narrativising* that reality (White, 1981: 2, 4); between a discourse that openly adopts a perspective that looks out on the world and reports it and a discourse that feigns to make the world speak itself *as a story*. However, White argues that in the latter case narrative may become problematic when individuals wish to give to ‘real events’ the form of a story as real events ultimately do not offer themselves as stories (White, 1981: 4).

On the other hand, those theorists who subscribe to an ontological narrativity approach argue that, “social life is itself *storied* and that narrative is an *ontological condition of social life*

¹⁹ Lewis and Sandra Hinchman (2001: 119-20) have identified additional cleavages between narrative theorists. While one sect of narrative theorists reject any attempt to shape one’s life, identity or social circumstances into a meaningful whole, the other maintains an aspiration towards integral selfhood and community. Narrativists also disagree about whether some accounts of a person’s life can be said to be ‘truer’ than others and if so, whether the truth or falsehood of a narrative is a matter of consequence for the individual. They also disagree about whether individuals can ever be the authors of their stories in any real sense, or only the protagonists.

(Somers and Gibson, 1994: 38, emphasis in original). The basic idea, as expressed by Somers and Gibson, is that “it is through narrativity that we come to know, understand, and make sense of the social world, and it is through narratives and narrativity that we constitute our social identities” (Somers and Gibson, 1994: 5). Hence, people produce accounts of themselves that are ‘storied’ in the form of stories or narratives; indeed, the social world itself is ‘storied’ in so much as ‘public’ stories circulate in public culture, providing people the means to construct personal identities and personal narratives. It is by locating ourselves in such social narratives, which are usually not of our own making that we begin to make sense of ourselves and thus acquire a certain agency. It is through narratives that the self is constituted – thus, narratives are not seen as a reflective action of an already constituted individual (Somers and Gibson, 1994: 59). It is this latter ontological approach that resonates with my purposed examination into women’s construction, violation and re-construction of narrative identities at the TRC.

While the aim of this paper is not to engage in a detailed account of general narrative theory, the succinct exploration of this prominent division in narrative theory between representational and ontological narrativity indicates the need for further exploration of relevant theories on narrative identity. The narrative theories discussed in the subsequent section are relevant to my proposition that narratives both construct and constrain notions of truth and identity. In particular, the below theories analyse the ways in which representations of the past are moulded in the process of being created and reinterpreted, thus offering a general theoretical foundation from which to base my examination of women’s testimonies of rape.

2.3.2 Narrative Identity

The notion of narrative identity provides a relevant conceptual underpinning for examining women’s stories at the TRC hearings and understanding those stories’ meanings within people’s lives. Understanding narrative and narrativity to be concepts both of representational and ontological narrativity within social constructivism, individual and collective identities may be understood to be constituted and reconstituted in the process of narration.

The women who testified at the TRC were responding to an opportunity to address traumatic losses and violations they had suffered in the past as a means to restore their dignity and identity with a view to the future. The ways in which individuals tell their histories shape what they may claim of their own lives. Barbara Hardy stated, “we dream in narrative, daydream in narrative, remember, anticipate, hope, despair, believe, doubt, plan, revise, criticise, construct, gossip, learn, hate and love by narrative” (Hardy, 1975: 5). Similarly, Jerome Bruner writes, “A life as led is inseparable from a life as told - or - a life is not ‘how it was’ but how it is interpreted and reinterpreted, told and retold” (Bruner, 1987: 137). From this perspective then, personal stories are the means by which identities may be fashioned and individuals become the autobiographical narratives by which they tell about their lives (Gergen, 1994: 187; Rosenwald and Ochberg, 1992: 1). Thus, identity itself is at stake when people are ‘silenced’ and not allowed to tell their stories and/or when the state officially denies the truth of any such stories.

The French philosopher Paul Ricoeur, most often associated with the hermeneutic or interpretive tradition, argues that lives have a particular, time-based relationship with narrative: “Time becomes human to the extent that it is articulated through a narrative mode” (Ricoeur, 1984: 52). Narratives are articulations of human time and dramatise the moment when agents act and others are affected by those actions (Ricoeur, 1984: 17). Ricoeur argues that narrative provides the kind of discourse necessary to integrate the complexities of the “historical present” – the time of actions framed by the agent’s space of experience and expectation of the future – with the actions, events and their human contexts: “The future, which [the mind] expects, passes through the present, to which it attends, into the past, which it remembers” (Ricoeur, 1984: 54). Historical time becomes human time “to the extent that it is articulated through a narrative mode, and narrative attains its full significance when it becomes a condition of temporal existence” (Ricoeur, 1984: 52). Building on this theory of narrative, Ricoeur argues that a narrative is the primary means through which people construct an identity: “The narrative constructs the identity of the character, what can be called his or her narrative identity, in constructing that of the story told. It is the identity of the story that makes the identity of the character” (Ricoeur, 1992: 147-48).

Ricoeur's insights about the connections between narrative identity and selfhood are further developed by Alasdair MacIntyre's analysis of the inherent links between the unity of a narrative and the commonplace nature of thinking of the self in the narrative mode (MacIntyre, 1981: 192). MacIntyre argues that in concomitance with modern views of moral judgment came a corresponding alteration in contemporary conceptions of selfhood. This modern conception of selfhood presupposes a concept of self whose unity resides in the unity of a narrative which links birth to life to death as narrative beginning to middle to end (MacIntyre, 1981: 191). MacIntyre states:

“The unity of a human life is the unity of a narrative quest. Quests sometimes fail, are frustrated, abandoned or dissipated into distractions; and human lives may in all these ways fail. But the only criteria for success or failure in a human life as a whole are the criteria or failure in a narrated or to-be-narrated quest. A quest for what?” (MacIntyre, 1981: 219).

Thus, the unity of an individual life is the unity of a narrative embodied in a single life (MacIntyre, 1981: 203). It is the systematic asking and answering of the questions ‘what is good for me?’ and ‘what is the good for man?’ in deed and action which plays an important part in constituting narratives; man in his actions and practice is a story-telling animal; he or she becomes through his or her history a teller of stories that aspire to truth (MacIntyre, 1981: 201).

An important implication of this view that people construct their identities through the stories they tell is that it implicitly challenges any tendency to essentialise identity as constant and immutable. People tell different and changing stories about their lives; it follows that their narrative identities change accordingly: “Identity is not fixed but a dynamic construction that adjusts continually to the changes experienced within and surrounding the self” (Singh et al, 1994: 17). Individuals understand their identities by the different stories they tell themselves about their lives. This narrative identity is not rigid, but is instead fluid and malleable: “Narrative identity takes part in the story's movement, in the dialectic between order and disorder” (Ricoeur, 1996: 145).

In constructing a narrative identity, individuals have to respond to the imputation of strict identity for claims of moral and/or legal responsibility (MacIntyre, 1981: 202). People view

other individuals as possessing a staunch identity, which over different periods and/or in different circumstances of one's lifetime remains static. Actually this does not accord with the manifold varieties of experience: there is no simple way of grounding identity – or lack of it – on the psychological continuity or discontinuity of the self. MacIntyre rejects the notion of an essentialist identity of the self, but introduces the alternative notion of a character instead: the self inhabits a character whose narrative unity is constructed in terms of the unity of the stories told by and about it (MacIntyre, 1981: 203). Until the story concludes – death – the identity of the agent remains flexible and open to revision.

Narrative identities may thus be considered 'relational' and 'processual'. Narrative identity is relational in the sense that persons are collectively and individually embedded in a historic, social and cultural context. Narrative identity is processual in the sense that it is constituted and reconstituted in time and over time through the narrative process (Hosu, 2003: 11). A narrative theory of identity inspires a narrative approach to action which assumes that 'people are guided to act by the relationships in which they are embedded and by the stories with which they can identify', so that an individual may only make sense of themselves in and through his or her involvement with others (Somers and Gibson, 1994: 67).

The narrative concept of selfhood is twofold (MacIntyre, 1981: 202-204). First, an individual is the subject of a history that belongs solely to them (MacIntyre, 1981: 202). This makes one accountable for the actions and experiences which compose a narratable life. The ability to ask someone to give an intelligible narrative account enables individuals to understand how an agent could at different times and different places be one and the same person and yet be so differently characterised. Thus, personal identity is just that identity presupposed by the unity of the character which the unity of a narrative requires (MacIntyre, 1981: 203). Without such unity there would not be subjects of whom stories could be told.

Second, the other aspect of narrative selfhood is correlative. Individuals are not only accountable for their own stories, but are also capable of asking others for an 'intelligible' account (MacIntyre, 1981: 203). As such, narratives have ethical dimensions in that the characters in the story are presented as capable of being judged. For example, the women who told their stories about being raped at the TRC feared being judged by those who heard their stories. The narrative unity of a life, in light of these ethical considerations, is

comprised of moments of 'responsiveness' or failure to respond to others. Individual's identities intertwine with the narratives of others, thus rendering people as constituents in each other's identity (Ricoeur, 1992: 144). In this way, individuals become embedded in each other's stories; indeed, the narrative of any one life is part of an interlocking set of narratives (Ricoeur, 1996: 3; MacIntyre, 1981: 198). Every identity is "mingled with that of others in such a way as to engender second order stories which are themselves intersections between numerous stories...we are literally 'entangled in stories'" (Ricoeur, 1996: 3). Significantly, particular narratives may be embedded within second order narrative frames or "narrative frameworks". An agent may be a character in a number of narratives at the same time, some of which are embedded in other narratives (MacIntyre, 1981: 198). Thus, women's testimonies of rape were embedded in the narrative of the TRC, which in turn was embedded in the story of South African transition. Moreover, what seemed to be an intelligible narrative in which one was playing a part may be transformed wholly or partly into a story of many unintelligible episodes. Thus, disrupting and traumatic experiences like torture and rape may negatively impact the 'intelligibility' of one's life story, the more so if that story is silenced and inhibited.

Narrative is the basic genre for the characters of human actions: "Life is a story in its nascent state" (Ricoeur, 1991: 29). Thus, the moral acceptability of any given choice can be measured in terms of its consistency with the narrative unity of an individual life – past, present, and future – and in terms of its coherence with whatever deep values and conceptions of the morally good life are already established in the communities in which the individual lives (MacIntyre, 1981: 181-225). In other words, people are constantly involved in co-authoring narrative histories within narrative communities (MacIntyre, 1981: 193). Individual life stories unfold in response to the particular narrative of a particular community (MacIntyre, 1981: 205).

MacIntyre argues that social action itself has a basically historical character; to render the actions of others intelligible is to place a particular episode in the context of a set of narrative histories, histories both of the individuals concerned and of the settings in which they act and suffer (MacIntyre, 1981: 197). Indeed, our individual identities are incorporable into a collective identity. Thus, as examined in Chapter Three, individual experiences and suffering may potentially be collectivised.

Every person telling his or her own story comes to that narrative as a bearer of a social identity with a particular history, heritage and context. The women at the TRC hearings did not merely relate to the TRC's narrative framework, but also couched their stories in terms of the broader narratives of liberation and the struggle against apartheid. Thus, particular stories may be both enabled and constrained by more general or second order narrative frameworks.

Thus, individual identity is a narrative identity – the idea of a self as a storied self – but 'gross human rights violations', such as rape, may have a deleterious and corrosive effect on such narrative identities. The relationship between these violated narrated identities and the role of women's testimonies in restoring them is explored in the next section.

2.4 Theoretical Problematisation

Prior to exploring the rupturing effect of violence on language, it is important to note the perspective of Wittgenstein with regard to the limitations of language. In *Philosophical Investigations*, Wittgenstein famously advanced against the Lockean empiricism, which held with the philosophical existence of a "private language" (Wittgenstein, 1953: Sections 256-271)²⁰. Through discussion on the imagined instance of a 'private diarist', Wittgenstein argues that a private language is incomprehensible to the user because language needs to have rules for the expression of sensations. Wittgenstein asserts that language and communication are public; that human language is essentially shareable; and that language is social by nature and not a private construct. He concludes his discussion of the 'private diarist' by arguing that the meaning of words and their use of language are intricately bound up within a cultural paradigm, which allows individuals to identify and give meaning to what they say to themselves and others. Hence, Wittgenstein believes that it is impossible to have a private language²¹.

²⁰ As defined by Wittgenstein, 'Private language' refers to a "language, the terms of which are defined to refer to the private sensations of the user, and whose meanings only he can therefore know" (Wittgenstein, 1953: Section 243).

²¹ For a relevant discussion on the relationship between this conception of communality and the democratic and public nature of the TRC, see Anthony Holiday's article, "Forgiving and Forgetting: The Truth and

However, in a compliment to and subversion of Wittgenstein's argument, Elaine Scarry (1985) has argued in her book, *The Body in Pain*, that the private experience and significance of pain is not only resistant to language, it can also actively destroy it. Virginia Woolf once wrote, "let a sufferer try to describe a pain in his head to a doctor, and language runs dry" (quoted in Scarry, 1985: 4). This maxim highlights the limitations of language in describing the 'unsayable' experience of pain. In the narrative constituting and reconstituting of the self, the impact of extreme violence may destroy the ability of language to assert one's narrative identity. Extreme forms of violence, such as torture or, I posit, rape, are destructive of women's narrative identities, but the act of bearing witness may mitigate, and possibly restore, these violated narrative identities. The next section explores the "making and unmaking" of language in relation to extreme trauma (Scarry, 1985: 5).

2.4.1 Effects of Violence on Language

Rape is an act of violation that is elided from, and resistant, to conventional discourse. In examining women's raw, yet delicate narratives of sexual harm, we require different ways of 'reading' women's testimonies in light of different and possibly competing narrative frameworks. Elaine Scarry's meditations on the phenomenology of the body in pain illustrate the relationship between the physical and political pressure of pain and the subsequent silence and privation of language that may accompany women's testimonies of rape.

In her book, *The Body in Pain*, Scarry writes, "Intense pain is world destroying" (Scarry, 1985: 27). Analysing the ramifications of pain on language in politically sanctioned acts of torture, Scarry posits that certain violations of the underlying social compact are 'inexpressible' or 'unspeakable': "Nowhere is the sadistic potential of a language built on agency so visible as in torture" (Scarry, 1985: 27). Not only is it not possible to express the actual experience and content of pain in words – like Woolf's metaphorical 'pain in the head' – but pain also actively eradicates language and in its extreme instances reduces its victims to

Reconciliation Commission" (1998) in Nuttal, Sarah and Carli Coetzee (eds) *Negotiating the Past: The Making of Memory in South Africa* (Cape Town: Oxford University Press).

inarticulate cries and moans for which language is rendered mute (Scarry, 1985: 27). Pain thus forces an effective reversion to a state anterior to language, to “the sounds and cries a human being makes before language is learned” (Scarry, 1985: 4). As pain intensifies, language becomes simpler until it disappears: sentences shrink to single words; words become whispers; then screams, cries, grunts. The process is a regression through all the stages of language development back to the state of being pre-verbal (Scarry, 1985: 4). Language and the forms of articulations available to a sufferer are inherently limited by the inability of language to represent the content of the trauma: “a symptom of its form, language can represent pain only in its failure to *be* language, its willingness to forgo sense, its readiness to risk incomprehensibility, implausibility” (Bennett, 1997: 98, emphasis in original). Violence, thus, may have a rupturing effect on language.

Scarry argues that torture does not consist merely in the infliction of physical pain, but more importantly destroys the self and the sense of belonging to a community greater than the self. Torture affects a victim’s sense of coherence, resulting in a fragmented identity (Spitz, 1989: 92). The extreme pain of torture sunders people from their memories and impedes their hope for the future. Scarry states that “torture is such an extreme event that it seems inappropriate to generalise from it to anything else or from anything else to it. Its immorality is so absolute and the pain it brings so real that there is a reluctance to place it in conversation by the side of other subjects” (Scarry, 1985: 60). The pain produces disorientation and intense feelings of impotence and shame, which destroys rationality: “In the very processes it uses to produce pain within the body of the prisoner, it bestows visibility on the structure and enormity of what is usually private and incommunicable, contained within the boundaries of the sufferer’s body” (Scarry, 1985: 27). In other words, pain draws people into the boundaries of their body, forcing the victims to acknowledge their mortality.

Excruciating pain not only destroys language and therefore the person’s means of extending herself into the world, but it also destroys perception. Scarry says of pain that it is “the equivalent in felt experience of what is unfeeling in death, i.e. the destruction of the contents of consciousness. “Physical pain caused by torture always mimes death - the infliction of that pain through torture is always a mock execution” (Scarry, 1985: 31). In severe pain, the claims of the body nullify the claims of the mind and of the world. In this way torture attempts to annihilate the humanity of the victim. Torture destroys the language, voice,

world and the contents of consciousness of the victim while focusing so exclusively on the body in pain that the body itself mimics the torturer. An individual in intense pain experiences their body as the source and agent of their own agony. He or she feels acted upon and annihilated from both the torturer in the external world and forces from within the body (Scarry, 1985).

Scarry locates her discussion of human pain in the political; not only is physical pain 'unspeakable', but its very resistance to language serves to reinforce certain power inequalities. I would argue that rape is similar to torture in its destructive intention and impact on identities; it negates the signifying power of language, thereby erasing the formative feature of narrative identity. The destruction of the victim's ability to articulate their experience leaves a dangerously unbalanced discourse of power and sexuality.

Survivors of violence often tell their stories in a contradictory or fragmented manner that may undermine their credibility (Herman, 1992: 1). However, the eradicating effect of such violations on 'voice' may be particularly salient in women's narrations, exacerbated by linguistic considerations. Jean Franco supports Plummer's argument in respect of Latin American women's descriptions of sexual torture, which he characterises as particularly "laconic and euphemistic" (Franco, 1992: 110). Moreover, many victims of trauma experience post-traumatic stress disorder, which may hinder the victim's ability "to recall an important aspect of the trauma" or result in a deliberate "effort to avoid thoughts, feelings or conversation about the traumatic event" (Hayner, 2001: 149). This failure of articulation not only hinders the victim's ability to denounce the heinous acts done to them, but it also allows the rapist vestiges of control over the victim's subsequent healing.

Furthermore, rape, by specifically targeting the visible physiological and cultural signs of gender and sexuality, powerfully reconfigures the relationship of self to body for the South African woman. The victim of torture is thus subject to a repositioning of cultural meanings governed by language. Pain is channelled and reconverted into political power by which the victim's familiar world is destroyed, while being simultaneously remade into an image of the dominant regime's political and cultural constructs. Thus, rape, similar to torture, violates narrative identities.

2.4.2 *Remaking the World: The Force of Testimony*

While torture may fracture the capacity of language to articulate an individual's experience, the opportunity to articulate such traumatic experiences by telling their own stories may restore these violated narrative identities:

“To witness the moment when pain causes a reversion to the pre-language of cries and groans is to witness the destruction of language; but conversely, to be present when a person moves up out of that pre-language and projects the facts of sentience into speech is almost to have been permitted to be present at the birth of language itself” (Scarry, 1985: 162).

In contexts in which violence and its consequences sunder the everyday and the standard linguistic forms associated with it (Ross, 2003b: 330), the capacity to narrate experience has been viewed as fundamental to any prospect of healing or reconstructing of identities.

Primo Levi is critical of this claim inasmuch as he has asserted that the only legitimate person who can provide testimony²² about an experience of violence is the one who cannot do it because he or she did not survive the event (Levi, 1988: 83-4). Thus, in the aftermath of violence, he argues, testimony stresses what happened at the margins of what can be said and to bear witness²³ is to give voice to what was never said, to what could not be said. This, Giorgio Agamben argues, is the unique structure of testimony of violations: bearing witness to the impossibility of bearing witness (Agamben, 1999: 130). Agamben, writing on the Holocaust, states, “Poets – witnesses – found language as what is left, as what actually survives the possibility, or impossibility of speaking” (Agamben, 1999: 115).

Stating the ‘universality of testimony as a ritual of healing’ Ingrid Agger and Soren Jensen posit that testimony has both a confessional or spiritual private dimension and also a political and judicial public aspect (Agger and Jensen, 1990: 115-30). Testimony thus unites both the

²² They are two distinct Latin roots for the term ‘testimony’. One is *superstes*, which names, in Latin, that person who lived through the event either as a victim, perpetrator or bystander. The second root is *testis*, derived from *terstis*, which names in Latin that person who positions himself or herself as a third among two others. This suggests a movement from witness to providing testimony before a third person (Agamben, 2002).

²³ See Dori Laub, “Testimony: Crises of Witnessing” for a distinction between ‘bearing witness’ and being an ‘eye-witness’ (Laub, 1992: 61-62).

private and the political levels within its structure (Agger, 1994: 9), which then adds a larger dimension to an individual's intimate experience (Agger, 1990: 130). Testimony allows the individual to reintegrate a painful experience into the fractured self so as to become 'whole' again while simultaneously making a public statement about harms inflicted, thereby serving both to record harm and to denounce those who inflicted it (Ross, 2003a: 78).

Sharing their experience with others through a storytelling medium, such as that of giving testimony, could serve as a primary form of active resistance to the future claims by the victimisers. Retelling history from the victims' perspective is an act of resistance against the victimisers and may serve to transform the victims from being mere objects of the regime's campaign to participants in the telling of their country's history. Survivor testimony destabilises the perpetrator's claims to justice and legitimacy.

In the aftermath of a torturous experience, the act of writing or speaking of that event represents not only an attempt to reassert one's subjectivity, but also to ally oneself with a larger community. The process of testifying became "in part a shared narrative construction and reconstruction through the inquiry" (Connelly and Clandinin, 2000: 5). Narrative plays a crucial role in restoring a sense of self in time and place and in re-establishing the grounds on which forms of personhood and sociality can be forged anew (Ross, 2003b: 330). Individuals' stories of pain and suffering became the grounds on which a shared memory forged new forms of belonging (Ross, 2003b: 332).

The TRC offered a new structure for narrating individual experiences of violence and suffering to a broader public where victims' stories of trauma became, in effect, a form of testimony (Herman, 1992: 181). Narrating one's experience of gross violations of human rights at the TRC provided the means to identify the self in relation to a public. Hence, the act of bearing witness may facilitate a victim's recovery by re-integrating these traumatic experiences into the survivor's life story and narrative community.

2.5 Methodology and Research Design

My examination of the narrative tension between the narrative framework of the TRC and the narrative framework of rape in women's testimonies of rape necessitates an understanding of identity from the perspective of discourse and narrative theory. Identities are narratively constructed within particular historical, social and cultural contexts and narrative communities and embedded in different narrative frameworks. In discourse theory, language is given a central role since it is through discursive systems of meaning – which serve specific interests, are often contradictory, and are forms of social power – that we grasp reality. Identifying with certain subject positions available within a particular culture at a particular time forms collective identity. The women who testified at the TRC bore witness to the trauma of rape and sexual degradation. Thus, women's testimonies encapsulate an interpretative situation, whereby the precise mechanism, spaces or exchanges that reconstitute a witness' sense of self are re-negotiated and interpreted.

The remaining chapters are organised as follows. In the next chapter, I explore the narrative framework of the TRC, in particular the legal and religious-redemptive undertones to the TRC's explicitly stated goal of promoting "reconciliation through truth". Chapter Four explores the discursive elements of narrating rape. I apply these analyses to the testimonies of women who spoke at the TRC about sexual violation to illustrate the inherent tension between the two narrative frameworks.

Chapter Three:

§ TRC NARRATIVE FRAMEWORK §

As with other victims who appeared at the TRC hearings the seven women who testified about their experience of rape were invited to tell their own stories of gross violations of human rights. These testimonies transpired within a specific TRC context predicated upon certain 'ritualised' procedural norms (Bozzoli, 1999: 170; Boraine, 2000: 99); any particular account was taken up within the TRC's overall narrative emphasis on "truth" and "reconciliation". I utilise the term 'TRC narrative framework' to refer to the specific narrative elements and constraints of the human rights violation hearings, which framed the telling of these stories. This chapter delineates the elements of this 'TRC narrative framework' in preparation for my applied analysis of women's stories of rape in Chapter Five.

3.1 Procedural Requirements and Structural Context of the TRC's Human Rights Violation Hearings

Chairperson of the TRC, Archbishop Desmond Tutu opened the first public hearing of the TRC in East London on 15 April 1996 with an overview of the TRC procedures and the role of the three different committees, including that of the HRV committee responsible for the victim and other hearings²⁴ (HRV hearing, 15 April 1996). According to Deputy Chairperson Alex Boraine, East London was deliberately chosen as the location for the first public hearings to make visible the TRC's concern for all areas of the country, rural and urban²⁵, and because the area had "witnessed some of the worst features of apartheid persecution" (Boraine, 2000: 100).

²⁴ To accomplish the four objectives of the Act, three committees were formed to address human rights violations, amnesty hearings and recommendations on reparation and rehabilitation, respectively. The Act also provided for an investigative and research unit, in addition to a limited witness protection programme. The Act also empowered the commission with extensive rights to subpoena witnesses and to search for and seize evidence (The Act, 1995: Chapter 6, Section 28, 29 'Investigations and hearings by Commission', 'Powers of Commission with regard to investigations and hearings'). The TRC was allocated an annual budget of approximately \$18 million (Hayner, 2001: 41).

²⁵ The TRC had four regional offices located in Cape Town, Gauteng, Durban and East London and a staff of 438 people.

When the TRC concluded its proceedings, seventy-six public human rights violation hearings had been held throughout South Africa, each of which typically lasted between two and five days. In different ways, these hearings were characterised by the TRC's attempts to structure them in "non-adversarial" and "victim-oriented" ways, unlike those of typical criminal justice procedures: strict rules of evidence and due process did not apply, witnesses were not subjected to cross-questioning, "comforters" were provided to those experiencing stress, etc (du Toit, 2000: 128, 130-131). Indeed, the TRC's victim hearings have been taken to represent a new model of more victim-oriented practices to the more familiar legal procedures of the criminal court (du Toit, 2000: 136).

Even so, the HRV hearings could not avoid certain basic procedural and other requirements. Between three to seventeen Commissioners²⁶ listened to approximately ten testifiers a day. When individuals moved beyond the information given in their statements, they faced a quasi-judicial impediment; Section 30 of the Act²⁷ mandated that alleged perpetrators named in victim's statements be informed and allowed to respond in the form of an amnesty application for their crimes²⁸. When victims in the course of their testimony named other individuals whom they had not previously mentioned in their written statement, Commissioners redirected their testimony and asked them to speak only about information already previously offered in their statement. Legal representatives of named perpetrators, however, were not allowed to ask questions of victims at the HRV hearings.

In other ways, too, there were practical constraints on the testimonies. While initial testimonies often lasted an hour-and-a-half, by the conclusion of the Commission's work testimonies lasted only approximately thirty minutes (Ross, 2003a: 14). As the testimonies

²⁶ Seventeen individuals drawn mainly from the churches, the legal and the 'caring' professions were appointed as commissioners with Archbishop Desmond Tutu as the Chairperson. Among the seventeen commissioners there were seven women and ten men. The racial profile of the commissioners included seven 'Africans', two 'coloureds', two 'Indians' and six 'whites' (Boraine, 2000).

²⁷ Section 30 of the Act states: "If during any investigation by or any hearing before the Commission – (a) any person is implicated in a manner which may be to his or her detriment, (b) the Commission contemplates making a decision which may be to the detriment of a person who has been so implicated or (c) it appears that any such person may be a victim; the Commission shall, if such person is available, afford him or her the opportunity to submit representation to the Commission within a specified time with regard to the matter under consideration or to give evidence at a hearing of the Commission" (Section 30 of the Act).

²⁸ According to Deputy Chairperson Alex Boraine, this requirement had a negative impact on victims, which resulted in long administrative delays and meant employing more staff (Boraine, 2000: 113).

proceeded, Commissioners frequently intervened to seek clarification or to keep the testifier 'focused'. They regularly made reference to the lack of time available for testifiers or apologised for beginning proceedings behind schedule. Queries regarding dates routinely figured in victim's testimonies, as Commissioners sought clarification on when events transpired or the victims corrected information that statement takers had documented erroneously (Boraine, 2000: 105-09).

Victims often brought family members or friends to accompany them at the hearing. Testifiers were briefed before their testimony about what to expect and assigned a TRC staff member to assist them while telling their stories to the public (Boraine, 2000: 110). After their testimony, 'debriefers' were assigned to provide psychological support to the victims, although occasionally this did not eventuate and/or may have exacerbated feelings of anguish about the violation²⁹.

Although the audience was not 'officially' allowed to participate, the crowd frequently interjected in the testimonies of victims. In other ways, too, the audience made its presence felt. For instance, the audience was frequently reminded to turn off mobile phones and to remain quiet during individuals' testimonies (Ross, 2003a: 14). Occasionally, the hearings had to be stopped when commissioners felt that the audience was being disrespectful of the victim or, in the case of the HRV hearings in Mdantsane, when the electricity cut out (Krog, 1998: 248).

After a victim had finished testifying, Commissioners asked additional questions of the victim, usually about the political context of the violence and the victim's feelings about testifying at the TRC. After each testimony, the chairperson usually made a succinct 'closing statement' in which they thanked the victim for sharing their story and acknowledged the difficulties of speaking in public about such traumatic events (Wilson, 2001: 108).

The 'ritualised' structural context of the TRC varied little throughout the hearings and provided the framework by which the TRC's stated objectives of "promoting reconciliation

²⁹ In an interview with researcher Fiona C. Ross, Yvonne Khutswane, who testified to being sexually assaulted while in police custody, said that she had not been debriefed after her testimony (Ross, 2003a: 86). In addition, Thandi Shezi has said that her debriefer asked her why she was crying after her testimony, which Shezi felt reflected a high degree of insensitivity (Posel and Simpson, 2002: 128).

through truth” allowed victim’s stories to materialise. Though witnesses were invited to “tell their own stories”, the operating assumption remained throughout the hearings that their “truths” would promote individual and collective reconciliation.

3.2 Reconciliation, Truth and Storytelling

“Reconciliation” – envisioned as the blending of a culture of human rights with the ‘healing’ of a nation – has figured prominently in human rights discourse over the past few decades in newly democratic countries (Wilson, 2001: 97). The negotiated political settlement that brought a cessation of hostilities in South Africa and enabled a peaceful ‘free’ and ‘fair’ democratic election precluded the possibility of ‘Nuremburg-style’ prosecutions. “Reconciliation” thus acted as the moral imperative to bridge the divide between victims’ justifiable desire for retribution and the pragmatic considerations inherent in the political compromise of the transitional pact.

The postscript of the 1993 Interim Constitution for South Africa stated: “The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society” (Interim Constitution of South Africa, 1993). In the interest of advancing such ‘reconciliation’, the Interim Constitution mandated that “amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past” (Interim Constitution, 1993). Thus, amnesty was the explicit method by which reconciliation was to be achieved and the basic understanding of reconciliation was that it required amnesty for perpetrators of human rights violations. The Interim Constitution did not yet include any references to the Truth Commission or the victim’s hearings.

The “Promotion of National Unity and Reconciliation Act” of July 1995 established the TRC. Section 3 (c) of the Act delineated the objectives of the TRC:

“The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts...of the past by...establishing as complete a picture as possible of the causes, nature and extent of the gross human rights violations of

human rights which were committed during the period...including...the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations...the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective...and...by restoring the human and civil dignity of victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims³⁰” (Act No. 34 of 1995: Promotion of National Unity and Reconciliation Act, 1995: Chapter 2, Section 3:1 (a-d) ‘Objectives of Commission’).

The emphasis on “restoring the human and civil dignity of victims” in the Act paved the way for the victim’s hearings as the core component of the TRC process and represented a shift in focus from the perpetrators to the victims. The victim’s hearings, thus, were characterised by its victim-oriented focus on disclosure and acknowledgement of truths in relation to gross human rights violations in a “non-adversarial context of public reconciliation” (du Toit, 2002: 8). In the interest of hearing the “perspectives of the victims” and “restoring” their dignity, the TRC was thus mandated to hold public hearings to allow the victims of past human rights abuses, and their perpetrators, the opportunity to break the silence about apartheid era atrocities committed between 1 March 1960 and 10 May 1994. These dates represented the banning of political organisations and the beginning of the modern resistance to apartheid – the ‘Sharpeville massacre’ on 21 March 1960 of 69 unarmed protestors who were demonstrating against pass book regulations – and the end of apartheid with the inauguration of Nelson Mandela as the first democratically elected president in the ‘new’ South Africa.

Storytelling and truth were perceived as the twin imperatives for reconciliation. In post-conflict South Africa, the recounting by victims of personal stories of the gross violations of human rights they suffered, and the disclosure by amnesty applicants of all knowledge about incidents of ‘gross human rights violations’, were conceptualised as promoting ‘reconciliation’ and beginning to heal individuals’ wounds of the apartheid years. As Chairperson of the TRC, Archbishop Desmond Tutu said, “Forgiveness will follow confession and healing will happen, and so contribute to national unity and reconciliation” (Tutu, 1999: 91).

³⁰ The other two objectives were: 3) providing recommendations for reparation and rehabilitation to those individuals found to be victims by the TRC; and 4) compiling a report which provided a comprehensive account of the findings of the Commission (The Act, 1995: Chapter 2, Section 3:1 (a-d) ‘Objectives of Commission’).

In the context of the TRC process, storytelling of this kind was seen as an inclusive activity that concerned all South Africans, regardless of their respective race, language or political affiliation, etc. When inviting victims to come forward to make their statements and testify at the HRV hearings, the TRC emphasised national identity – South African – over all other differentiating qualities. Archbishop Desmond Tutu said:

“The onus is on each single South African to realise that this is not a project to which anyone can be indifferent...on its success does hinge the continued existence of our nation, of all of us as a people and as separate individuals. It is ultimately in our best interest that we become forgiving, repentant, reconciling and reconciled people, because without forgiveness, without reconciliation we have no future” (Tutu, 1999: 127).

In addition, the TRC uniquely offered a public opportunity to listen and watch hitherto untold stories of ‘gross human rights violations’ experienced during the apartheid era. Previous truth commissions, such as those held in Latin America, had not held public victims’ hearings. A targeted print and media campaign encouraged victims to tell their stories of gross human rights violations, extensively utilising radio broadcasts and advertisements in the hopes of reaching those who were illiterate (Tutu, 1999: 81). Daily updates on the hearings and the proceedings were broadcast live for seven hours a day on television and radio, and written about in the print and electronic media (Ross, 2003a: 15). In later hearings, the hearings were condensed into the weekly series *Special Report*. The Commission’s website featured news, background documents and later in the process, the transcripts of testimonies and amnesty decisions (Ross, 2003b: 328).

As stated by South African academic, André du Toit, “the TRC’s public and democratic character increased both its risk and its opportunities as an ongoing *process* relative to the eventual *product* (du Toit, 2000: 130, emphases in original). As such the meaning and interpretation of truth and reconciliation, the stated objectives of the TRC, evolved over time as different agents became involved with the process and located their ideas within different framing narratives (du Toit, 2000: 130). Thus, the explicit framework of the TRC in South Africa framed its human rights violation hearings as promoting the reconciliation of a “fractured nation” and truth was conceptualised as the basis for reconciliation (TRC Report, Vol 1, ch. 1: 18).

In the aftermath of political conflict and in the context of transitional justice, reconciliation has been defined as “developing a mutual conciliatory accommodation between antagonistic or formerly antagonistic persons or groups” (Hayner, 2001: 155). In her examination of truth commissions, Priscilla Hayner distinguishes between individual reconciliation, on the one hand, and national or political reconciliation, on the other hand. However, individual reconciliation is a personal process, which may be *facilitated* by a truth commission, but can in no way be a guaranteed *outcome* of a truth commission. Hayner argues that the “strength” of a truth commission is usually in advancing national or political reconciliation: “An official accounting and conclusion about the facts can allow opposing parties to debate and govern together without latent conflicts and bitterness over past lies” (Hayner, 2001: 155). As such, individuals were thus asked to prioritise their role as a “*citizen* above their position as a *violated person*” in the pursuit of national reconciliation (Villa-Vicencio, 2000: 201, emphases in original).

Evidently other moral and religious traditions also informed the TRC’s understanding of “reconciliation”. Thus, for instance, the Christian understanding of reconciliation and the African notion of *ubuntu* significantly shaped the ideal of ‘reconciliation’ at the TRC in the South African TRC process. In the Christian tradition, reconciliation involves sacrifice and commitment that occurs in progressive stages: confession, repentance, restitution and forgiveness (Boraine, 2000: 360). Likewise, the Xhosa and Zulu word ‘*ubuntu*’ encapsulates notions of personhood, humanity, group solidarity and morality. The most fundamental belief of *ubuntu* is ‘*umntu ngumntu ngabantu, motho ke motho ba batho ba bangwe*’, which translates to English as ‘a human being is a human being because of other human beings’ (Boraine, 2000: 362). According to Tutu, *ubuntu* united the perpetrators of violations with their victims: “the humanity of the perpetrator of apartheid’s atrocities was caught up and bound up in that of his victim whether he liked it or not” (Tutu, 1999: 35).

“Reconciliation” also had particular implications for women witnesses. Driver argues that the relationship between “reconciliation” and “*ubuntu*” represented a “feminisation” of the TRC process: “women comforters were used to sit with the witnesses; the voices of women were often used to give judgment on whether forgiveness would be granted and humanity bestowed; and women typically functioned in the position of mourners whose ritual task had

to do with the restoration of social order” (Driver, 2005: 2). In addition, as examined in my applied analysis in Chapter Five, the notion of “reconciliation” posed special difficulties to women witnesses narrating rape. However, first we need to consider the TRC’s implicit narrative framework itself more closely.

3.3 Narrating ‘Reconciliation’

Wilson has argued that the language of “reconciliation”, as it figured in the TRC hearings, represented an “organisational and conceptual morass” from which emerged specific narratives on reconciliation. In effect, these narratives on reconciliation, which he terms the “legal-procedural” and the “religious-redemptive” (Wilson, 2001: 104), amount to important specifications of the TRC’s narrative framework and are the focus of this section. It will be my contention that these two narratives, and thus the TRC’s implicit and explicit narrative framework, proved a problematic feature in many of the women’s narratives of rape³¹.

The first narrative – the legal-procedural – adopted a legal positivist, procedural view of reconciliation. In terms of this narrative framework, reconciliation emerged as a result of the application of legal principles contained within the Act (Wilson, 2001: 104). This reconciliation narrative contained a “discursive invisibility” that followed the legal criteria for amnesty decisions; significantly, these legal requirements did not include repentance and the TRC accordingly did not attempt to evaluate the perpetrator’s degree of felt guilt or remorse (Wilson, 2001: 105-6). Wilson analyses this narrative in relation to amnesty decisions. However, in my examination of women’s narratives of rape in Chapter Five, I will

³¹ Wilson also distinguished a third narrative on reconciliation – the “mandarin-intellectual” – which shifted the object of reconciliation from the individual level to that of the nation. As the focus of this project is on individual constructions, violations and re-constructions of narrative identity, I am not concerned with this broader nation-oriented view on reconciliation. This narrative favoured a South African nation-building approach to reconciliation, rather than an individually oriented notion of reconciliation. Wilson contends that unlike those committed to the religious-redemptive narratives, adherents of this approach believed that individuals, despite having participated in the TRC process, may continue to feel vengeance and hatred for those who had harmed them. In other words, mandarin-intellectuals believed in the politically advantageous effect that truth would have in promoting reconciliation and that the TRC, in establishing the ‘truth’ of human rights violations, acted as the initial phase in the protracted process of reconciliation. For a more detailed examination of the mandarin-intellectual narrative, see, Wilson, Richard A. (2001) *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press), pp: 107-108.

contend that discursive elements of legal considerations were applied to some of the women's testimonies as well.

Second, the appointment of Archbishop Desmond Tutu as Chairperson of the TRC became associated with a religious and therapeutic discourse on reconciliation and healing through the disclosure of truth (du Toit, 2002: 9). This "religious-redemptive" narrative of reconciliation, as Wilson characterises it, was the dominant framework of the human rights violation hearings, significantly influencing the ways in which testimonies were given by victims and received by Commissioners. Implicitly and explicitly, Christian ideals of confession, forgiveness and redemption without retributive impulses characterised this religious-redemptive narrative (Hayner, 2000: 41). Revelations of truth during testimonies came to echo Christian acts of confession. 'Truth' involved more than the discovery of information and facts. Truth, as channelled through the religious-redemptive narrative, was assumed to possess a cathartic healing power that transformed bitterness and revenge (Wilson, 2001: 110). The Commissioners then subsumed these individual narratives into the broader TRC narrative framework of truth, reconciliation and nation building.

Each of the respective narratives on reconciliation reflects a particular understanding of and approach to vengeance, rationality, forgiveness and the past (Wilson, 2001: 104). To this extent, the TRC process was open-ended enough to encompass different and sometimes even conflicting understandings of its key operative notions. However, in terms of each of these narrative frameworks only certain individuals in South Africa were 'qualified' to share their story at the TRC. Although advertisements throughout South Africa encouraged people to tell their personal stories, the TRC effectively delineated the type of story they wished to hear; people could not simply tell any story about their lives or in their own ways. Thus, individuals had to tell a story of their experiences as a 'victim' of what the TRC defined as a 'gross human rights violation' between the mandated years.

The TRC's definition of 'victim' implied passivity: "Victims are acted upon rather than acting, suffering rather than surviving...[W]hen dealing with gross human rights violations committed by perpetrators, the person against whom that violation is committed can only be described as a victim, regardless of whether he or she emerged a survivor" (TRC Report, Vol.1, ch. 5: 59). In the TRC's understanding of violation, "violation begets victim",

regardless of the time which has elapsed and “thereby imputing a natural, passive subject and foreclosing an investigation of power and resistance” (Ross, 2003a: 76).

For some prospective witnesses, this posed a serious problem in so far as they did not conceive of themselves as ‘victims’ and resisted having to present themselves in these terms, rather than as, e.g., ‘survivors’ or even as ‘heroes’ of the liberation struggle. Many activists argued that to retroactively identify as a ‘victim’ negated their contribution and power of their actions in toppling the apartheid state (Curnow, 2000: 40; Owens, 1996: 67). Many of these individuals argued that they “don’t fit into the victim mould” because others had suffered ‘more’ (Owens, 1996: 67).

However, not identifying as a ‘victim’ had negative effects. For those individuals who either would not or could not submit a statement to the TRC as a ‘victim’, their opportunity to seek financial redress was forfeited; to make a claim against the state in relation to the Commission’s proposed ‘Urgent Interim Relief Grant’ and ‘Individuals Reparations Grant’, a person had to testify as a ‘victim’ and be identified as a victim by the TRC (TRC Report, Vol. 5, ch. 5: 170). Thus, while ‘victim’ was a legal category, it was also one that carried moral weight (Ross, 2003a: 163), which may have constrained the ranges of expressions of suffering. These terminological contestations implied different underlying narrative frameworks for telling their “own stories” rather than that proposed by the TRC.

Moreover, as the TRC progressed, the religious-redemptive narrative of reconciliation sought to reconcile not only individual victims and perpetrators, but was extended to a collective level. Wilson argues that this narrative effectively converted reconciling of individuals to a nation-building project (Wilson, 2001: 109). Tutu said, “Forgiveness will follow confession and healing will happen, and so contribute to national unity and reconciliation” (quoted in Wilson, 2001: 119). Accordingly, individuals’ personal suffering was increasingly collectivised; a process in which individual and intimate stories of harm became integrated into the collective narrative of South Africa under the apartheid regime (Wilson, 2001: 111). Significantly, Tutu emphasised that while individual stories of pain would be heard, pain was collectively felt throughout the country. At a hearing on 22 September 1996, Archbishop Desmond Tutu told an individual victim, “Your pain is our pain. We were tortured, we were harassed, we suffered, we were oppressed” (quoted in Wilson, 2001: 111). While individuals

In addition to collectivising suffering, the TRC, in accordance with its religious-redemptive narrative framework, accentuated spiritual recompense as a moral and spiritual alternative to secular acts of retribution. The TRC hoped to 'heal wounds' and individuals were subtly or overtly encouraged to abandon any understandable desire for retaliation in favour of 'reconciliation'. In addition, during the first six months of the hearings, Commissioners explicitly asked individuals if they forgave their perpetrators, but following an outcry from victims and observers about the moral incongruity of such questions, the Commissioners ceased the explicit soliciting of 'reconciliation' proclamations (Wilson, 2001: 119).

However Commissioners continued to subtly encourage testifiers to make references to ideals of 'forgiveness' and 'reconciliation' (Wilson, 2001: 174). For instance, Commissioners often asked victims if they opposed the amnesty application of alleged perpetrators and publicly and vociferously praised those victims who denounced retribution and exalted the ideals of forgiveness and reconciliation. Tutu frequently implied that forgiveness 'liberated' victims. Expressions of anger, revenge or hatred seemed incongruous within the religious-redemptive narrative of the TRC (Wilson, 2001). However, in my examination of women's narratives of rape, as elaborated upon in Chapter Five, this constraint on expression seems particularly problematic in relation to narratives of rape.

We can thus provisionally conclude that the TRC narrative framework reflected an understanding of 'reconciliation through truth', a religious-redemptive narrative which incorporated the spiritual influence of Archbishop Desmond Tutu, as well as the legal-procedural considerations of the amnesty hearings. The question remains in what ways the narrative framework of the TRC enabled and/or constrained women's testifying about rape at the HRV hearings. This will be the subject of detailed applied analysis in Chapter Five.

Chapter Four: **⌘ TOWARDS A NARRATIVE FRAMEWORK FOR** **RAPE ⌘**

From the perspective of narrative theory, rape is not just a sexual violation or legal crime, but amounts to a violation of an individual's narrative identity, while narrating rape could contribute to the re-construction of that identity by locating the violation once again as part of one's 'own story'. However, in practice narrating rape depends upon the available narrative frameworks. Significantly, key studies of rape and sexual violence have concluded that narratives of rape are dependent upon a framework of story telling, which is historically and culturally specific (Walker, 1998: 5; Plummer, 1995: 63). Hence, the ways in which individuals construct and interpret narratives of rape are context-dependent, differently framed in terms of available social discourses.

However, this should not be confused with a strong relativist position that rape itself is context-specific or that its meaning simply varies according to people's views, attitudes and societal or cultural norms regarding rape. Such an understanding of rape would be tantamount to believing, in principle, that in particular contexts a woman was not raped because the context in which the act occurred did not 'recognise' it as rape. On the contrary, taking into account that rape itself is associated with a discursive 'silencing' of the victim, it follows that the victim's articulation of that violation, e.g. by narrating rape, must involve a breaking of this 'silence', an insistence on the violation of self involved in rape even, and especially, where that has not been socially or culturally recognised. However, such narratives of rape are bound to be contested and constrained by the available discourses and social conventions of the particular contexts in which the story is narrated and received. The distinction should be clear, then: while the violation of rape is not context-specific, its articulation in narratives of rape, as well as the interpretation and social reception of such narratives, is context-dependent. It is the latter aspects, i.e. the narrative frameworks of rape, which are of primary interest in this project. This chapter provides a template for analysing how the stories of the seven women who testified about rape at the TRC hearings in South Africa were both enabled and constrained by the TRC's narrative framework, and how the

reception of these stories, were also reflective of other narrative frameworks, and informed by specific and localised legal, cultural and social norms regarding rape.

Through my examination of the narrative frameworks that both influence and constrain the articulation and reception of women's testimonies of rape, I delineate a storytelling 'framework' for rape. I term this the 'narrative framework of rape'. Within this framework, factors which may enable or constrain a narrative of rape include: the politics of rape; 'silences' around rape constraining 'voice'; common assumptions about rape and rape victims, which affect the 'credibility' of the story; and the redemptive effect of identifying as a 'survivor' in the re-construction of narrative identity. My sources for this framework focus on different aspects of rape to provide a comprehensive understanding of the politics of rape and the 'silences' and discursive difficulties in narrating rape.

4.1 The Crime and Politics of Rape

According to poet and writer, Antjie Krog, "a seemingly simple question like 'what is rape?' can derail a whole discussion" (Krog, 1998: 239). The definition depends, in part, on an individual's spatial and temporal location. For instance, the International Criminal Tribunal for Rwanda offered the widest definition of rape in international law, stating that rape is, "a physical invasion of a sexual nature, committed on a person under circumstances which are coercive. Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact" (International Criminal Tribunal for Rwanda, 2 September 1998).

In contrast, since 1957, South African common law has defined rape in gender-biased terms as "intentional, unlawful sexual intercourse with a woman without her consent" (cited in Vogelmann, 1990: 435). By this definition, men are excluded from being victims of rape. Anal and oral penetration, in addition to penetration with foreign objects, is termed 'indecent assault' and carries a lighter sentence³² (Vetten, 1999: 21). Moreover, the emphasis on

³² Since 1997, lawyers and gender activists in South Africa have been trying to amend the current 'Sexual Offences' law to ameliorate the abovementioned troublesome areas. For more information, see Human Rights Watch (2003) "On the draft Criminal Law (Sexual Offences) Amendment Bill, 2003" (New York: Human

“intent” and “consent” allows the accused room to argue that he believed that the woman consented to sex whilst placing the woman in the position of having to demonstrate her lack of consent.

Legal definitions aside, however, the starting point for understanding the problem of articulating and narrating rape must be the political definition of rape as a crime of power and violence rather than a sexual act (Brownmiller, 1975: 12). This is a seemingly obvious point, but it is sometimes overlooked. Brownmiller’s landmark book posits rape as a method of political control, which enforces the subordination of women through terror (Brownmiller, 1975: 14-15). This politicised definition of rape argues that while rape violates a woman in a deeply “personal and personalised way” (Burt and Katz, 1987: 58), it is also political in the most fundamental sense as a destruction of her narrative identity.

The power dimensions of rape are further politicised in contexts of violent conflict, such as that during the apartheid era in South Africa. In such situations, a raped woman feels not only personal anguish and emotional suffering, but also may feel the social destruction of which rape is an integral part (Sideris, 2000: 42). The act of rape in such contexts highlights the political intention of sexual violence and constitutes an attack on “an entire socio-political process by crippling it. It is an attack directed equally against personal identity and cultural integrity” (Nordstrom, 1995: 8). On the basis of a political understanding of rape as involving the destruction of a woman’s narrative identity, the additional constraints on a woman nevertheless articulating and narrating rape in ways, which may possibly be restorative, will be clear.

4.2 Silence and Shame

The nature of rape – an attack on personal identity in a deeply intimate expression of violence and rage in which a particular woman or particular women are targeted – may have the effect of ‘silencing’ and shaming the woman, and hence, constraining her ability to

Rights Watch, 15 September 2003); or Women’s Legal Centre (2003) “Submission to the Justice and Constitutional Development Committee in Response to the Criminal Law (Sexual Offences) Amendment Bill published in Government Gazette No. 25282 Dated 20 July 2003”.

narrate her story of rape. In situations where women's bodies become "sites of the visible enactment of power", as is the case with rape, "shame may be produced as residue" (Ross, 2003a: 63). The lived experience of rape and the feeling of being so intimately known and exposed may contribute to a feeling of shame (Sideris, 2000: 43), which effectively 'silences' the victim of rape. As Agamben mentions in *Stanzas*, "shame is the index of the shuddering proximity of man to himself" (Agamben, 1992: 84). Shame and the sense of 'self', then, may be inversely related to speech (Agamben 1999: 112), resulting in 'silence' and preventing women from bearing witness to their desecration. The silence so closely associated with rape is inherently tied up with rape as a political destruction of narrative identity. Bennett warns that the effect of this 'silence' may be the exacerbation of the violence done by the rape because the intention of that violence is "the erasure of the victim's identity, her access to self-hood, her meaning as anything beyond an object of rage, malevolence, blind and despairing foundation..." (Bennett, 2001: 92).

However, there is also a societal reticence to articulate 'rape' within the public sphere. Narrating rape violates the boundaries between the 'public' and 'private' spheres of men and women, which so rigidly partitions most societies. The 'private' sphere of domesticity, reproduction and sexuality has most often been associated with women, while the 'public' sphere of paid work and political, social and economic authority, has typically been relegated to man's domain³³ (Anderson, 2000: 360). Anderson states that women's exclusion from the public sphere has enabled men to retain control while leaving women subordinate and 'silent' (Anderson, 2000: 361). Cultural stereotypes and limited economic possibilities influence a woman's diminished ability to speak about sexual violence publicly (Human Rights Watch, 2004b: 1; Goldblatt and Meintjes, 1997: 10).

Testimonies of sexual violation intrude on patterns of silence that are conventional about matters of sexuality and sexual violation (Ross, 2003a: 93). Transgressions of the 'silence' around rape may engender considerable apprehension, even abhorrence; the victim may feel shame, self-blame and vulnerability in voicing such a personal violation while the audience may feel guilt at this societal breach of conduct by both the perpetrator and the victim – the

³³ The public/private argument intersects with issues of race and class. In recent years, theorists have argued that women of colour have typically had to work outside the home for economic reasons and that women's confinement to the domicile has been a predominately White, middle-class phenomenon (Anderson, 2000: 361).

perpetrator in committing the act and the victim in breaking the code of silence around sexual acts in general. As such, breaches of this informal code may result in stigmatisation of the woman who has been raped. For those women who do voice their experience of rape, their narrations are conditioned by the particular context in which they speak.

4.3 Problems in Articulating and Narrating ‘Rape’

Rape eradicates a woman’s self-determination and often circumscribes her ability to articulate rape. Plummer and Walker both point to two key aspects of rape in respect of narration once the silence is ‘broken’. Plummer points out that narratives of rape are often framed by the silence and secrecy, which punctuates the violation (Plummer, 1995: 50). In addition, although Walker suggests that there are “no words for rape’s reality” (Walker, 1998: 8), she nevertheless suggests that in the process of articulating ‘rape’, a woman defines a reality about rape and its meaning, which is conditioned by available languages (Walker, 1998: 5). Significantly, the ways in which rape are spoken of have to do with the availability of appropriate languages, images, concepts and schemas, which are historically and culturally grounded and influenced by factors such as race, gender and narrative context.

As discussed in Chapter Two, stories are grounded in historically evolving communities of memory, structured through age, class, race, gender and sexual preference (Plummer, 1995: 22). Stories of rape are produced and received within available collective and cultural meanings. The structure of a rape narrative reflects the interaction of listeners with the storytellers, which are framed by cultural understandings of rape (Plummer, 1995: 22). Socially and culturally defined subject positions may narrow the scope for speaking about painful memories; vocalising suffering may involve speaking from a position that does not necessarily do justice to the self (Ross, 2003a).

Various discourses of sex, violence and law may influence rape narratives and the reception of them (Walker, 1998: 18). For instance, Walker noted that women, in her case study, often spoke elliptically about rape, rarely referring to it as such. Walker contends that a graphic description of the rape was not necessary because it was the *context* rather than the *content* that determined whether it was rape (Walker, 1998: 8, emphases my own). In other words,

the legal definition of rape was understood, but to prove rape, a woman needed to establish her lack of consent to sexual relations.

The distribution of power and control renders some stories alive with possibility and others infused with oppression and dominance; some stories may be empowered, while others diminished or marginalised in capacity (Plummer, 1995: 26). Discourse regulates individual's lives and the ability to assert ownership and power over one's life story must be seen as reflective of an individual's level of empowerment (Plummer, 1995: 144). Stories of rape exist within a flow of power that patterns the degree of control women possess over their stories (Plummer, 1995: 26, 144). The power to tell her story reasserts agency and rests on her ability to discursively negotiate her way through a "web of gendered legal and cultural restrictions", which are often patterned around the idea of 'credibility' (Walker, 1998: 10).

4.4 'Credible' Rape Narratives

Plummer has argued that 'classic' stories of rape often contain embedded assumptions about gender roles. This view can be illustrated by the commonly held assumption that a 'pure' woman is unlikely to be the victim of rape because her chastity and fidelity to her husband would preclude her from being in 'questionable' locations where her honour could be possibly jeopardised (Plummer, 1995: 65). In addition, Plummer and others have identified several other key elements of this 'classic' story of rape, such as: any woman can avoid rape (Gordon and Riger, 1989: 6); women who are raped are young, careless and beautiful (Plummer, 1995: 67); women who are raped are 'loose' women who provoke rapists (Anderson, 2000: 282; Plummer, 1995: 67); women charge rape to cover accidental pregnancies (Plummer, 1995: 68), to acquire monetary gain or to take revenge for being 'dumped' (Vetten, 1999: 38-9). These assumptions about the behaviour and motivations of rape victims often undermine the perceived credibility of the woman's story.

In Bennett's analysis of a rape survivor's testimony, she draws parallels between Scarry's examination of the 'regime's' infliction of violence and simultaneous denial of that violence and the "institutional alliances between social permission for rape and the difficulty survivors encounter in getting their narratives of assault believed" (Bennett, 1997: 98). As such, the

notion of 'credibility' is fundamental to a rape narrative. A woman must prove that she fits with none of the above assumptions before her story may be deemed 'credible' (Ehlich, 2001: 20; Bennett, 1997: 101). Moreover, a woman may herself experience self-doubt when her experience of rape conflicts with commonly held assumptions about rape and women who are raped (Herman, 1992: 67).

Testimonies of rape then place the victim in direct confrontation with stereotypes about gender and sexuality that "may eviscerate both her 'credibility' as an innocent sufferer of a crime and her pragmatic right to authority over her experience" (Bennett, 1997: 101). In studies of juries' reactions to victims' accounts of rape, the perpetrator was more likely to be found guilty when the account matched certain narrative expectations about rape culturally held and disseminated (Bennett, 1997: 100; Martin and Powell, 1994: 855). In such analyses, people responded more favourably to the stories of women whom they deemed 'respectable', 'cautious', 'emotionally expressive' and had been raped by strangers, instead of acquaintances³⁴ (Ward, 1995: 44).

Thus, to be 'credible' as a victim, one's story must be 'plausible' for the audience listening to it. In distinguishing between the notions 'plausibility' and 'credibility', Bennett argues that the 'plausibility' of the story rests on the "cultural familiarity" of the scenario (Bennett, 1997: 100). Certain narratives, such as when a woman tells a story about being raped by a stranger with a weapon at night or a white woman claims to have been assaulted at night by a black man, are considered more 'plausible' for observers and thus more likely to result in the victim being imbued with credibility (Bennett, 1997: 101).

Moreover, the credibility of the victim can be challenged by the extent of the bodily damage caused by the rape, but this is a particularly problematic understanding of the violence of rape. Rape is an act of physical, psychological and social power and aggression (Plummer, 1995: 67)³⁵. A rapist debases his victim, making her an object of defilement and negating her sense of self-determination. Modern narratives of rape highlight the intersection of power

³⁴ In the 1994 case of *State v. Camroodien*, the defendant was convicted of raping a prostitute at gunpoint. During the sentencing, Magistrate Marais said, "if the complainant was an innocent young woman, I would not have hesitated to send you to jail for a very long time" (quoted in Vetten, 38). The defendant was fined R 8,000 with two years suspended (Vetten, 38; Ward, 1995).

³⁵ For a criticism of this argument on the basis that it denies rape's sex-specific nature, see Sandra Walklate (1995) *Gender and Crime: An Introduction* (London: Harvester), pp. 95.

settings, a victim undergoes extensive questioning about her dress, mannerisms and motivation for reporting the crime to determine whether she may have ‘enticed’ or ‘provoked’ the man to assault her – key problems and assumptions of the ‘classic’ story of rape (Plummer, 1995: 66). In one analysis of cross-examiners questions at rape trials, questions about the victim’s knowledge of being in a dangerous context prior to her assault are used to discredit the victim’s ‘credibility’; the logic being that if the victim knowingly placed herself in a position of harm, she ‘invited’ the assault to occur (Drew, 1992: 16). Declarations of rape therefore had to deflect notions of female complicity in order to be deemed ‘credible’. In Walker’s analysis of rape accusations, many of the trials resulted in the prosecution of the woman for slander, rather than in the conviction of the alleged rapist (Walker, 1998: 19).

Thus, the relative ‘success’ of a woman’s narrative rests in her ability to articulate the necessary discursive elements to render her story ‘credible’ and ‘plausible’.

4.5 Narrating Rape and Restoring Narrative Identity

People tell stories to assemble a sense of self and identity (Plummer, 1995: 144, 172). As feminist philosopher Seyla Benhabib has emphasised, “The self is both the teller of tales and that about whom tales are told. The individual with a coherent sense of self-identity is the one who succeeds in integrating these tales and perspectives into a meaningful life history” (Benhabib, 1992: 198). The narration of rape, therefore, is fundamental to the self-conscious re-construction of identity in the aftermath of violence.

Unmitigated terror has the effect of “stripping away...every extraneous layer...every role we play in life” (Griffin, 1992: 13). Rape is similar to torture in this regard; rape is an attack on a woman’s autonomy and dignity, which obliterates a person’s fundamental sense of self (Herman, 1992, 52). Since personal narratives are socially embedded and constitute a fundamental aspect of self-identity, rape affects the construction, violation and re-constructing of identity. In narrating the experience of rape, the storyteller integrates that experience into her narrative identity, asserting agency over her existence and her power to

position herself as the narrator of that story. As stated by Bennett, “to narrate the story of violation is...proof of the storyteller’s continued social existence...” (Bennett, 1997: 102).

Within the feminist movement, in line with the politicised definition of rape, there has been a gradual shift from calling an individual who has been raped a ‘victim’ to calling them a ‘survivor’. More generally, there has been a growing realisation that ostensibly ‘victim-oriented’ policies and practices may themselves involve subtle forms of further ‘victimisation’ in, and by, requiring individuals to identify themselves as “victims” of violations. Enabling such individuals to tell their own stories in ways restorative of their narrative identities may thus require a shift to a different narrative framework. In this regard, the TRC’s narrative framework, with its central focus on “victim” of gross violations of human rights, was itself deeply problematic. The term ‘survivor’ stresses a woman’s resilience and active coping strategies, while ‘victim’ has come to be seen as “disempowering” because of its connotations of helplessness and passivity (Vetten, 1999: 4). Identifying as a ‘victim’ seemingly ascribes permanent damage to the individual, making pain and violence the sole characteristic for identity classification.

The transition from a victim to a survivor identity necessitates the woman circumventing the ‘classic’ story of rape to envisage her lack of culpability for the rape, regardless of her dress, mannerisms, etc (Plummer, 1995: 76). Telling women’s stories from a ‘survivor perspective’ may be understood as a protest against the ‘classic’ story of rape and rape victims with its embedded gender assumptions about women who have been raped. While the term ‘survivor’ may not be the most appropriate term when discussing all women who have experienced rape – indeed, some victims do not survive and others struggle to psychologically cope after their attack – presupposing that a narrative identity is constructed through the stories one tells about themselves, the implications between calling an individual a ‘victim’ or a ‘survivor’ must be taken into consideration.

‘Rape’ must be contextualised with regard to the historical and cultural specificities, which frame its narration. In light of the aforementioned impediments to testifying publicly about sexual violence, additional consideration and focus should be given to those women who *did* testify at one of the TRC public hearings about their personal experience of rape. Their testimonies mark a public incursion on matters of the ‘private’ and ‘intimate’ and the

reception of their testimonies at the TRC bears reflection for future truth-seeking processes, both in South Africa and elsewhere.

Chapter five utilises the ‘narrative framework of rape’, to identify, understand and analyse the narrative tension apparent in the testimonies of the seven women who testified about rape at the TRC.

Chapter Five:

⌘ NARRATING RAPE AT THE TRC HEARINGS ⌘

This chapter applies the notion of narrative identity in respect of the TRC narrative framework, as discussed in chapter three, and the discursive elements of narrating rape, as discussed in Chapter Four, to elucidate the testimonies of seven women who publicly testified at the TRC's HRV hearings about their experience of rape. It is my argument that the TRC's goal of promoting reconciliation through truth by inviting victims of gross violations of human rights to "tell their own stories" faced constraints and difficulties when examined in light of the discursive elements of rape. In particular, the salience of the TRC's legal-procedural and religious-redemptive narratives on reconciliation in testimonies of rape illustrates a somewhat misguided understanding of the "narrative truth" element of the HRV hearings. As examined in further detail, the women told their "truth", but within the TRC narrative framework of "reconciliation", the narrations of these stories, and their subsequent reception, seem incompatible.

5.1 Rape and the TRC

As set out in Chapter One of this thesis, a disproportionately small number of women publicly testified at the TRC about their own experience of human rights and/or sexual violation. It is difficult to determine a precise figure for the number of women who submitted written statements to the TRC about being raped. The TRC Report states: "Of the 446 statements that were coded as involving sexual abuse, 398 specified the sex of the victim. Of these 158, or 40 per cent, were women. Rape was explicitly mentioned in over 140 cases" (TRC Report, Vol. 4, ch. 10: 398).

There are a number of problems related to the TRC's accounting of written statements on rape. Firstly, 'mentioning' rape is not tantamount to experiencing rape and the TRC Report does not clarify how many of these '140 cases' were *firsthand* experiences of sexual violence. Based on Ross' findings of the first five weeks of public testimonies that women generally spoke about violations that had occurred to male family members whilst men

generally spoke about violations that they had personally experienced (Ross, 2003a: 17-18), it is my contention that many of the cases which mentioned rape were statements from men or women relating their second-hand knowledge of someone else who had been raped, rather than the victim themselves telling their own stories.

Secondly, the TRC Report's statement does not distinguish between cases of attempted rape, as distinct from actual rape, with regard to these "mentions" of rape. Thirdly, it is not clear if the 140 references to rape were derived from the explicitly stated 158 cases of sexual abuse that involved women or if that number is deduced from the 446 statements, which included both women and men.

Finally, and perhaps most problematic from the standpoint of understanding the prevalence and nature of sexual violence under the apartheid state, the TRC Report does not specifically refer to men's experiences of sexual violence as a relevant category of violations. It would appear from the TRC Report that as many as 240 men may have experienced sexual violence, but inexplicably the TRC Report does not go on to examine the issue of sexual violence towards men. This may have been due, in part, to the gender-biased legal definition of rape in South Africa, which implicitly excludes men from its ambit. Such an understanding of rape may also partially explain why the TRC did not accentuate the need to hear men's stories of sexual violence at the HRV hearings. However, presupposing that 240 men suffered some form of sexual violence, the experiences of a substantial number of men of sexual violence under the apartheid state are ignored in the TRC Report.

Whilst the number of women who submitted written statements about their experience of being raped may be ambiguous, from my analysis of women's testimonies at public hearings, I conclude that seven women spoke *publicly* at one of the HRV hearings about their personal experience of being raped: Dora Mkhize, Thandi Zhezi, Winnie Makhubela, Kedeboni Dube, Lita Mazibuko and two women at the Durban special women's hearings who elected to remain unnamed by request; for the purposes of identification, I have termed them 'Anonymous A' and 'Anonymous B', as decided by the order of their respective testimonies.

All seven women who testified about being raped³⁷ spoke at one of the special women's hearings. Three women testified about rape at the Durban special women's hearing on 25 October 1996: the two unidentified women, 'Anonymous A' and 'Anonymous B', and Dora Mkhize. The other four testimonies of rape came from the Johannesburg special women's hearing held between 28-29 July 1997: Winnie Makhubela, Thandi Shezi, Kedeboni Dube and Lita Mazibuko. No woman testified about sexual violation at the first special women's hearing in Cape Town. This is significant because the special women's hearings were created, in part, to elicit just such stories³⁸.

At the time of their rapes, several of the women had been relatively young: Winnie Makhubela had been fourteen, 'Anonymous B' had been sixteen, Thandi Shezi had been in her mid 20s, Dora Mkhize had been thirty-five. The other three women, 'Anonymous A', Kedeboni Dube and Lita Mazibuko, did not state their ages at the time of the rape (*CD-Rom of the Truth and Reconciliation Commission Website*, Testimony of 'Anonymous A', 'Anonymous B' and Dora Mkhize, HRV special women's hearing, Durban, 25 October 1996; Testimony of Winnie Makhubela, Thandi Shezi, Kedeboni Dube and Lita Mazibuko, HRV special women's hearing, Johannesburg, 28-29 July 1997; henceforth, all subsequent references to these testimonies will denote only surname, location of hearing and date).

Five of the seven women stated that they had no explicit links to any political movement: 'Anonymous A', 'Anonymous B', Dora Mkhize, Winnie Makhubela and Kedeboni Dube. Two explicitly stated their political involvement: Lita Mazibuko stated that she had been a member of the ANC's armed wing, *Umkhonto We Sizwe*³⁹ (MK), and Thandi Shezi stated that she had been involved with youth and women's organisations.

³⁷ From a legal standpoint, the terms 'allegedly raped' and 'alleged perpetrator(s)' should be utilised; in my research, I found no evidence that any of the men these women testified about were ever prosecuted for the crime of rape. They should legally be considered 'innocent until proven guilty'. However, this is a legalistic expression, which I have elected not to employ throughout this thesis. My concern is not for proving the guilt or innocence of these perpetrators, but for examining the narrative tension represented in testimonies about sexual violence. Therefore, I have elected to unambiguously use the terms 'rape', 'rapist' and 'perpetrator'.

³⁸ A variety of factors may have contributed to this lack of testimony about sexually violent crimes. Women may have been unsure about the safety and security of the TRC institution, a representative of the state (Ross, 2003a: 183). By the time of the special hearing in Johannesburg almost a year later, women may have felt more comfortable in such an environment.

³⁹ This translates to English as "Spear of the Nation".

Thandi Shezi was raped in 1988. Five women stated that their rapes occurred in the 1990s: Dora Mkhize was raped in 1990; 'Anonymous A', 'Anonymous B' and Kedeboni Dube were raped in 1992, in separate incidents; Winnie Makhubela was raped in 1993; and Lita Mazibuko, spoke about sexual violence that had occurred in 1988 and again in 1993.

Thandi Shezi identified state agents – the police – as the perpetrators of her abuse. Winnie Makhubela testified that hostel residents raped her. Two of the women at the Durban hearing testified that individuals known to be or perceived⁴⁰ to be affiliated with the Inkatha Freedom Party ('IFP') had raped them: 'Anonymous A' testified that either IFP members, or vigilantes, had raped her; and Dora Mkhize also implied that IFP members had raped her. Two of the women – 'Anonymous B' and Kedeboni Dube' – said that 'comrades' had raped them, but they did not identify with which organisation these comrades were affiliated and they stated that they themselves were not politically active. Lita Mazibuko stated that members of the group with which she herself was affiliated, the MK, had raped her. The significance of this fact in regard to the special contestations and complications that her testimony engendered will be elucidated in a later section.

The women were all raped in separate incidents by different perpetrators. They were a mix of political affiliations and ages. Their race was never stated. All of the women who testified about being raped were found to be 'victims' by the TRC (TRC Report, Vol. 5, ch. 2). Appendix 1 contains a table summarising the abovementioned information about the women who publicly testified about their experience with rape.

The women who testified at the TRC about their experience of being raped represent a fraction of the women who are believed to have been raped or sexually assaulted during the apartheid era (TRC Report, Vol. 4, ch. 10: 316). Their testimonies offer a nascent public record of women's experience of sexual violence under the South African apartheid state. While recognising that they do not provide anything like a representative sample, these testimonies do provide relevant material for narrative analysis in lieu also of the women who were "unable to open those wounds" (Thenjiwe Mthintso, opening statement to HRV special

⁴⁰ Some of the women spoke of violence that occurred in particular periods of intense fighting or violence, but were unclear of the connection that violence bore on their assaults. For example, Winnie Makhubela was raped by hostel residents in a period of intense fighting in the townships, but did not know if that contributed to her assault (Makhubela, Johannesburg, 28 July 1997).

women's hearing in Johannesburg, 28 July 1997). The significance of their seven testimonies will be examined in detail in the remainder of this chapter.

Oral testimonies are not readily analysed and interpreted. Ross comments on the confusion of trying to understand what she refers to as the non-chronological 'strangeness' of testimonies when "subjected to writing's linear rigour" (Ross, 2003a: 35). In effect, the literal transcriptions of the seven testimonies are maps linking the present and the past. The testimonies may sometimes seem incoherent, events of the past are sometimes spoken of in the present tense, and do not always follow one another sequentially. The eradicating effect of their experience of rape on their narrative identity, however, is clear.

5.2 Getting the "Silenced" to Speak: Problems in Narrating Rape

5.2.1 Silence and Shame

In chapter four, I examined the discursive difficulties of constructing and re-constructing a narrative self in the aftermath of rape. The political understanding of rape as a matter of power and control, even more than a 'merely' physical and sexual violation only, thus amounts to an assault on and destruction of a woman's narrative identity – an effective "silencing". From this understanding, it follows then that attempts to articulate and narrate experiences of rape are bound to be highly problematic at any number of levels. The often 'fragmentary' or 'contradictory' nature of women's narratives of rape (Herman, 1992: 1), resulting in a non-linear sequencing of events may well appear, on the surface, as 'incoherent' (Plummer, 1995: 30).

Even so, these testimonies provide clear and eloquent witness to the essential destruction of the narrative self, consequent on rape and sexual violation, and typically taking the form of subjective experiences of having been shamed. As elucidated by Herman, shame is a response to helplessness, the violation of bodily integrity and the indignity suffered in the eyes of another person (Herman, 1992: 53). In six of the seven testimonies, the women expressed varying degrees of shame and guilt after the rape. Kedeboni Dube testified that even five years after the rape, she felt a prevailing sense of shame: "Even now I feel very

ashamed and I feel very disgraced” (Dube, Johannesburg, July 1997). Thandi Shezi, on the other hand, testified to a markedly distinct change over time in her feelings. She testified that she had initially blamed herself and feared the reaction of others upon hearing what had happened to her: “I thought I was a person who had a problem. That is why they raped me. That’s why they did what they did to me. I thought I was to blame for it” (Shezi, Johannesburg, 28 July 1997). However, after counselling, Shezi expunged any feelings of culpability and stated in her testimony that people “shouldn’t feel shame for [her]” (Shezi, Johannesburg, 28 July 1997).

The testimony of ‘Anonymous A’ offers an interesting illustration of the construction of shame in light of common assumptions about the relative morality and piety of women who have been raped:

Anonymous A: And I always feel I am to blame because I went to that place to just check how many family was, so some times I feel I invited the trouble myself...I felt very degraded. I felt very dirty. Because this has never ever happened to me, I used to hear stories of women being raped, but I never knew it would ultimately happen to me and especially that I am a Christian, it still places me in a state of confusion” (Anonymous A, Durban, 25 October 1996).

Herman has stated that traumatic events undermine belief systems and “violate the victim’s faith in a natural or divine order”, which may have the effect of casting the victim “into a state of existential crisis” (Herman, 1992: 51). Moreover, taking Anonymous A’s statement to imply that because she was a Christian, she did not think she could or would be raped, indicates that she had previously believed that only ‘immoral’ or perhaps ‘un-Christian’ women’, that is to say ‘less respectable’ (Vetten, 1999: 39), women are raped. The construction of shame and guilt, then, may result from the subsequent discord between assumptions about rape and rape victims and the actual experience of rape.

Of the seven women, only Lita Mazibuko does not explicitly state any feelings of shame or guilt. Ross, in her attention for the agency of silence, has indicated that a lack of emotional content in descriptions may be indicative of healing, a mastery of pain (Ross, 2003a: 127), but there is no way to infer from Mazibuko’s testimony whether the absence of expressed feelings of ‘shame’ or ‘guilt’ reflects a degree of healing, or symptoms of post-traumatic stress disorder.

5.2.2 Post-Traumatic Stress Disorder

In clinical terminology, a number of these women may be said to indicate symptoms of post-traumatic stress disorder, or what is referred to sometimes as “rape trauma syndrome” (Burgess and Holmstrom, 1974: 981-86). Characteristics of post-traumatic stress syndrome include: an acute phase of disorganisation immediately after the rape, nightmares, phobias, minimal social functioning, suicidal thoughts, irritability, a fear of sex and/or an avoidance of men (Vetten, 1999: 36; Herman, 1992: 57-58). Many of these symptoms are noticeably present in the testimonies of the seven women. For example, Dora Mkhize told Commissioners that she had been “traumatised” and “disturbed” by the rape, pointing to the long-term consequences on her health as evidence of such: “Ever since then I lost my appetite, I never eat normally anymore. I eat little pieces of food in small amounts” (Mkhize, Durban, 25 October 1996). Dube expressed persistent thoughts of suicide: “Most of the time I feel so sad. I feel like taking a rope and hanging myself” (Dube, Johannesburg, 28 July 1997).

In addition, reduced and minimal social functioning figured prominently in the narratives of the two youngest testifiers – ‘Anonymous B’, who had been sixteen at the time of her rape, and Winnie Makhubela, who had been fourteen at the time of her rape. ‘Anonymous B’ stated, “I don’t have friends. I am always alone” (‘Anonymous B’, Durban, 25 October 1996). Winnie Makhubela expressed similar sentiments when she said, “I’m not able to cope with things. There’s nothing I am feeling” (Makhubela, Johannesburg, 28 July 1997). Adolescence is a time of intense identity formation (Herman, 1992: 54) and in the aftermath of rape, adolescents, in particular, may struggle to re-construct their narrative identity because their sense of self may not yet have been constructed.

Many of the women also expressed a fear or avoidance of men. Dora Mkhize said, “I totally do not trust a man. I think I will never ever get close to a man. I regard him as an enemy...” (Mkhize, Durban, 25 October 1996). Shezi expressed similar sentiments in regard to her difficulties with sustaining a relationship with a man. She said, “Even other people tell you you’re just cold. Even if I get involved with relationships, they say to me I’m frigid and I’m

just cold. Because if I get involved with a man I get very scared. I can't allow myself to be involved and love the person" (Shezi, Johannesburg, 28 July 1997). Herman has argued that reactions, such as those seen in the seven women who testified about rape, are commonplace and understandable in the aftermath of rape. According to Herman, the particular nature of rape as a physical, psychological and moral violation of the person is "intentionally designed to produce psychological trauma" (Herman, 1992: 58). But at a deeper level, this also reflects a basic loss of agency and narrative identity itself manifested in terms of an incapacitating sense of shame. Rape ruptures an individual's sense of self and in the aftermath, the re-construction of that narrative identity may be constrained by the shame. The destruction of a woman's narrative identity is part and parcel of the "silencing" effect of rape.

5.3 Establishing Credibility: The Classic Story of Rape as Framework for the Reception of Rape Narratives

The woman's presumed 'credibility' is fundamental to the reception of a narrative of rape (Ehrlich, 2001: 20; Bennett, 1997: 101; Plummer, 1995: 65-68; Vetten, 1999: 38-39). Plummer argues that the "classic story of rape" – casting the woman as directly and indirectly soliciting her own violation, the agent of her own destruction – functions as a powerful narrative framework for the social reception of narratives of rape. In particular, narratives of rape are punctuated by interrogative attempts to challenge and undermine the woman's credibility by bringing out the woman's supposed knowledge of being in a 'dangerous' context prior to her assault (Ehrlich, 2001: 92; Bennett, 1997: 101; Plummer, 1995: 66). Ironically, as exemplified in analysis of Winnie Makhubela's testimony, the residual hold of this classic story of rape may be traced even in the TRC's own HRV hearings.

At the Johannesburg special women's hearing, Makhubela testified about being raped by hostel residents in 1993 when she was fourteen. The entirety of her testimony may be read in Appendix 2. In connection with this testimony, Commissioner Mkhize asked Makhubela a series of questions about her involvement in, and apparent lack of resistance, to the attack:

Mkhize: So when they invited you to a meeting, *did you just trust people you don't know and you went along, especially at the time when there was a lot happening politically?*

Makhubela: They dragged us and pulled us.

Mkhize: So you didn't voluntarily go? They dragged you and forced you to follow them?

Makhubela: Yes

Mkhize: If you remember; on arrival at the place where they've taken you, here it says the hostel, did they want you to tell them anything or *what did they want from you before they started doing whatever they did*

Makhubela: They didn't say anything to us (Makhubela, Johannesburg, 28 July 1997, emphases added my own).

Later in Makhubela's testimony, HRV Committee member Seroke recapitulated a similar set of questions to Makhubela about the nature and extent of her resistance to being taken to the hostel.

Seroke: When they led you to the hostel and at that time *you knew how dangerous the hostel was*, because of what was happening in the township, *were you not suspicious that you were being led into this hostel...?*

Makhubela: They dragged us and pulled us inside the hostel

Seroke: And you say one of your friends, Santie, was released. *Why was she released and you guys were taken in?* (Makhubela, Johannesburg, 28 July 1997, emphases added my own)

The same line of questioning runs through both Mkhize and Seroke's queries to Makhubela. In particular, Makhubela is repeatedly asked about her resistance to being taken to the hostel to which she literally repeated verbatim, "they dragged us and pulled us" (Makhubela, Johannesburg, 28 July 1997). The repetitive questions about Makhubela's knowledge of the contextual violence in the township effectively served to challenge Makhubela's 'credibility'. Mkhize's question, "did you just trust people you don't know?" and Seroke's question "were you not suspicious that you were being led into this hostel?" shifted the emphasis from the perpetrators' crimes to Makhubela's supposed complicity in going along with the men; it implies a degree of culpability in the subsequent events. The repeated questioning about Makhubela's knowledge about the danger of the area marks a discernible attempt to question her 'credibility'.

Moreover, Mkhize's question to Makhubela about what the men wanted from her and Seroke's question about why Santie was released and not the other girls insinuates that Makhubela must have done something to warrant their abuse. Additionally, Makhubela categorically stated that she had been raped, but Mkhize's use of the phrase "doing whatever they did" signals ambiguity where there has been, in fact, certainty. These questions serve to

shift the focus from the perpetrators to Makhubela: it is her credibility as witness that it is seemingly in question.

Significantly, neither Makhubela nor her perpetrators were politically affiliated. Although she stated that the rape occurred in a time of particularly heightened violence in the township, hostel residents, with no explicit links to political organisations, raped her. It would seem then, that by the TRC's limited understanding of 'political', Makhubela's is the least 'political' rape of the seven women. This may explain, in part, why Makhubela's testimony engendered a disproportionate number of questions about her lack of consent, as compared to the other women's testimonies. Her testimony implicitly expunges the political dimensions by which the TRC had framed its understanding of rape as constituting 'severe ill-treatment'. Makhubela's testimony underscores the persistence of 'classic' assumptions about rape and rape victims, even in a setting, such as the TRC, which was predicated upon being a new model of victim-oriented practices (du Toit, 2000: 136).

5.4 Narrative Truth and Rape

People construct their narrative identities through the stories they tell about themselves, or what the TRC referred to as an individual's "narrative truth". At a hearing in Port Elizabeth on 21 May 1996, Archbishop Desmond Tutu said, "The Commission is said to listen to everyone. It is therefore important that everyone should be given a chance to say his or her truth as he or she sees it..." (quoted in the TRC Report, Vol.1, Ch. 5: 112). In its Report, the TRC distinguished four notions of truth and stated that "narrative truth" was central to the work of the Human Rights Violations hearings⁴¹ (TRC Report, vol. 1, ch. 5: 113).

The TRC Report defined "narrative truth" as: "the validation of the individual subjective experiences of people who had previously been silenced or voiceless; captur[ing] the widest possible record of people's perceptions, stories, myths and experiences and recover[ing] parts

⁴¹ The other three kinds of 'truth' that the TRC Report distinguished were: 'Factual/forensic truth', defined as "the familiar legal or scientific notion of bringing to light factual, corroborated evidence, of obtaining accurate information through reliable...procedures..."; 'Social truth', defined as "the truth of experience that is established through interaction, discussion and debate"; 'Healing truth', defined as "the kind of truth that places facts and what they mean within the context of human relationships" (TRC Report, Vol. 1, ch. 5: 111, 113-14).

of the national memory that had hitherto been officially ignored” (TRC Report, Vol. 1, ch. 5: 112). However, in my analysis, testimonies of rape will be shown to undermine this conceptualisation of narrative truth⁴² in two fundamental ways, both of which involve legal considerations: the salience of a legal-procedural narrative conception of rape in women’s narratives at the TRC; and the threatened defamation suit against Lita Mazibuko in regard to her testimony.

5.4.1 Narrative Truth, Rape and the Law

Walker has argued that a woman’s ability, or inability, to articulate ‘rape’ is moulded by “legal constraints, demands, conventions and the inherent values of rape law as well as by rape’s extra-legal associations” (Walker, 1998: 3-4). In other words, the parameters of the legal-procedural framework for rape may frame articulations of rape even in narrative contexts removed from legal settings. However, Ross argues that “legalistic considerations may result in a strangulation of desired forms of voice” (Ross, 2003b: 332). The HRV hearings offered an opportunity for victims to relate their stories of ‘gross human rights violations’ without the formal legalities one would expect in a court of law. As delineated in the TRC Report, the stories of victims were not to be presented as “arguments or claims in a court of law” (TRC Report, Vol. 1, ch. 5: 112). However, in practice, testimonies of rape reflected the enduring hold of the legal-procedural narrative framework.

Kedeboni Dube testified on 28 July 1997 at the Johannesburg special women’s hearing about being raped by a man named “Ebeke” in 1992. Her full transcript may be read in Appendix 3. The legal-procedural framing of rape is underscored by the following exchange between Dube and HRV Committee member Joyce Seroke:

Seroke: Because you know this guy, didn’t your mother say you must go and lay a charge against this boy?

Dube: She didn’t say anything. We also realised that this thing happened a long time ago. The police would no longer take this thing up, because they’re going to ask me and say why have you always been quiet. That’s the situation, as I know that they normally do that. If the person had been raped and reported this after a long time has elapsed, they don’t take it further (Testimony of Kedeboni Dube, Johannesburg, 28 July 1997, emphases my own).

⁴² For a discussion of the distinction between narrative truth and historical truth, see Spence, D. (1982) *Narrative Truth and Historical Truth: Naming and Interpretation in Psychoanalysis* (New York: Norton).

This exchange reflects the legal-procedural framing of rape with regard to the ‘hue and cry’ rule. In South Africa, the ‘hue and cry’ rule of rape mandates that the first person that the victim tells about the assault must come to the court to act as a witness against the accused to verify the consistency of the woman’s report (Hoffman and Zeffertt, 1988: 117-119). This rule is not applied to most other cases (Vetten, 1999: 44). While the third party’s corroboration of the woman’s statement may facilitate prosecution of the accused, it has also been applied negatively to challenge the veracity of a woman’s statement when there has been a delay in reporting the rape (Women’s Legal Centre, 2003: Section 3.1; Vetten, 1999: 44-5). By this rule, a woman must report her rape to someone within a ‘reasonable’ period of time; the length of which is left to the court’s discretion (Hoffman and Zeffertt, 1988: 117-119). The woman’s credibility falters, in the eyes of the court, if she fails to report the rape immediately (Women’s Legal Centre, 2003: Section 3.1; Vetten, 1999: 45).

The ‘hue and cry’ rule has been criticised by gender activists and lawyers on the grounds that it fails to incorporate an understanding of the reason why many individuals who have been raped may not immediately report the crime⁴³ (Vetten, 1999: 45). Legitimate reasons, such as fear, shame and/or embarrassment, might preclude the woman from reporting the crime immediately. Dube testifies to all of these emotions:

Seroke: Did you not go to the doctor to report that you had been raped and that – to get a treatment?

Dube: My husband said this thing is just a disgrace, a shameful thing, just keep quiet, do not relate anything... Then my boyfriend, this is a disgrace. We should not talk about this, because people will look at him in such disgrace that his girlfriend had been raped (Dube, Johannesburg, 28 July 1997).

In addition, Dube repeatedly expressed throughout her testimony considerable fear of the man who raped her. She said she felt “unsafe” telling her story because she stated that the man who raped her is “a criminal and he kills people. He mugs people and when he kills people, nothing happens to him” (Dube, Johannesburg, 28 July 1997). Thus, a number of external and internal factors seemingly influenced Dube’s decision not to report the crime.

⁴³ Other countries have faced legal constraints of the ‘hue and cry’ rule. In Canada, for example, until 1983, the Canadian Criminal Code had a corroboration requirement for rape, which obligated the complainant to make a prompt statement of rape in order for her statement to be deemed ‘reliable’ (Ehlich, 2001: 67). This has since been changed.

Despite these prohibitive factors for not reporting the crime, Commissioner Mkhize's questions to Dube underscores the deficient understanding of the reticence of individuals who have been raped to inform officials or even friends and relatives:

Mkhize: And did you tell them how you got this disease [syphilis]?

Dube: No, I didn't tell them, because at that time I didn't want to tell people.

Mkhize: *Maybe, Kedeboni, that's what we don't understand clearly.* You said you didn't want to tell them even at the hospital. I thought you didn't relate this, because your boyfriend said no, that would be a disgrace, but I think you could have related this to your doctor.

Dube: I didn't want to talk about this thing. I just wanted to keep it my secret until the end (Dube, 28 July 1997, emphasis my own).

Dube's testimony at the HRV hearing indicates the impact of relevant legal constraints on reporting a crime of rape even in a non-legal context. The Commissioners also actively invoked the 'hue and cry' rule of rape. Indeed, their handling of Dube's testimony effectively negates the validity of her narrative truth when the legal obstacles to prosecuting the perpetrators of rape are repeatedly invoked as somehow negating the force of the victim's testimony:

Chairperson: The difficulty of course is that usually after a rape, there are *certain examinations that must happen* so that *one can actually identify whether in fact the person you say raped, is in fact the same person you identified.*

Whilst we would like to help you to deal with this matter, *the one problem we have is that you haven't actually talked to anybody immediately after this rape* so that we could find a way of dealing with the person who raped you, unless that person came forward and actually said he did it.

So whilst we will try to investigate this matter, it's going to be quite difficult, because it will be in a sense your word against him. And *you didn't – you weren't even – I think the only person who probably knew at that time besides yourself,* is your boyfriend and obviously we would need him to give us a statement as well.... Perhaps we can issue a subpoena for him *so that we can assess what actually – you know whether he's prepared to admit what he actually did to you.*

But *it's going to be difficult and we shouldn't in fact pretend that it's an ordinary matter* (Dube, Johannesburg, 28 July 1997, emphases my own).

Dube testified that the 'hue and cry' rule constrained her ability to report the rape to the police, but she had "thought maybe the Truth Commission" would "help" her (Dube, Johannesburg, 28 July 1997). The value of Dube's story, as conceptualised in the TRC Report, should lay in her articulation of her story, rather than in the forensic ability to corroborate her statement. The TRC's quest for narrative truth depended on the notion that the victim's stories should not be inhibited by legal considerations. However, from analysis

of the Chairperson's response to her narration, in light of Dube's failure to report the rape immediately after it happened, the 'hue and cry' rule appears to hinder the Commission's ability to validate Dube's narrative truth in its concern for the 'factual truth'. The persistence of the legal-procedural framing of rape in both Dube's narration of rape and the reception of that narrative of rape at the TRC presents a challenge to the TRC's conceptualisation of 'narrative truth'.

5.4.3 Narrative Truth, Rape and the Media

The notion of personal/narrative truth was central to the Human Rights Violations Committee, explicitly linking story telling and the restoration of human and civic dignity. The Commission was committed to the presumed healing power of narrative truth – a symbolic restoration and reclaiming of personal identity and dignity as found through victims telling of their stories of gross violations of human rights at the TRC hearings. However, the TRC Report is candid in acknowledging a problematic relationship to truth: "But what about truth – and whose truth? The complexity of this concept...emerged in debates that took place before and during the life of the Commission" (TRC Report, Vol. 1, ch. 5: 110). In a broader context, these stories with their personal truths and narrative identities were then communicated to the broader public by the media (TRC Report, Vol. 1, ch. 5: 112).

The mass media surrounding the TRC proceedings made even the most personal and private narratives public property. This further complicated and problematised the restorative functions of narrative truth by projecting the outcomes of the TRC hearings into other arenas where different narrative frameworks operated. As already seen in the previous section, the salience of legal-procedural considerations engendered questions for the narrative truth of Kedeboni Dube. In this section, I turn to the complications consequent on the TRC's assumption that the media would convey the "truth" of individuals' narratives at the HRV hearings. In particular, the conundrum of "whose truth" (TRC Report, Vol. 1, ch. 5: 110) seems particularly salient in the case of Lita Mazibuko, whose testimony highlights some of the inherent tensions between the TRC and the media's relationship to narrative truth.

Lita Mazibuko testified on 29 July 1997 at the Johannesburg special women's hearing about being detained, tortured and raped on multiple occasions by MK comrades. Her full transcript may be read in Appendix 4. In her testimony at the TRC, Mazibuko stated:

Mazibuko: ...after I had submitted the statement to the Commission about two weeks ago I received a telephone call from Matthews Phosa, the Premier of Mpumalanga, who said to me whatever I was going to say before the Truth Commission about the members of the ANC he has a right to protect them against whatever I was going to say, and that I was powerless, there was nothing I could do (Mazibuko, Johannesburg, 29 July 1997).

After Mazibuko's testimony, Phosa denied knowing her or having spoke to her. Phosa then publicly threatened to sue her for defamation. The *South Africa Press Association* ('SAPA') reported Phosa as saying that Mazibuko's allegations were "clearly a political ploy to use his name to harm the good name of the ANC" (SAPA, Nelspruit, 29 July 1997). In addition, SAPA reported that after announcing his defamation suit against Mazibuko, Phosa said, "I'm going to take her to the cleaners" (SAPA, Cape Town, 29 July 1997). An ANC statement about the matter unequivocally took the side of Phosa: "The African National Congress takes a dim view of allegations levelled against the integrity, name and reputation of Premier Matthew Phosa in the hearing of the Truth and Reconciliation Commission into violations of women's rights" (ANC press release, 30 July 1997). The statement went on to suggest that Mazibuko's testimony had been meant to undermine the ANC: "Coming in the wake of recent false allegations levelled against the former ANC security department, it will not be preposterous to suggest that there are elements who may wish to misuse the TRC process to cast aspersions on the integrity of carefully selected leaders of the ANC and its allies" (ANC press release, 30 July 1997).

These responses and threats by powerful public figures and organisations served to counter Mazibuko's testimony at the HRV special women's hearing. On 7 August 1997, the ANC released a statement claiming that Lita Mazibuko had apologised and retracted her statement. In response, Phosa dropped the threat of a defamation suit (ANC press release, 7 August 1997). However, an article in the South African newspaper *The Mail and Guardian* on 8 August 1997 claimed Mazibuko's apology had been falsified. The article quoted Mazibuko as stating that she had only discovered that an apology had been issued on her behalf when she heard it on a radio news bulletin. In the article Barry Kotze, Mazibuko's Pretoria-based lawyer, admitting to drafting the apology letter to Phosa on Mazibuko's behalf without

having read her testimony. The report of *Mail and Guardian* thus suggested that the ANC had issued its statement, including the alleged 'apology' by Mazibuko, on behalf of Phosa without checking the veracity of her 'apology' with Mazibuko herself (*Mail and Guardian*, 8 August 1997).

However, later that same day on 8 August 1997, in a further statement issued by the ANC, Mazibuko was quoted to the effect that she had never spoken to the *Mail and Guardian*. Her statement begins, "I place on record that I take the strongest exception to the trickery and subterfuge and under no circumstances will I ever speak to any member of the press" (Mazibuko, ANC press release, 8 August 1997). Her new statement now affirmed the veracity of her apology to Phosa via her lawyer Kotze and concluded with a request for the media to refrain from distorting her words any further:

"I feel that this matter has proceeded far enough and has dragged on long enough and would respectfully request the press of South Africa to restrain [refrain] from using my name where they do not have the necessary facts to back up their allegations and please allow me to carry on with my life" (Mazibuko, ANC press release, 8 August 1997).

The *Mail and Guardian* responded with an acerbic editorial on 15 August 1997 in which it accused Phosa of "orchestrating" a "cover-up" (*Mail and Guardian*, 15 August 1997).

No further reports or publications ensued about the Mazibuko/Phosa controversy. For our purposes, the significance of Mazibuko's testimony does not so much concern the 'factual truth' of the incidents at issue between Mazibuko and her detractor; Lita Mazibuko and Matthews Phosa evidently told different stories about their previous relationship and only they are in a position to know whether Phosa did, in fact, threaten Mazibuko prior to her testimony at the TRC, or not. However, what is clear is that once the 'narrative truth' of a victim's testimony, like that of Mazibuko, gets caught up in the thrust and counter-thrust of possible legal actions, as well as the many complications and ramifications of media reports, then it is bound to lose much of its narrative integrity and force. The effectiveness of the threatened defamation suit in effectively 'silencing' Mazibuko thus underscores the challenge posed to 'narrative truth' when removed from the context of the TRC's narrative framework. In *Country of My Skull*, Antjie Krog highlights the unfortunate consequences for a witness who responded to the TRC's invitation to tell her own story of having been raped and

sexually violated, only to run afoul of the legal consequences and political pressures in the wider world of which the TRC was part:

“When she [Mazibuko] leaves the witness table, she pulls her cardigan closed and folds her arms protectively over her body. As if she already knows that a mighty provincial premier is going to discredit her evidence...as if she knows no one will stand up for her. The Truth Commission does not utter a single word in Mazibuko’s defense. Not one of the commissioners, not one of the feminists agitating for women’s rights, stands up and says: ‘We respect the right of Rita Mazibuko to tell the truth as she sees it, just as we respect the right of Mathews Phosa to tell the truth as he sees it. But we expect him to do the same’” (Krog, 1998: 242).

Krog implies that the Mazibuko case represented a serious failure on the part of the TRC in its response to the legal challenge posed by Phosa’s defamation suit. In effect, the TRC failed to support and protect the ‘narrative truth’ that it had solicited from Mazibuko. Not only was Mazibuko’s “dignity” probably not restored, but also Mazibuko was made “voiceless” again: the apology issued on her behalf, the article written about her without interviewing her; and the editorial which denounced her for not having the “confidence and authority of a Seremane” (*Mail and Guardian*)⁴⁴.

The Mazibuko case raises more general questions about the TRC as a forum for women’s testimonies of rape. The fate of Mazibuko’s testimony underscored the ‘danger’ of telling one’s story when the perpetrators remain a credible and visible threat to one’s safety and security. The reception of her narrative of rape may thus have sent an unintentionally negative message to other women who had been raped that there could be repercussions for their testimony as well. In fact, Lita Mazibuko was the last woman to speak publicly about being raped. After her testimony on 29 July 1997, no other women publicly spoke about being raped, which may have been due, in large part, to the reception of Mazibuko’s testimony outside the TRC framework. The reception of Mazibuko’s narration of rape outside of the TRC narrative framework arguably ruptured the supposed ‘healing’ potential of telling her story and may have precluded other women from telling their stories.

⁴⁴ Joe Seremane is a well-known anti-apartheid activist who succeeded in pressuring the TRC to hold a special hearing concerning allegations of gross violations of human rights, including the torture and death of Seremane’s brother, in ANC camps in Angola during the late 1970s and 1980s.

5.5 Unilateral Reconciliation

At the HRV public hearings, a sign hung behind the panel of commissioners read, “Truth. The Road to Reconciliation” and posters placed around the country read, “Let’s speak out to each other. By telling the truth. By telling our stories of the past, so that we can walk the road to reconciliation” (Hayner, 2001: 156). As discussed in Chapter Three of this project, the language of ‘reconciliation’ framed victims’ stories within the TRC narrative framework. In particular, the religious-redemptive narrative of reconciliation, emphasising forgiveness and redemption at the exclusion of retributive impulses, increasingly characterised the HRV hearings. The TRC’s conceptualisation of reconciliation has been both lauded and criticised, but in regard to women’s testimonies of rape, it seems particularly problematic.

The discourse of reconciliation at the TRC presupposed a bilateral process of ‘victims’ and ‘perpetrators’ both sharing their stories – victims at the HRV hearings and perpetrators at the amnesty hearings. However, the crime of rape, unlike other ‘gross violations of human rights’ did not engender such mutual sharing of stories. Seven women shared their stories of rape at one of the public hearings, but no individual publicly testified about their participation in or knowledge of rape at any of the amnesty hearings. Yet, Commissioners continued to frame their questions to women who had been raped in the discourse of reconciliation.

Kedeboni Dube’s testimony provides an intimate portrait of intense pain: raped and beaten by a man who threatened to kill her and continued to frighten her; persistent thoughts of suicide, “shame” and “guilt”; and ultimately “abandoned” by her boyfriend when the syphilis she contracted from the man who raped her prevented her from being able to conceive a child (Dube, Johannesburg, 28 July 1997). Throughout her testimony, Dube expresses frustration that the man who raped her has not been held accountable for his crime:

Dube: When I look at this boy, this guy, my heart is very sore, because he raped me and he wasn’t arrested by the cops and so many things that he does...And my heart was very sore, but I thought maybe the Truth Commission is going to help me. If I can just see this guy having been arrested, I think I’ll be relieved. I think he must be punished. He shouldn’t just be allowed to roam around freely, because whenever I see him, my heart is sore. My heart bleeds (Dube, Johannesburg, 28 July 1997).

Her desire for retributive justice may be understandable, but within the TRC framework, it became subsumed in the language of reconciliation. Despite Dube's explicitly stated desire to see her rapist arrested, when she mentioned that the man who raped her was "sort of a relative at home", HRV Committee member Seroke encouraged her to reconcile:

Seroke: Don't you think you can try and request for assistance between your parents and his parents so that this issue could be *resolved* so that you can air your feeling and your pain about this guy? So that when parents meet, his parents and your parents can meet, and this cousin and *resolve* this issue?

Dube: "I just want him arrested. *I don't want anything negotiated*. I just want to see him arrested. I think that's the only way I can feel I have been healed. I want him to feel the pain that I have felt" (Dube, Johannesburg, 28 July 1997, *emphases my own*)

Dube resisted the reconciliation-centred emphasis of the TRC narrative framework, explicitly stating a desire for legal action and retribution, rather than forgiveness and reconciliation. This interaction highlights a profound tension between the religious-redemptive narrative of the TRC, with its emphasis on reconciliation and forgiveness, and the framework inherent in narratives of rape, which does not emphasise reconciliation in its wholly victim-oriented approach to healing.

The narrative framework of the TRC promoted reconciliation as the means by which to achieve individual and collective healing, but this may have been a misguided approach to testimonies of rape. Victims and perpetrators were both expected to offer their stories to give "meaning to the multilayered experiences of the South African story" (TRC Report, Vol. 1, ch. 5: 112). Yet for women who had been raped, the conditions for reconciliation were never met in so far as no perpetrators came forward to share their story. Victims frequently say that they cannot forgive perpetrators and have no desire or ability to reconcile, until those who have caused them pain acknowledge their acts and ideally, ask for forgiveness (Hayner, 2001: 163-64). For example, Thandi Shezi testified on 28 July 1997 at the special women's hearing in Johannesburg about being raped and tortured by the police in conjunction with her role in transporting arms:

Shezi: "...one of them said, we must just humiliate her and show her that this ANC can't do anything for her; if we do this humiliation act on her, she will speak the truth. Then the four of them started raping me, the four of them. The whole four of them started raping me whilst they were insulting me and using vulgar words and said I must tell them the truth. They said if I don't tell them the truth...they will do their utmost worst" (Shezi, Johannesburg, 28 July 1997).

At the amnesty hearings, one of her known torturers and possible⁴⁵ rapists, Andries van Heerden, appeared before the Amnesty Committee on the charges of 'beating', although not raping, three women. At the hearing, Heerden denied knowing Shezi. Ross says, "where the immediate reaction is to refuse acknowledgment, individuals may feel isolated and vulnerable" (Ross, 2003a: 101). Four years after her testimony in an interview with Pamela Sethunya Dube, Thandi Shezi stated:

"He was there for 'assault' and prepared to accept that only. But for him to deny knowing me, that is impossible to swallow...How am I supposed to *forgive* and forget, when I am not *recognised* by my perpetrator? I needed him to tell me who ripped off my womanhood. He wouldn't say, because he 'didn't know me'" (Shezi, quoted in Dube, 2002: 127, emphasises my own).

The process of telling one's story, or narrative truth, has been conceptualised as facilitating the social need for *knowledge* to become *acknowledgement* (Brito, 2001: 25, emphasises my own). However, the lack of accountability, acknowledgment and contrition on the part of the perpetrators of rape makes the question of reconciliation between a woman who has been raped and the man who raped her unconscionable. Significantly, Shezi has vocalised considerable anger at the TRC's unilateral reconciliation and "perpetrator-oriented" emphasis: "I am not going near the TRC, thank you very much. Because they will talk about reconciliation and forgiveness. How can I reconcile and forgive when I am no longer a woman?" (Shezi, quoted in Dube, 2002: 128).

An important problem in this regard relates to the criterion for amnesty applications that restricted these to gross violations of human rights with "political objectives". If rape were to be regarded as a 'gross violation', then it followed that amnesty would only apply in cases of rape with "political objectives" while 'non-political' rapes would presumably be excluded. However, Commissioners on the Amnesty Committee dismissed amnesty applications for rape because "there was no way, in their logic, that the crime could be political" (Hayner, 2001: 79). This amounted to a denial of the inherently political nature of rape while reducing "political objectives" to a contextual issue. Moreover, such an approach renders 'reconciliation' a moot issue in regard to stories of sexual violence. Had men spoken about

⁴⁵ Shezi testified to being unable to identify the men who raped her, but she firmly believed that van Heerden was one of those men (Shezi, 2002: 127).

their crimes of rape in a public forum, it might have illuminated the gendered dimensions of power inherent in the act of rape. The crime of rape then struggled to find a place within the narrowly defined mandate of the TRC; for if rape cannot be considered a politically motivated act – thus rendering it inapplicable for amnesty consideration – the experiences of those women who had been raped in political contexts exists within a chasm of gross human rights violations.

Chapter Six: **CONCLUSION**

Testimonies of rape are complex and fragile enterprises that require a framework amenable to their reception to emerge unscathed – the belated attempts of the TRC to elicit narratives of rape and sexual violence with the incorporation of the special HRV women’s hearings remain an inchoate, problematic and ultimately unrealised aspect of the TRC process and of the story of South African women under apartheid. The seven women who narrated their story of rape at one of the public hearings of the TRC represent only a fraction of the number who are believed to have been raped during the apartheid era. In breaking with the societal and cultural codes of silence surrounding rape, particularly in such a public forum as the TRC, these women offer insight into the construction, violation and re-construction of narrative identities in the aftermath of rape.

This chapter draws upon the preceding five chapters to provide the main conclusions of my examination into women’s stories of rape at the TRC, along with possible implications for future processes of truth seeking and story-telling.

6.1 Research Question Revisited

The starting point for this investigation was provided by the TRC’s belated realisation that a disproportionately small number of women testified at the HRV hearings regarding their own experiences of gross human rights violations and the subsequent, but only partially successful, attempts to address this problem via the special women’s hearings. The special women’s hearings had been created, in part, to elicit women’s stories of sexual violence. However, rape in particular, was a form of violation that women did not, or could not, speak about at the TRC. This motivated my examination into the significance and implications of the narratives of the seven women who *did* narrate their story of rape.

In exploring the issue of rape as a gross human rights violation, I set out to analyse the assumptions, significance and implications of women's testimonies of rape at the TRC hearings. In brief, my research question asked:

What were the specific narrative elements as articulated in women's testimonies of rape at the TRC, and to what extent were these testimonies constrained or enabled by the TRC and other narrative frameworks?

To answer this question, I adopted a qualitative, social constructivist approach, which relied on the principles of narrative theory and analysis, to first examine the explicit or implicit narrative framework underlying the TRC HRV hearings, its distinctive features and the extent to which it enabled or constrained women's testimonies of rape. I find that the explicit narrative framework of the TRC stems from the language of the Promotion of National Unity and Reconciliation Act, 1993, which linked the opportunity of enabling victims of gross violations to "tell their own stories", or narrative truth, to reconciliation. In other words, the TRC emphasised the language of "reconciliation through truth". By allowing victims to share their stories of gross human rights violations, the TRC assumed that the process of storytelling would have healing, redemptive qualities that would restore an individual's fractured identity and 'dignity'. This principle of national reconciliation was key in the construction of the TRC process.

I find that the implicit narrative framework of the TRC was influenced by this pursuit of reconciliation, inasmuch as the different notions of individual, communal and national reconciliation all rested on the redemptive notion of "reconciliation through truth". The TRC thus developed a particular narrative framework, identified by Richard Wilson, as that of a distinctive religious-redemptive discourse. At the same time, the TRC's understanding of reconciliation increasingly acquired legal undertones through the course of the amnesty hearings which Wilson identified as a second, or legal-procedural discourse.

Directly and indirectly this legal-procedural discourse also impinged on the HRV hearings and constrained women's testimonies of rape. On the one hand, these variant understandings of reconciliation restricted the ability of victims to express feelings of vengeance or retribution within the TRC narrative framework, and on the other hand, it inhibited the uncontested naming of perpetrators in the course of victims' testimonies.

My second research question asked: “What explicit or implicit narrative frameworks have been suggested in the literature on rape?” I find that the ‘classic’ story of rape and the assumptions about rape and rape victims associated with it frequently constrict the narrative possibilities for the narrator. In my analysis of the discursive elements associated with narrating rape, I discovered that there is no single or unconstrained framework associated with the narration of rape. The ways in which rape is narrated depend on the available framework for storytelling and the context in which it is articulated. As such, the narrations of rape were influenced, moulded, enabled and constrained by the narrative framework of the TRC and the legal context as well as other popular notions derived from the ‘classic’ story of rape.

In comparing this narrative framework of rape to the explicit narrative framework of the TRC, I find that the two frameworks are complementary in so much as they both adopt a manifest victim-oriented approach and emphasise the redemptive and therapeutic value of sharing one’s story of rape. However, I find that they are antithetical in two distinct ways. Firstly, the TRC narrative framework restricted the storytellers to those who occupied the subject position of ‘victim’. In contrast, the narrative framework implicitly associated with rape, in line with the politicised understanding of rape, emphasises the need for women to transition from a ‘victim’ of rape to a ‘survivor’ of rape, an arguably more ‘empowering’ identity distinction. Secondly, the narrative framework of rape, in contrast with the narrative framework of the TRC, does not emphasise reconciliation. Indeed, the narrative framework of rape would find the notion inconceivable in light of the violating and destructive effect of rape on a woman’s narrative identity and sense of self.

Having answered my first two research questions about the narrative framework of the TRC and the narrative framework of rape, my emphasis in Chapter Five was on exploring to what extent either of these narrative frameworks informed the actual testimonies of the seven women who spoke at one of the TRC’s HRV hearings in enabling or constraining ways. It is my conclusion that constraining elements of both narrative frameworks may be observed in the seven women’s testimonies. Indeed, my analysis of the women’s testimonies bears witness to discernible narrative tension between the two frameworks.

For example, the discursive elements associated with the narrative framework of rape, such as feelings of shame or guilt and the ‘classic’ story of rape, which may inhibit women’s narrations of rape, are patently visible in the women’s testimonies. Not only did the women testify to varying feelings of shame and guilt in the aftermath of rape, which highlights the essential destruction of the narrative self, consequent on rape and sexual violation, but significantly, the challenge to a woman’s credibility consequent on attempts to bring out the woman’s supposed knowledge of being in a ‘dangerous’ context prior to her assault – a key feature of the ‘classic’ story of rape – informed the testimony of Winnie Makhubela. Commissioners’ repeated questions about her resistance to be taken by the men who later gang-raped her in light of the “danger” of the hostel implies that Makhubela shares a degree of culpability in being raped.

I also find that the TRC’s language of “reconciliation through truth” acted as a constraint on the narration of rape in the seven testimonies I examined. In particular, the TRC’s divergent legal-procedural and religious-redemptive understandings of reconciliation affected the narration and reception of the women’s stories about rape. The ‘hue and cry’ rule of rape impeded the Commissioners’ ability to validate Kedeboni Dube’s narrative truth, while the influence of the media and the public threat of a defamation suit against Lita Mazibuko engenders the reception of narratives of rape when removed from the TRC narrative framework; indeed, the media should be understood to be a distinct narrative framework, which in its own right may enable or constrain narratives of rape. Moreover, I find the TRC’s emphasis on reconciliation incongruous with the unilateral storytelling of rape; in failing to hear perpetrators’ stories, the potential healing power of telling one’s story, or narrative truth, may have been ruptured.

The flaw in the TRC’s conceptualisation of rape at the TRC emerged in a number of specific contexts. From an internal critique then, the TRC was flawed in two ways: the persistence of a legal-procedural narrative in testimonies of rape, as exemplified by the testimonies of Kedeboni Dube and Lita Mazibuko; and the women’s resistance to the ideals of reconciliation, particularly in light of its unilateral nature in regard to narratives of rape. The existence of these two narrative framings in the testimonies of women who had been raped engendered considerable narrative tension and hindered the ability of the TRC to realise its objective of promoting “reconciliation through truth”.

From an external critique, a particular conundrum was posed by the criterion of “political objectives” for violations qualifying for amnesty. Applied to rape and sexual violations the “political objectives” criterion in the Commissioners’ understanding implied that rape could only be considered a relevant gross violation if it had been committed with political objectives; in practice, this meant that the amnesty hearings were devoid of perpetrators speaking publicly about their crimes of sexual violence. This carried two implications. Firstly, reconciliation was effectively a mute notion in cases of sexual violence because reconciliation must be bilateral and there was no incentive for perpetrators of sexual violence to explain their actions or implicate themselves in the crime as part of their amnesty applications. Secondly, the failure to classify rape as a potentially politically-motivated act negated a broader understanding of the political dimensions of rape. In my opinion, the TRC should have included rape as a potentially politically-motivated crime with commensurate implications both for the victim and amnesty hearings.

The TRC in South Africa realised late into its process the necessity of incorporating a gender-sensitive and gender-oriented approach into its methodology. In sum, this project highlights the encumbrance of this delayed approach in eliciting narratives of sexual violation and the irrefutable need to reconcile the two seemingly incompatible frameworks prior to commencing human rights violation hearings; every woman’s testimony elicited a different response from Commissioners, with elements of the legal-procedural and religious-redemptive TRC narrative frameworks figuring prominently in testimonies where women actively resisted being framed within the prescribed narrative structure. The complete picture of women’s experiences of sexual violation during apartheid will never be fully articulated and represented until a safe space may be created to allow for the complexities of women’s testimonies to exist holistically. The TRC failed to achieve this despite its belated attempts to set up the special women’s hearings. The general tensions and conflicts involved in the TRC’s two elements of its narrative framework, i.e., that of the religious-redemptive discourse and that of the legal-procedural discourse significantly contributed to the difficulties and complexities of women’s encrypted witnessing. Indeed, the paucity of women’s stories of rape has left many unacknowledged stories of pain.

6.2 Narrating Rape: Possible Lessons?

Attempts to elicit narratives of rape should be revisited in the coming years. Stories of rape are not immutable, but instead metamorphose as societies do. With time, women may feel more comfortable sharing their experiences of rape under apartheid. For example, thirteen years after the 'National Commission on Truth and Reconciliation' convened in Chile to examine violations that had occurred between 11 September 1973 and 11 March 1990 under General Augusto Pinochet, a second Commission appointed by current Chilean President Ricardo Lagos found that during the reign of Pinochet, 94% of detained women had been subject to torture and that nearly 3,400 had been victims of sexual violence (Human Rights Watch, 2004a: 1). More than 300 of these women stated that they had been raped, including eleven women who were pregnant when they were detained. Six women had delivered children borne of rape⁴⁶. Most of these women stated that they had never reported these crimes before (Human Rights Watch, 2004a: 1).

The Chilean example bears consideration for South Africa. The TRC Report warned that women continue to "bear the brunt of suffering" in South Africa (TRC Report, Vol. 4, ch. 10: 316). Precisely for this reason, the need to elicit their testimonies is so vitally important. As illustrated by this project, the TRC constrained certain expressions and narrations, but the future may hopefully see the expansion of these narrative boundaries. This could possibly be accomplished by paying significant attention to rape when building the mandate of a truth commission in order to elicit both women's, and men's, stories of rape. While language may lack the ability to communicate fully the horror of rape, future truth commissions should endeavour to understand the discursive elements associated with rape, so as to provide a framework which enables, rather than constrains, women's abilities to share their stories.

⁴⁶ Although it is not explicit, it is likely that there were many more women who became pregnant and chose to terminate those pregnancies. Alternatively, some women who bore children of rapes might not wish to expose their children to that knowledge.

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D: Newspapers

Cape Times, Tuesday, 25 June 1996, Roger Friedman, "ANC veteran tells of sexual Abuse", p. 3.

Appendix 1: Table Presenting Details of the Seven Women Who Testified about Rape

This table presents the date place and type of hearing, names, political affiliation and ages of the seven women who testified regarding rape in the TRC hearings. They are listed in the respective order in which they spoke. This table is based in part on Fiona C. Ross' table on pages 54-57 in *Bearing Witness*.

DATE/PLACE/TYPE OF HEARING	NAME OF TESTIFIER	POLITICAL AFFILIATION	AGE AT TIME OF RAPE	VIOLATION & YEAR
Durban 2nd Special Women's Hearing 24-25 October 1996	'Anonymous A'	No stated political affiliation	Not stated	Assault and rape by IFP member or vigilantes in 1992
	'Anonymous B'	No stated political affiliation	16	Abduction and rape by 'comrades' in 1992
	Dora Mkhize	No stated political affiliation	35	Rape in 1990
Johannesburg 3rd Special Women's Hearing 28-29 July 1997	Thandi Shezi	ANC Youth League and Women's organisation	mid-20s	Rape, assault, detention, torture by police in 1988
	Winnie Makhubela	No stated political affiliation	14	Rape by hostel residents in 1993
	Kedibone Dube	No stated political affiliation	Not stated	Rape by 'comrade' in 1992
	Lita Mazibuko	ANC-MK	Not stated	Rape by 'comrades' in 1988 and 1993, detention

Appendix 2: Testimony of Winnie Makhubela

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

WOMEN'S HEARING

DATE: 28 JULY 1997

NAMES: GLORIA ELLA MAHLOPHE and WINNIE MAKHUBELA

HELD AT: JOHANNESBURG

DAY: 1

CHAIRPERSON: I want to call the hearing to order again.

The next witnesses are Ella Mahlophe and Winnie Makhubela.

Gcina, do the witnesses need the ...

Thank you. Are you able to hear me clearly? Are you ready to go? Gcina, we're ready to go. We know that it's not going to be easy for you to talk about the pain that you've experienced and Winnie as well. To assist you, we're going to ask Commissioner Hlengiwe Mkhize to help through with your evidence. Hlengiwe.

MS MKHIZE: Thank you, Chairperson. Gcina, maybe they don't need this. I will try and talk to them in Zulu. No, they're speaking in Zulu. Oh, okay Tsonga.

CHAIRPERSON: Tsonga on four. They can put it back. Ella, you'll be more comfortable in Tsonga? All right.

MS MKHIZE: I will ask you to stand. Then I will assist you with an oath. You will just - if you can just at the end follow me - if you raise both of you - maybe we'll start with you, Ella Gloria Mahlophe.

ELLA GLORIA MAHLOPHE: (Duly sworn, states).

MS MKHIZE: Winnie Makhubela, I will also ask you to say the same at the end.

WINNIE MAKHUBELA: (Duly sworn, states).

MS MKHIZE: Ella, I welcome both of you and I will ask you to start talking to the statement that you gave us. You would take us back to the time when in this country we were having problems especially around the East Rand, and I will be happy if you can just talk to your statement as it is written here.

MS MAHLOPHE: It was in 1993, on the 27th, when my child left to the shopping at the shopping centre. I had sent them to buy some meat. When they came back from the shopping centre, they came back together with another girl.

There were three of them. There was Tembe, Norwin and Molly and they were coming back. When they arrived at a certain place in Thokoza, there were two men who came, who

came to call them and said there was a meeting at Thokoza.

They went to this meeting in Thokoza. When they arrived in Thokoza, they were put inside the hostel. They started undressing them, taking of their clothes. After they've undressed them, they raped them.

After they raped them, they took them and threw them outside the hostel, at the back of the hostel and they started shooting at them.

They were trying to chop them with some huge bush knives and two of them died, and the other one managed to escape through the window.

Out of this, Tembe died and here Winnie remained that didn't die. Whilst they were still there, that other two died, Winnie survived. Winnie said a police car arrived and took this other two who had died and they took her to the hostel.

Now we were surprised why this children are not coming back. We were up and waiting until four pm and we started looking for them, because they're not coming back. We were surprised at what had happened. We looked for them all over and we went to sleep.

In the morning there was a sister of the other girl who we thought they've gone to the sister of this other girl. So we started searching for them in police stations and we couldn't find them.

When we couldn't find these young people, even in the police station, we started searching in hospitals. We found Winnie at the hospital and the other two were in the Government mortuary.

So we went back home and we went there and we started mourning them. My child who had already been born was already 16 years old then. At the stage she was in Std 10. She was doing Std 10 and she died while she was doing standard ten.

That was the child I had hoped for. I thought this child would help me, but today she passed away and she's not able to help. And I am not happy about how they killed her. When I went to see my child at the mortuary, I found that she had been chopped, she was full of grass all over and was naked. During that time we then left and we went to identify the child at the mortuary and we did say that indeed it was the child.

That's how my story goes.

MS MKHIZE: Thank you very much, Mahlophe. You're one of those women who have seen the most, to see your child leaving home and then having to identify her in a mortuary.

Can you just tell the Commission a little bit about Tembe. Was she politically active or whatever memories that you might think of, anything that will help us to have a vivid picture of her.

MS MAHLOPHE: She was very interested in school work. She wasn't involved in politics. She liked books. She used to read a lot. Even the day she had left home, she just was accompanying her friend, because she was lonely. She was a very quiet child.

MS MKHIZE: How did you - you said you looked around, because when they didn't come back, you looked everywhere. What kind of an explanation were you given by authorities, the police, you know, surrounding her death at the time when you ultimately realised that she had been murdered.

MS MAHLOPHE: In the morning, the following morning when we had been searching for them, he said there weres some children who were arrested at the shopping centre. They said some of them are dead and some of

them are in hospital. That's how we realised. That's when we started looking for them and we found them at the hospital and at the Government mortuary when we didn't find at the hospital. But Winnie explained all of this to us; how it had happened. That's how we heard the story, through Winnie.

MS MKHIZE: I was just interested in what the authorities said. As parents, when your children are found in mortuary, I assume that you must have asked some questions or you must have been told how did they land up in the mortuary?

MS MAHLOPHE: We didn't see the police. We only heard that the police picked them from behind the hostel after they had been thrown there. They didn't come to us. We just came and fetched the remains of our child and went home. There we never met the police. We never had any contact with the police. The one who saw the police was Winnie during the time they were thrown behind the hostel.

MS MKHIZE: Was the matter ever taken to court or were you called by the police to come and listen maybe when they were having an inquest, the examination, the sitting that is often held after a person has been killed?

MS MAHLOPHE: No, the police didn't explain anything to us. We just found our children at the mortuary. That's the whole thing just and after we have found our remains of our children.

But one day, in the morning, the police then came and said they were looking for Winnie. They just wanted to find out from her if they knew the children who had been killed.

So we were scared to let Winnie go with this police. So we took Winnie and hid her away and took her far away to a place called Bush and that's where she was cooling off for a while, but we never had any contact with this police.

MS MKHIZE: Before maybe I ask Winnie to give us her perspective; can you tell us how were these three children related? That is Tembe, Molly and Winnie.

MS MAHLOPHE: Molly is the neighbour's child. She was the neighbour. Tembe was my child, was my first-born. Winnie is my brother's child. We were staying in one family with Winnie and Tembe and my brother at home.

MS MKHIZE: If they were not politically involved; what do you think, when looking back now, how did they pick on them at the time when they were picked up?

MS MAHLOPHE: During that time in Thokoza and Spruit there were fights, there was violence, although it was still a cold kind of violence. It wasn't heightened. There was a meeting. That's when they were taken at this meeting, but when they were attending this meeting, that's the time when they were killed.

MS MKHIZE: Thank you very much. I will, later on I will take you back to the chair and Commissioners will ask you some questions.

At this point in time, I will come to Winnie.

Winnie, I would like you to say in your own words what happened on this day. Maybe if you can just tell us first how old were you, which school were you attending at the time? If you can just try to remember what happened on that day.

MS MAKHUBELA: I used to attend school at Vumbeni. I was in Std 1. We left and went to the cafe. We bought meat at the shop.

MS MKHIZE: Winnie, we won't rush yourself.

MS MAKHUBELA: We bought the meat and left the shop, but just before we arrived home, we met some men who asked us where do we live? We told them where we lived. We told them that we're living at 12th - they said, come let's go to the meeting.

When we arrived at Thokoza, they put us through the windows. After that they undressed us and they raped us. After they had raped us, they threw us out of the window and they started shooting at us.

They started chopping us up with knives and some police came and the police asked us where do we live? I told them I lived at 12th. They phoned for an ambulance and the ambulance took me to the hospital.

When we arrived at the hospital, I couldn't see anything, I had become unconscious.

MS MKHIZE: Winnie, drink some water, Sisi. If what is in the file is true, you must have been nine years old at that time. Is that true?

MS MAKHUBELA: I was 14 years old.

MS MKHIZE: Okay. What is your date of birth?

MS MAKHUBELA: I was born in May.

MS MKHIZE: Which year?

MS MAKHUBELA: In 1979.

MS MKHIZE: Winnie, you said you were sent to buy meat. The people who approached you and who invited you to join them in their meeting; how many were they, if you can still remember?

MS MAKHUBELA: There were a lot of them. I cannot remember how many were they.

MS MKHIZE: So when they invited you to a meeting, did you just trust the people you don't know and you went along, especially at the time when there was a lot happening politically?

MS MAKHUBELA: They dragged us and pulled us.

MS MKHIZE: So you didn't voluntarily go? They dragged you and forced you to follow them?

MS MAKHUBELA: Yes.

MS MKHIZE: If you remember; on your arrival at the place where they've taken you, here it says the hostel, did they want you to tell them anything or what did they want from you before they started doing whatever they did?

MS MAKHUBELA: They didn't say anything to us.

MS MKHIZE: Winnie, I know how difficult it is to take you back and make your mind to remember that day, but it would help a lot if you can indicate to us as to - you were three; with whom did they start? Did they start by shooting, kicking, raping? Where did they start? For our record, it's important for you to try and create a picture.

MS MAKHUBELA: They started off by raping us. After they raped us, they threw us out of the window and they started shooting.

MS MKHIZE: Your own experiences in particular; do you still remember how many people actually raped you?

MS MAKHUBELA: There were lots of them. It was a huge group of them, I cannot remember, I could not recognise any of them.

MS MKHIZE: While they were raping you, before you lost consciousness; are there anything they were saying to you, talking?

MS MAKHUBELA: No, I didn't hear them saying anything. I just became unconscious and I couldn't hear anything.

MS MKHIZE: You also mentioned that afterwards they threw you out of the window and the police arrived. Did the police ask you about what has been happening?

MS MAKHUBELA: Yes, they did ask us. We told them that they had said that there was a meeting here in Thokoza.

MS MKHIZE: Did you communicate to the police that you had been raped?

MS MAKHUBELA: No, I didn't explain that to them, because I was becoming blinded, I couldn't see much.

MS MKHIZE: When you were at the hospital, did you tell them about what had happened to you?

MS MAKHUBELA: I couldn't even talk, so I didn't relate that.

MS MKHIZE: Winnie, since you had this experience, what has happened to you? What kind of a life have you led?

MS MAKHUBELA: Okay. I became unconscious and I couldn't recognise people for a long time.

MS MKHIZE: Now that you are at school, how are you coping?

MS MAKHUBELA: I'm not able to cope with things. There's nothing I am feeling.

MS MKHIZE: What standard are you doing now?

MS MAKHUBELA: I am in Std 3.

MS MKHIZE: At the time when this happened, what standard were you doing?

MS MAKHUBELA: I was in Std 1.

MS MKHIZE: (Question not translated ...)

MS MAKHUBELA: When I read, I can't even read books. I am not able to see properly.

MS MKHIZE: In your school have you ever, or at a local church, been assisted by getting counselling or having an adult talking to you about what happened?

MS MAKHUBELA: No, nobody has helped me or told me anything.

MS MKHIZE: Winnie, thank you very much. I will hand you over back to the Chair.

CHAIRPERSON: Joyce.

MS SEROKE: Winnie, at the time when they told you to go to a meeting, what sort of a meeting was that?

MS MAKHUBELA: We did ask them. They told us, come, you will see what's going to happen there.

MS SEROKE: When they led you to the hostel and at that time you knew how dangerous the hostel was, because of what was happening in the township, were you not suspicious that you were being led into this hostel or where you moved, pulled by force?

MS MAKHUBELA: They dragged us and pulled us inside the hostel.

MS SEROKE: And you say one of your friends, Santie, was released. Why was she released and you guys were taken in?

MS MAKHUBELA: She managed to escape, to run away.

MS SEROKE: And you also say in your statement; when you got into the hall, you found that it was full of men and women. Now, what did the women do when you were gang-raped by these men? What did the women in that group, in that crowd - did they try to save you or did they just watched you being gang-raped?

MS MAKHUBELA: These women started applauding and they were very happy when they saw this happening to us.

MS SEROKE: Did you at any time try to beg them to help you and asked for their protection, your protection?

MS MAKHUBELA: They slapped us when we tried to plead to them to help us, they started slapping us and beating us up.

MS SEROKE: And you say in your statement you were hacked and you were shot at. What did they use to hack you?

MS MAKHUBELA: There were huge bush knives that they were using to chop us.

MS SEROKE: When these men were raping, were they saying things whilst they were doing this or telling you why they were doing this or abusing you?

MS MAKHUBELA: No, they didn't say anything.

MS SEROKE: Mrs Mahlophe, my next question is addressed to you. You say that what happened to the girls caused trouble in the township between the hostel-dwellers and the residents.

MS MAHLOPHE: Yes, since these hostel-people started killing these children and that was in Thokoza and Twala. Then the fight started between these two communities.

There were these people trying to defend us now from this hostel and when we went to bury these children, there was police who were guiding us, and since that there was a huge violence that erupted. That's when the violence was heightened in the township during that time.

MS SEROKE: Was there a post-mortem for Tembe and Molly who died in the process?

MS MAHLOPHE: Yes, there was a post-mortem, because they were found with lots of wounds and they had been stabbed all over their bodies.

MS SEROKE: Did you get the report of the post-mortem?

MS MAHLOPHE: Yes, it was sent, it was shown that they had been shot in the stomach. They were found with bullets in their stomach.

MS SEROKE: Did the post-mortem report mention anything about the rape that was done to these children.

MS MAHLOPHE: No, there was nothing about the rape in the report. They only said they were found with bullets in their stomach, but even if they might have explained I was real confused. I was in a state of shock at that stage. I might not remember if they did report that.

MS SEROKE: Thank you.

CHAIRPERSON: Mrs Mahlophe, I'm just going to ask you a few questions. You went to identify Tembe's body at the mortuary?

MS MAHLOPHE: Yes, I did go to identify the body.

CHAIRPERSON: And did you ever try to get hold of the other young girl who was with them, Santie?

MS MAHLOPHE: No, I was not in a position to do that, because they pulled her and she ran out of the window. And when we went to the family, we realised that the family had taken this kid away. I only heard from other people that Santie was with them at that stage.

CHAIRPERSON: After this had happened, did the police ever come to you to tell you anything more about this matter?

MS MAHLOPHE: No, the police didn't come. They didn't come to explain to us how our children died. No, there was no such a time when they came.

CHAIRPERSON: Did they ever come to you to try and get Winnie to identify who had actually done this?

MS MAHLOPHE: Yes, they did come.

CHAIRPERSON: And what did you say then?

MS MAHLOPHE: We said to them, Winnie has gone away, has gone to Bush - Bushbuckridge.

CHAIRPERSON: From your statement you talk about Winnie being visited in hospital by one of the possible perpetrators?

MS MAHLOPHE: Those who came to visit, they went to visit the hospital. When Winnie came round, she saw one of the ladies there and when she saw one of these people, she fainted and she didn't explain anything.

CHAIRPERSON: Does Winnie herself have - what was the kind of treatment that was given her at the hospital? Does she also have scars on her body from the hacking.

MS MAHLOPHE: Yes, she's got scars on her head and her neck and the operation on the throat her whole stomach - they shot her in the stomach.

CHAIRPERSON: Did you ever go and see any lawyer or anybody to assist you in this matter.

MS MAHLOPHE: No, we didn't see anybody to assist us.

CHAIRPERSON: And you don't know if the police charged anybody for this matter?

I'm going to ask Winnie some questions. Are you receiving any kind of counselling for what actually happened?

MS MAKHUBELA: No.

CHAIRPERSON: Is this the first time that you've talked about it after telling your family?

MS MAKHUBELA: Yes, it is the first time.

CHAIRPERSON: Does it still cause quite a lot of pain, to talk about it?

MS MAKHUBELA: Yes, I'm still very sad and pained by what happened to me.

CHAIRPERSON: Do you struggle to remember things?

MS MAKHUBELA: Yes, I do remember things.

CHAIRPERSON: What do you want to do when you finish school?

MS MAKHUBELA: I want to be a teacher.

CHAIRPERSON: Do you know what happened to Santie after this accident? Did you ever have any contact with her?

MS MAKHUBELA: No, I haven't seen Santie since then.

CHAIRPERSON: Are you happy to stay in Bushbuckridge?

MS MAKHUBELA: Yes, I'm happy in Bushbuckridge.

CHAIRPERSON: Thank you very much, Mrs Mahlophe and Winnie, for coming to share this painful story with us.

We know that it's not easy to talk about it, but we hope that by talking about it, at least something can actually be done.

We will see what we can do about putting you in touch, certainly with counselling services, so that at least Winnie can have the benefit of proper counselling.

We will see what we can do about that fairly quickly. Thank you for coming today.

Is there anything that you would like to say before you go?

MS MAHLOPHE: Yes, I do have something I'd like to say; that since this child died, I was no longer able to get any employment and I kind of lay a - put a stone for my child on the grave.

CHAIRPERSON: And you'd like a gravestone for ...

MS MAHLOPHE: Yes.

CHAIRPERSON: And you, Winnie, would you like to say anything? Winnie, is there anything you would like to ...

MS MAHLOPHE: I'd like to have a gravestone for my child. I'm not working at the moment, I am unemployed. That's also my other problem.

CHAIRPERSON: Thank you. We have heard you and we'll certainly note those requests for the Commission.

Winnie, would you like to say anything before you actually go?

MS MAKHUBELA: If you could please assist with my education.

CHAIRPERSON: The Commission will take that request into consideration and when we talk about recommendations to Government about reparation, that will certainly be noted.

Thank you for coming today.

END OF TESTIMONY

Appendix 3: Testimony of Kedeboni Dube

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

WOMEN'S HEARING

DATE: 28 JULY 1997

NAME: KEDEBONI DUBE

HELD AT: JOHANNESBURG

DAY: 1

CHAIRPERSON: Could I ask Mrs Kuzwao's driver, Alfred, to please go downstairs, because she's actually waiting for you at the bottom. Gone already? Thank you.

We're going to have a change in the programme. We should have taken the submissions from Fedtraw and Cals today. However they have kindly consented to coming tomorrow. We have been running late since early this morning, because we started late. And we must apologise to those people who were going to be making submissions.

We're going to take the last witness for today, Kedeboni Dube, please, if you would come forward.

Kedeboni, we'd like to welcome you to the Commission. We must apologise for allowing you to wait the whole day before you could actually give your evidence. I'm sorry that we've actually run late, but now that we do have you here, please feel free and comfortable to give your evidence in as free a manner as possible.

We have asked Joyce Seroke to assist you with the giving of your evidence. Joyce?

MS SEROKE: Kedeboni, will you speak Zulu or Sotho?

MS DUBE: I will speak Zulu mix and I will mix it with Xhosa.

MS SEROKE: I will request you to stand up and take an oath and raise up your right hand.

INTERPRETER: The speaker's mike is not on. The speaker's mike is not on.

MS SEROKE: I will repeat again, because I didn't realise that my mike was not on.

KEDEBONI DUBE: (Duly sworn, states).

MS SEROKE: Thank you. Kedeboni, are you still living in Swanieville at the moment? Could you actually relate to us what happened to you in Swanieville?

MS DUBE: In Swanieville the Inkatha came. In Swanieville the Inkatha invaded this place in Swanieville. I cannot remember the exact date, but this was in 1992. Inkatha invaded us and we ran to Asatville.

And when we arrived in Asatville, I used to visit with my boyfriend in Kimberley. When we arrived in Asatville, I requested him to go and look for my father. I asked him to go and look for my father, if he survived and if he was still alive.

And if he was, if he could please go and fetch him. And this boy came here and he said, no, your father is alive. I went to the township at my aunt's place. When I arrived at my aunt's place, I was just too scared.

I went with Makgleng at my sister's place. My aunt also came. They were also scared of Inkatha. They didn't want to stay where they were living, because they're scared of Inkatha. He said to me, why the comrades are looking for you. I asked him, why are the comrades looking for me? So I just stayed there and I didn't go back to Swanieville and I felt very concerned and worried, because I don't know why the comrades were looking for me.

So I went to another street in Vuga, called the Kuzulu. I sat there the whole day. And when I got out, I met the comrades at a corner. When I met these comrades at a corner, they went past me. They went to the house where I had been. They didn't know me. They went there and came back and ran after and they took me and then they left with me and said, we're going to church.

The church was the place where all the people who had run away from Swanieville had gone to and I stayed there. There was a boer called Ebeke. He comes from Motlageng township. He said to me there were Xhosa people fighting against the Inkatha. He said to me, you know, that Xhosa people are going to kill you. I don't want you to take to the Xhosa. They said you and your boyfriend pick-pocketed or mugged the corpses. He said, is that the truth? I said, no I do not know that, because when Inkatha invaded and attacked us, we ran away to Asatville. Then they said they were looking for me and my boyfriend.

It was around seven when he went to church. He then said no, let us not stay here in church. Let me go and put you in a safe place, because I know you; there's a house there at Manzini's, a shebeen. He took me to this house, to this shebeen house. And people had just about to leave. He said, please just stay here, I'm coming. And he went out with other comrade guys.

Then he came back at around half-past-eight and he said let's go, I am taking you back to the church, I don't know what are these people going to do with you. So we went back to the church. But he didn't take the direction towards the church. He took a direction that was getting out of the township. I said, but where are you taking me? He said to me, why do you know so much?

He had a gun with him. So he hit me with the back of the gun. He says, you're too knowledgeable, too clever. Because I was scared and it was at night and I didn't know where he was taking me, but I do know this guy.

He took me to another house. This house he took me, was a big house, but there was nobody living there. And each and everyone pulled their own girls there and they were sitting together with their girls. And I said to him, I'm not going to sleep here, I want to go home.

He said, I will take you to the Xhosa people and the Xhosa are going to kill you. And he beat me up the whole night until he raped me. He raped me in different positions. I tried to fight him at that stage until in the morning and he was raping me.

I had a purse which had money, and this boy took my purse and gave me R2,00 and said, go back to your home and don't tell anyone; if you tell anyone about what I did to you, we're going to burn you and I'll burn your home as well.

During that time my boyfriend went to look for me at home and he didn't find me. And he realised that it was daybreak and he didn't find me, and he went to the church. At the church they arrested him.

They caught him and said, yes, this is the one who was mugging the corpse, but the other one didn't say he was with me at night and he raped me. My boyfriend asked me, where is Spoke, and he said, no, I don't know where she is. He says, we have heard that comrades took her late last night.

They had a meeting about my boyfriend and asked him why was he mugging corpses. He said, no, I had gone to look for my father, because I had asked him to go and look for my father, but because the issue was - and because his picture was in the Sowetan, people assumed that he was involved in mugging, but - the Xhosa people during that time, that's the time when they were very angry. The Xhosa people were very angry during that time. They were attacking people and the priest realised that these guys were just looking for this guy so that they could kill him. But the priest protected this, my boyfriend and took him away. They took him to Plasville and he got a train and he went to Randfontein.

At my sister's place they found me there. I didn't tell anybody what happened to me. This guy had pleaded with me that I shouldn't tell anybody. It's our secret that he had raped me. What would people say about this.

So I've realised that this whole thing is very painful. They took my things. They took my dinner set. And when I want my property back that they had taken, they kept threatening that they're going to kill me.

I still see this person. When I look at this boy, this guy, my heart is very sore, because he raped me and he wasn't arrested by the cops, and so many things that he does. He does very strange things and there's nobody who can arrest him.

Now he's a criminal and he kills people. He mugs people and when he kills people, nothing happens to him. But I realise that he's going to do so much damage to other people.

After that I have been suffering from syphilis since this boy raped me.

MS SEROKE: Kedeboni, during this time when this boy took you away, did you not scream and cry out as you realise that he was taking a different direction from the church? Didn't you shout and scream?

MS DUBE: He was threatening me. He said if I make any noise, he would kill me, and it was at night. During that time there were a lot of people who had been killed in that area, so I was scared that he was going to kill me.

Even now I am relating this story, but I am not feeling safe about relating this story.

MS SEROKE: Were you a comrade in Swanieville?

MS DUBE: No, I wasn't a comrade.

MS SEROKE: Were you not involved in politics?

MS DUBE: No, not at all.

MS SEROKE: But these comrades didn't know you. They only knew that you and your boyfriend were reported to have mugged the corpse of dead people. When you arrived in this huge house and all the comrades had their girls; these girls they were with, were they girlfriends or were they also people who had been abducted?

MS DUBE: I think, the way I saw things, I think some of them were girlfriends and there was a huge house and each one of them was locked into different rooms. But they didn't even want me to talk to these other girls. They just pushed me into the other separate room and locked me there.

MS SEROKE: And your boyfriend, when he searched and looked for you until he was threatened that he'll be killed by Xhosa, when you met him, did you relate to him what they did to you?

MS DUBE: Yes, I did relate this to him. When he came to, he'd asked me where do you come from, because I nearly died looking for you. And that time I cried. I broke down. I was very sad.

The first thing he asked me, he said, did they not rape you? That's the first thing he asked. Yes, I said, they did rape me, but it was only one guy who raped me.

MS SEROKE: Did you relate this to your aunt?

MS DUBE: No, I didn't relate this to my aunt. The only time I started relating this was when the Truth Commission had been established. I started relating this to the Truth Commission.

I felt that I should talk to my mother and tell her the truth, because at home I didn't tell them anything. I just said they had kidnapped me. They were looking for Eric. They didn't want to do anything to me. They didn't harm me.

MS SEROKE: Did you not go to the doctor to report that you had been raped and that - to get a treatment?

MS DUBE: My husband said this thing is just a disgrace, a shameful thing, just keep quiet, do not relate anything, but my boyfriend was looking for this guy, because my boyfriend is still very unhappy about the situation.

But this guy, after raping me, he disappeared a bit. Then my boyfriend, this is a disgrace. We should not talk about this, because people will look at him in such disgrace that his girlfriend had been raped.

So the only time I started relating it openly; that's when after I had spoken to the Truth Commission and it's then that I related this to my mother, that I had been raped.

MS SEROKE: After you told your mother for the first time after the Truth Commission was in Swanieville; what did she say? Because you know this guy, didn't your mother say you must go and lay a charge against this boy?

MS DUBE: She didn't talk. She didn't say anything. We also realised that this thing happened a long time ago. The police would no longer take this thing up, because they're going to ask me and say why have you always been quiet.

That's the situation as I know that they normally do that. If the person had been raped and reported this after a long time has elapsed, they don't take it further.

MS SEROKE: Now, you've said you are sick. When did you actually discover this?

MS DUBE: Inkatha attacked us around June. I discovered this round about September.

MS SEROKE: Are you getting any treatment for your illness?

MS DUBE: Yes, I am getting treatment.

MS SEROKE: And when your boyfriend happened to - when this happened to you, was your boyfriend still with you?

MS DUBE: Yes, we both got treatment. We both went to Baragwanath for treatment. But every September I really get sick again. Every September I become sick again.

MS SEROKE: Do you think you parted from your boyfriend, because of that, although he understood that you were raped? Are you saying that you've parted with your boyfriend now? What would be the reason for you having parted with your boyfriend?

MS DUBE: At the hospital they said I will not be able to conceive a baby, because I have had this illness and he started fighting with me that I was not able to conceive and I realised that then I must cut off his fighting me, because I wasn't able to conceive.

MS SEROKE: So you were raped and after that you got sick and your boyfriend even abandoned you and he started turning against you that you are not able to conceive?

MS DUBE: If he was the one who had this problem - he had a child, a baby with a girl next door and then he realised that the problem was with me. That's why I was not able to conceive. The problem was with me and that I wasn't able to conceive.

MS SEROKE: So there are three things that have really been stressful to you; that you had been raped and that even this person who you were involved with, abandoned you, because you were not able to conceive. How do you feel about all these things? How do they affect your life?

MS DUBE: I think it's most painful this. I think even now I feel very ashamed and I feel very disgraced, that even the new boyfriend that I have now, will hear that I've got syphilis and other guys will run away from me.

That is the thing that worries me most; that if I have got a boyfriend, when I'm menstruate I must buy the muti called Imbeze so that I do not affect my partner.

MS SEROKE: Just tell me, Kedeboni, now you related this story, but you didn't relate this story to anybody. You didn't even get any counselling. Now, once you've spoken this to your mother; where there any social worker who could help you, because you've spoken this with your mom?

MS DUBE: I didn't go to a social worker, but even the sisters, I didn't tell them what was the cause of this. When I go to the clinic, they ask me in the room. They call me to private rooms. They ask me, when did this thing start?

When they ask me if I'm not naughty; why am I getting this illness? Is it because I'm naughty? They said I must take the pills. I must take the full course of the treatment. If this thing if this thing doesn't stop, I'll end up being HIV and virtually getting AIDS.

Most of the time I feel so sad. I feel like taking a rope and hanging myself, but sometimes I feel maybe this thing will come to an end, because we're now attending church. I think through the church and God this thing will come to an end.

MS SEROKE: But are you taking your treatment, because the treatment of this illness; you must take all your treatment and finish it.

MS DUBE: The sisters gave me the treatment last year and they said I must finish all the treatment I had been given; then maybe this thing will - at the moment, I haven't experienced, but I think it only starts in September again, and then I start the treatment again.

I attend the clinic. And when you go to the clinic and tell them that this is the problem I have, they give me the treatment. I tried to finish the treatment that the clinic gives me.

MS SEROKE: Now that you say that you attend the church; the people in church, do you talk to them to help you with counselling and assist you and give you support so that you do not become depressed about this issue?

MS DUBE: No, I haven't related this issue in church. I am scared, because people are going to think that I've got Aids. So of course I just can't go around relating this issue to people that I've got syphilis.

Only now the home people, my family, do know it. They know. We do fight at home and my sister at home says, you have got Aids and my neighbours do hear. Sometimes when they shout and insult me in the street, they say I have got Aid.

That's why I am afraid of relating this issue to other people.

MS SEROKE: Now you are scared. You realise that you think the long time has elapsed since this incident happened; that you haven't reported ...

MS DUBE: I thought I shouldn't come to TRC. I was I came at the behest of sister, because Friday, because my mother gave me this fax on the Truth Commission. She said to me the police were looking for you. And I thought I shouldn't come here, but now this thing has passed now.

But today in the morning, I thought I was going home and I saw this guy again. And my heart was very sore, but I thought maybe the Truth Commission is going to help me. If I can just see this guy having been arrested, I think I'll be relieved. I think he must be punished.

He shouldn't just be allowed to roam around freely, because whenever I see him, my heart is sore. My heart bleeds. Even if sometimes they are just - a sort of a relative at home, related to my maternal side, my mother's side; when he comes in, I stand up and go, but my cousin asked me but why do you react like this to this boy? I just said I don't want him, but I don't relate to them what actually transpired.

MS SEROKE: Does this guy have parents?

MS DUBE: Yes, he does have parents.

MS SEROKE: When you say you're related; how related are you? Don't you think you can try and request for assistance between your parents and his parents so that this issue could be resolved so that you can air your feeling and your pain about this guy? So that when parents meet, his parents and your parents can meet, and this cousin and resolve this issue?

MS DUBE: I just want him arrested. I don't want anything negotiated. I just want to see him arrested. I think that's the only way I can feel I have been healed. I want him to feel the pain that I have felt.

I think they must also give back my things, my properties, because they also took my dinner set and took quite a lot of my things. Now they don't want to return them. When I say I want my things back, they say no, the Xhosa people took them and if you insist on getting your things from Xhosa, these Xhosa people will kill you. They keep threatening me with this Xhosa people. I just want them to tell me what did they do with my things. Did they share it among themselves.

MS SEROKE: Are you working now, Kedeboni?

MS DUBE: The job that I am doing is really not a steady job. I work at a house. Sometimes I stay for a month and only when I have got customers I can go and submit them to my employer.

MS SEROKE: Are you staying with your parents now?

MS DUBE: Yes, I am staying with my parents now.

MS SEROKE: Thank you.

CHAIRPERSON: Hlengiwe.

MS MKHIZE: You say they also got hold of your boyfriend and said why was he searching the corpse of dead people. So when they arrested, when they kidnapped you and they raped you, what do you think about this? Did they harass him?

MS DUBE: I think he was saved, because when they got hold of him, the priest was there, but if they just got him from somewhere else, I think they might have killed him. He has only managed to survive and was saved by the priest.

MS MKHIZE: The one you say you know, took you and raped you; what is he? Is he a comrade? What right did he have to fight you and accuse you of searching the dead corpses?

MS DUBE: At that time he was a comrade, but now he's not a comrade any more. He's just a thing. He's just an alcoholic, drinking all the time. But during that time they were scared of him.

That's why I also even could not report him, because he was quite a popular guy and for me - the people were scared of him and I was also scared that he was going to kill him.

MS MKHIZE: You say when he was a very known comrade; what was he? Was he an organiser? Was he a secretary?

MS DUBE: I wasn't very much involved in politics. So I don't know. But I do know that the big - he was popular, was highly known. If you - maybe if you ask comrade Uhuro of Vuga, he would know what exact position he occupied there.

MS MKHIZE: Maybe you can explain to us when did you actually realise that you have got this disease? Here it's written that you went to Lerato. When did you go to Lerato? Was it just after you'd been raped that you went to the hospital or did it - did you go after a long time after you had been raped?

MS DUBE: I only went after three months that I started having this problem after three months after I had been raped.

MS MKHIZE: So it means from 1992 up until now they're not able to treat this thing, every September?

MS DUBE: No, it's not treatable. It's not treatable, because sometimes I get a wound here. That's when they saw at Lerato that I was getting this sore in my back and then they took my blood. They were also not able to tell what is my problem. So they took blood and went for tests and that's when they realised that I had syphilis.

MS MKHIZE: And did you tell them how did you get this disease?

MS DUBE: No, I didn't tell them, because at that time I didn't want to tell people.

MS MKHIZE: Maybe, Kedebone, that's what we don't understand clearly. You said you didn't want to tell them even at the hospital. I thought you didn't relate this, because your boyfriend said no, that would be a disgrace, but I think you could have related this to your doctor.

MS DUBE: I didn't want to talk about this thing. I just wanted to keep it my secret until the end.

MS MKHIZE: When you started realising that you were sick, you realised that wasn't a thing you could speak with your doctors?

MS DUBE: Originally I didn't know. I just thought it was a passing thing. I just thought it was an illness that will end. But only now that I am explaining to the sister when they said to me when did it start, I told them.

It's only starting to be serious now, that I realise that this issue is serious.

MS MKHIZE: Maybe we could advise you that when you go to Lerato, you must stay there and don't go to different clinics and hospitals. Just relate this to the doctor. Stay with this one doctor. Relate to him that the doctor know your history.

MS DUBE: I think in church, I believe that in church they will manage to heal me.

MS MKHIZE: Indeed, if you believe that the church will help you, but please don't stop getting treatment like going to the doctors and having all the examinations done on you so that the doctors can eventually understand your situation.

You can go to church and pray for that, but in the meantime go to the hospital and explain to them so that - you see you must combine this kind of treatment, because it's dangerous for you to stop the treatment.

CHAIRPERSON: Kedebone, I just have one or two questions. You talk about a witness. Can you tell me what this witness actually saw?

MS DUBE: Where?

CHAIRPERSON: You mention in your statement that you were left at Manzini Arms Tavern. Tell me about that.

MS DUBE: At the Manzini Arms, this man asked them where are you taking this girl to? And this guy said no, these are the Swanieville people who mugged the dead corpse, so I am taking her to the church, and that's when we left the house to go to the church, and that's why he took me to this church.

CHAIRPERSON: You know that you mention in your evidence that you really didn't want to come forward, but that you have seen this man again which made you decide to come to the Commission.

The difficulty of course is that usually after a rape, there are certain examinations that must happen so that one can actually identify whether in fact the person you say raped you, is in fact the same person that you identified.

Whilst we would like to help you to deal with this matter, the one problem we have is that you haven't actually talked to anybody immediately after this rape so that we could find a way of dealing with the person who raped you, unless that person came forward and actually said he did it.

So whilst we will try to investigate this matter, it is going to be quite difficult, because it will be in a sense your word against him. And you didn't - you weren't even - I think the only person who probably knew at that time besides yourself, is your boyfriend and obviously we would need him to give us a statement as well.

We will of course see what we can do to try and if this person is back, if we can identify him and see what we can do about him. Perhaps we can issue a subpoena for him so that we can assess what actually - you know whether he's prepared to admit what he actually did to you.

But it is going to be difficult and we shouldn't in fact pretend that it's an ordinary matter and that we will just be able to deal with it.

I have one difficulty with what you say, which is that the church will help you. I think that what my fellow Commissioner says is very, very important; that you must continue receiving treatment and the proper treatment from a medical institution, a hospital, and if necessary, we must try and refer you to at least one place where you can continue to be seen by at least the same doctor, so that he can take care of your problem.

Because the church can perhaps help you to deal with the trauma of this problem, but what you really need, is medical assistance to help you with the medical problem that you have.

And I think we must make sure that at least you attend a proper medical institution to get the kind of help that you need. Do you understand that that's very necessary, so that in fact this matter doesn't get worse.

MS DUBE: Yes.

CHAIRPERSON: All right. We're very glad that you've come to tell us about what you've said. I am happy that you finally took the decision to come and talk to us, because the more we talk about it, the more other people can come forward and say that perhaps this thing happened to them as well, because we've got to try and stop it from spreading further in our communities.

And we've got to stop the person who suffers the problem, feeling the shame, because it's not your fault. I think we need to say that it's the fault of the people who actually do this; the men who rape women, it's their problem and their fault and you are carrying along the guilt and the shame and you have in fact nothing to feel guilty or shameful about. We hope that having come to tell us this experience, that you will begin to be free of some of the feelings which go with what happened to you.

So thank you for coming today to see us. If you are not attending a hospital properly, please tell us so that we can in fact arrange for you to attend one of the hospitals that there is, so that you can receive proper treatment for your condition.

All right? Thank you very much for coming to see us today.

MS DUBE: Thanks.

CHAIRPERSON: I would like to say that we have heard the experiences of very many different women. Women in all kinds of walks of life, but what is very, very clear is that this conspiracy of silence that exist, in fact allows abuse to carry on and unless our society begins to talk freely about this, unless we begin to bring the people who do this to book, unless we do something about exposing them; we will never be free of this. Because at the end of the day, women seem to be objects which can be used by any side and they're the ones who are usually at the forefront of receiving the violence; they and the little children and many of them can't in fact protect themselves.

Many women have come forward today and I think the one area in which we certainly do have a gap, is the question of women who themselves have been perpetrators.

The Commission has tried very, very hard to get women to come forward, women whom we have identified as having served in the previous regime in prisons and in fact, women who've been outside the country as well.

But there is a reluctance to talk. Some of them have committed themselves to making written submissions, but none of them were in fact prepared to come forward and talk orally about their experiences.

We acknowledge that it is probably an angle that we're not going to get to deal with properly, but we will carry on trying.

We will resume tomorrow at nine o'clock. We start off with a perspective from a woman who was involved in the conflict from the early 1970s and 1980s. She was a student herself. And then we will be receiving submissions from both Fedtraw and the Centre for Applied Legal Studies.

We will also be receiving the testimony of individual women who also come again from the different provinces which are served by this office in Gauteng.

At the end of it to celebrate the fact that women have in fact survived the violence, we will be having a celebration by way of a cultural event by Tonokwe and her group, and that will in fact end the proceedings tomorrow.

We have also been invited by the mayoress of the greater Johannesburg Metropolitan Council to a reception at five o'clock in the mayor's parlour on the first floor at the council chamber wing of the Metropolitan Centre, Braamfontein.

So those people who can attend, we will ask them to please RSVP Mrs Temba Makwanaze at 407-7490, if you are able to attend.

We would also people to come here by nine o'clock tomorrow, so that we can actually start promptly.

Thank you for coming and sharing this day with us and for being patient when we started quite late. It is very difficult to get all the witnesses together, as they come from the very far provinces in our area.

So with that apology I will conclude the hearings today.

Thank you.

(Applause).

END OF TESTIMONY

Appendix 4: Testimony of Lita Mazibuko

TRUTH AND RECONCILIATION COMMISSION

WOMEN'S HEARINGS

DATE: 29 JULY 1997

NAME: LITA NOMBANGO MAZIBUKO

HELD AT: JOHANNESBURG

DAY 1

CHAIRPERSON: Could we please call the next witness, Lita Nombango Mazibuko, to the witness stand please.

Miss Mazibuko we would like to welcome you to the hearings of the Commission. We are very glad that you have come to testify today. Could you please tell me what language you are going to speak in? Zulu. Thank you.

LITA NOMBANGO MAZIBUKO: (sworn states)

CHAIRPERSON: Mrs Mazibuko you have come to tell us your story while you were in exile. I am going to ask you to tell us very briefly a little bit about yourself and then tell us about your own experiences.

MS MAZIBUKO: My name is Lita Nombango Mazibuko. Mazibuko is my married surname, but my maiden surname is Gunene. The name Nombango, I was born in a politically active home, my father was a politician and he also liked helping people.

Because of the political activity within my home my family split and I was born at the Gunene family, and that husband did not believe that girls should be educated, that is why I am not educated now. Then I grew up at my stepfather's place. My mother died when I was three months old.

Thereafter I was brought up by another woman, or I could say my stepmother and they used to tell me that my father was a politician, he was also helping people and he was also aspiring to the ideologies of freedom. And Mr Gunene used to give me the nickname, Nombango, which means fighting for what you believe in, and ultimately the name stuck with me as I grew up. And when Mr Gunene used to come back from herding the cattle he would sing this song using my name, and I used to dance to the song, and I believed that as Africans we should fight for what we believed in.

I am not educated but the contribution that I've put in within the ANC structures is quite massive. I went to Swaziland, Maputo, Angola. I travelled throughout the African continent. Then in 1962 I went to work in Swaziland. It was very difficult for me in Swaziland because I used to bring people in to Swaziland and I also used to help others to escape South Africa through Swaziland. That was my task, and I was very assertive in doing that.

At times I used to disguise as a Sangoma and go to forests pretending that I was looking for some muti or medicine in the forests and I knew that I was going to do my job as a politician. I fought very hard.

But in 1988 I worked together with other youngsters who were totally different to the people that I have been working with, throughout, that is Nyanda, Jabu, and Jabu Mzima is late now. I cannot list a lot of them. Then in 1988 they sent certain men to me to work for them and with them to facilitate some escapes, and nine of my

comrades were killed because they were sent to a wrong place and thereafter we were taken to Zambia. But I was not told that we were called to Zambia.

When we got to Zambia some of our comrades were told that I refused to go to Zambia and I was regarded as an enemy and as a spy and I was kidnapped from my place in July. An accident occurred in June, that is before the 16th of June. We were awaiting other people to come into Swaziland before the 16th of June in order to conduct certain missions and I was kidnapped in July. I was taken out of my place only in my clothing and nothing else to my name. They told me that they were taking me to a certain meeting in Fairview where they were going to discuss certain things with regard to what happened before the 16th of June.

When we got to Fairview I saw that there was absolutely no meeting and I saw four comrades with briefcases. They escorted me and their car drove to another comrades place at Fairview in Swaziland. The car stopped at the gate. They went inside the house to take certain orders and when they came back they still escorted us. They had guns with them. We drove off.

We got to a certain place called Mbeklweni, which is just beneath the mountain and there's a river by name Umkomasana. When we got to the river the place was deserted. They tied my hands to my back, that is four men. They also tied my feet. They took a large thick rope and they tied it around my waist. They took me into some ditch and they immersed me into the water. I stayed there from 08H00 until 21H00. I could not get any food at that time. I could not get drink because my hands were tied to my back as well as my feet and I suffered from mosquito bites.

At nine I had news through the news that they were - they took me back into the car, they put me into the trunk of the car. When they opened up the trunk I saw that it was the Manzini golf course where they opened up the car and they took me out.

I saw one comrade who was present at that time, that is Rabbit Musheshwe. I asked Rabbit Musheshwe to untie my hands so that I can be able to blow my nose and I was already having a headache at that time. He requested them to untie me. I was able to blow my nose. I was taken from that car and the other car went to the filling station and I was put at the back of the car with men on both sides, I was put in the middle and I was pointed with guns, and they said I shouldn't make a mistake of trying any tricks because they would not hesitate to kill me.

We got to the border gates at Kwanu Mahashe. We went along the fence. There were some police houses there. When they got to the fence they untied my feet. They said I should jump that fence and I told them that I was not going to be able to do that, I would rather creep over the fence than go over it. I lifted the fence and I put my head inside and I crept under the fence. I went to the other side of the border.

We got to Maputo. And when we got to Maputo the other comrade who was with us told me that if I hear some gunshots I shouldn't scream. He was going to talk to the Portuguese people on the other side of the border and that I should keep quiet and not talk.

We went to a certain place where there were Mozambican soldiers. They spoke to these soldiers. They shared some cigarettes, they spoke to each other and by then it was late at night. They asked me whether I wanted to sleep. I said I would appreciate the opportunity to sleep.

After the attack there were certain holes, they pointed a hole at me and they said I should get into that hole and sleep. Even if I hear gunfire or some gunshots I shouldn't get out of the hole. If I was hit by one of the bullets then I would die inside that hole, that would be my grave.

I crept into that hole. I tried to sleep but I just couldn't sleep because it was impossible under the circumstances. I was in that hole for three days without food. I was drinking only water. Then on the fourth day I was suffering from mosquito bites. I was getting very cold, I started shivering, and then on the fourth day one of the soldiers said that I was going to die so they should take me to the police so that the ANC people could come and pick me up from the capital town.

They took me to the police station. That's where we were made to sleep on the cement floor.

On the following day they only came then to take us to Maputo. In Maputo I was put in a cell at the fourth floor. I stayed in Maputo for three days, that's when I felt slightly better. I saw another comrade. He treated my quite well. He even went out to get me a change of clothing. He gave me some soap and he offered me food. I was able to sleep now because they had given me a bed as well as blankets. So for the three days I was quite comfortable.

Then on the Saturday following that week I was booked a flight to Zambia. When I got to Zambia I was put in a military base for two days. I was treated quite well there. They gave me a mattress to sleep on and they also offered me food.

On the fourth day, it was Wednesday the RC people took me, that's when the problem started. When I got there a certain commander by the name of Fretman said I should take off my earrings, my rings, my wedding rings. They said I should strip off all my jewellery, this is not my mother's place. I shouldn't think that this is my mother's place. I was stripped. I was left only in my dress that had been given to me in Maputo as well as a coat and a little jersey that I had on. They bought me a handbag or an overnight bag. They also offered me some underwear. They took all these and they put them away, I don't know where. I stayed there in that place. I slept on the floor. I was given only one blanket. I slept only for one night.

The following day I was taken into another hole which was outside the house but within the yard. They said that I deserved to stay in the hole and it was very dark in this hole. I stayed in that hole, and during the night I got asphyxiated, I couldn't breathe in that hole. There was just no air coming in. A certain commander looked at me and said, why wasn't I sleeping? I told him I wasn't able to sleep, I was getting asthmatic and I was getting cold. He opened up that door

and took me back into the house. He gave me this one blanket which I was supposed to put as an underblanket on the floor as well as wrap myself in that blanket. It was a multi-purpose to me. I used to sleep on top of it as well as my cover.

Then on September 13th I was taken out of the house. That is throughout August there was a certain comrade by the name of Jacob and another one by the name of A Team. They kept on asking me questions and I kept on relating the story with regard to the job that I was doing at that time. And Comrade Team said to me he does not see any problem with the work that I was doing and he did not see any mistake with the job that I was doing and he wanted to take me back home. But Comrade Jacob refused.

After Team had prepared everything for me to be taken back home, my clothes and my luggage was ready for me to be taken back home, all the arrangements that were made as well as my passport to facilitate my crossing the border back home and Jacob got to me and said, I wasn't about to go back home, he was going to take me to a certain place where we were going to phone to Swaziland.

And he said to me I must tell him as to how I got to Maputo, how I crossed the border and I should make him get in touch with my contact or with my helper who helped me to cross the border. He said I was far too clever. All the women who got there never refused to have sex with him, and now that I was refusing to have sex with him it means I hated him and I thought I was clever, that's the reason why I wasn't going to go back. And he said to me we might possibly have colluded with Team.

He made me leave the food that I was given and he put me into a Land Rover. We drove to a very far away place, that is a residential area somewhere in Zambia. When we got to the house he tried to phone. He was actually fooling me because he was busy dialling a local number and another woman who was in Swaziland answered the phone. The woman knew me and when I wanted to speak on the phone and say I wanted to speak to Beauty Simelane, they would say I had dialled the Border Gate number.

Well I played along. I made a fool of myself. As a result they got shocked at a later stage when I told them that I had seen their plan as to how they were fooling me. They said there wasn't a person by the name of Beauty Simelane, but when I put the phone down I told them that I knew that the person I was talking to was not at the

Border Gate, that is the Swaziland Border gate. They exchanged some glances and they kept on fooling me saying that they were phoning Johannesburg and they said I would also say that I am in Johannesburg, I should not say that I was in Zambia.

I was speaking to my attorneys so that they could defend me with regard to the deed that they alleged I had done, and I refused to do that because it would have placed me in jeopardy. I did not want to lie because that could have possibly put me in a bad position. That's when the whole commotion started. They wanted to assault me in that house but they were not able to. They took me back to a certain house.

Then on the 13th of September they said that I do not want to disclose certain facts that they wanted to know. They took me back to the hole and in that hole I came across Comrade Mtungwa. A Team was taken out of the matter because they said he favoured me. I stayed in that hole, sleeping on top of a cardboard box.

I hadn't been given any blankets and they would pour water into that hole. When I tried to sleep I could feel the whole area drenched in water. And when I sit on top of the stairs that I used to use to descend they could actually sense it that I was sitting on the stairs, then JJ would come and put some stick through, a thorn, actually a very long thorn through the keyhole and prick me to move away from the stairs so that I should go down to the area that was drenched in water. I stayed there from December up till March. I was only taken out of that hole in March. I only had one meal after 24 hours and I would get porridge and green tomatoes that would be sliced and put on top of the porridge. It was dark inside there. I couldn't see the food but I just had to eat. That's when I started suffering from ulcers, rheumatism as well as asthma because I was staying in the water in that hole and the cement floor.

On the day that I was taken out of the hole they said I should go and wash. The clothes that I was wearing at that time I was wearing the same dress for about five to six months. When I tried to take off the clothes the clothes were in tatters and when I tried to wash my hair, my hair just fell out and my skin was greasy as if I had supplied some grease because I did not wash for all those months. It took me a long time to heal and go back to normal.

I told the Commander that my clothes were finished because they were spoilt by the water and the dampness. He laughed at me and showed me a dress which had some stripes. It was green in colour. It was khaki colour. I took this dress, I put it on, it's only then that I was able to get out of the hole.

I was taken into a certain dining room. Comrade Mtungwa said I should be offered some food and they told him that there wasn't any because they hadn't yet cooked. It was at about two. That's when he started interrogating me and asking me as to whether I was still sticking to the same story. I haven't changed my mind throughout my stay in the hole. He said if I had changed I must tell him something better than what I had been telling him before. I told him, Comrade, I have nothing to say. There is nothing I am going to change in this story that I have given you, because if I said something else I would be telling a blatant lie, and as a believer or a Christian I felt that if I had to tell a lie that would eat away at my conscience. And I told him that I could not betray my comrades by disclosing secrets and talking. It was a very painful situation for me. It was a do or die situation.

I told him I wasn't going to be able to tell him lies. That's when he started assaulting me. The two of them they made me sit on a chair. The other one was standing at the back of the chair and the other one was standing in front of me and they were assaulting me until such time as I fell onto the ground. Then they started kicking me. They clapped me several times across my face. I was severely assaulted. I was just treated like a donkey.

Thereafter I was taken back into the hole. I stayed there once more.

CHAIRPERSON: Sorry Mama, just to try - just interrupt you a little bit, why do you think they were doing all of these things to you?

MS MAZIBUKO: The reason that I think they did this is because there was no mistake in the job that I was doing, but there was some hatred because I did not want to get intimately involved with one of them because before they did this to me they said I should choose between the two of them. He said if I chose Jacob he

wouldn't be jealous. And if I chose the other one Jacob would also not be jealous. They said I should have some men in my life who could sort out my problems.

CHAIRPERSON: Mama you also mentioned, right at the beginning, that at the time you were taken to Zambia there were nine comrades who had been killed, do you think they believed that you were perhaps responsible for the death of these nine comrades?

MS MAZIBUKO: Yes amongst those nine comrades who died I was the one who had opened up the route, but at that time that I did that I explained the whole story to them. I told them that I had played a certain part and I explained as to what part I played and at the time that they were taken during the night I was not there. I only opened up the route to show the commander that here is the safest route. But thereafter somebody else takes over from me, that is the commander.

I explained the whole story, that is why Comrade A Team said to me he does believe in me and he realises that the mistake was not with me. He then asked me as to whether these other comrades were not drinking along the way. I told him the truth that they were drinking. They went into certain bars to purchase some drinks and the principles or rules of the Congress did not allow us to drink because we regarded ourselves as soldiers who were on a mission... (tape ends) states of drunkenness. We wanted to discharge our duties with honesty and then we could drink thereafter, only after the mission had been accomplished.

CHAIRPERSON: Were these nine comrades killed by the old Government forces?

MS MAZIBUKO: That is correct.

CHAIRPERSON: Were they killed on the side of the Swaziland border?

MS MAZIBUKO: Yes.

CHAIRPERSON: Was Beauty Simelane one of them?

MS MAZIBUKO: Ja, that is correct.

CHAIRPERSON: I see. So actually you think that because you had been involved in the escape route that perhaps they thought that you had betrayed them?

MS MAZIBUKO: H'n, yes.

CHAIRPERSON: Mama at any time during all of your experiences, you have mentioned that they wanted you to actually choose between them, the two of them, but were you sexually assaulted in any way?

MS MAZIBUKO: Not like that. But I believed that as a soldier I have been called upon by the authorities within the ANC structures and I haven't come to get involved or romantically involved with some members, but I had been called to come and account with regard to the deaths of certain people within the ANC or the comrades.

CHAIRPERSON: Mama, when this experience had in fact finished, were you ever able to complain to anybody in a high position in the ANC about your treatment?

MS MAZIBUKO: Yes, so many times. I wrote to Comrade Zola Skweyiya, that is one of the people who exonerated me and who actually said that I did not sell my fellow comrades. I wrote to him asking for his assistance because I was suffering at the time. I also wrote to Matthews Phosa. We were staying in the same house and I used to cook for Phosa. I used to also bake cakes for them after they had realised that I was innocent, I hadn't done any wrong.

CHAIRPERSON: Have you ever testified before any of the Commissions of Inquiry about your own matter?

MS MAZIBUKO: Yes, I did submit a statement in Ermelo before the Commission went to Ermelo I submitted a statement to Reverend Khumalo but the statement that I submitted was never forwarded to the Truth Commission. I only realised after the Truth Commission had been to Ermelo that my statement was not there. That's why I had to go and find out as to where the next Commission would be held. I submitted a second statement. Even the passport that I left with Reverend Khumalo, the one I used to come back from Tanzania, as well as the ticket, I left that as evidence that I had been in exile and it was not for the first time that I had been exiled. I had been to Angola and many camps through Comrade Chris Hani.

CHAIRPERSON: Mama did you ever hear anything, were you ever cleared of this allegation that you were in fact a spy?

MS MAZIBUKO: Repeat again.

CHAIRPERSON: Did you ever hear from the ANC or from any other comrades that in fact you had been cleared of this allegation or thought that you had been a spy?

MS MAZIBUKO: Yes I did get some information at a later stage that my name had been cleared. They even put me in the kitchen that I should be responsible for the cooking because they realised that I was innocent at that time. Even the Comrade Zola Skweyiya he told me in front of my eyes, you are innocent. You are cleared, nothing. They proved that I wasn't linked to the Boers.

CHAIRPERSON: Thank you Mama. I am going to ask my fellow commissioners if they have any questions for you. Hlengiwe.

MS MKHIZE: I will take you back. I was just going through your statement. I will ask you just a few questions in order to try and clarify certain issues. When you got to Zambia, are there any authorities, or did you appear before any tribunal or disciplinary authority with regard to the alleged deed?

MS MAZIBUKO: At first it was Comrade Jacob and Comrade A Team, thereafter Team was taken off the case and Jacob did it all by himself, Jacob and Mtungwa. Later on when we were moved away from Zambia that's where I came across Comrade Zola Skweyiya. We were taken to another prison called Sunset. That's where we were raped. I don't know how to describe this. That's where I came across Comrade Zola Skweyiya. He's the one I spoke to and explained to him the life that I was leading. And he told me that he didn't know as to why I was being kept because I had been found to be innocent.

MS MKHIZE: You said your matter was dealt with but they still put you at Sunset Prison? When you say you were raped, was it a principle or a rule of that prison that women would be violated in this manner?

MS MAZIBUKO: (The speaker's mike is not on). According to my knowledge within the ANC there is no such rule that women should be violated in this manner. We used to be in camps and we would be told that men do not have a right to violate us. You could only get involved if you wanted to, but if you didn't want to you couldn't. But it did happen that at that Sun City one Desmond raped me nine times. He was raping me. He's quite a young man. He was 28 years old at that time and I looked at myself or upon myself as his mother because I could have been the same age as his mother.

There's a certain comrade by the name of Mashego who was staying in Swaziland and when I met him he raped me until such time that I approached Mr Mashego and reported the matter to Mr Mashego to try and intervene. And there was another one by the name of Tebogo who was also very young. He raped me and he also cut my genitals. He cut through my genitals and they were cut open and he put me in a certain room and he tied my hands, my legs, they were apart, he also tied my neck and he would also pour Dettol over my genitals. The pain that I experienced I have never spoken about this, I have never even told my children about this. It is the very first time that I speak about this.

I even mentioned it in my statement because I realised that the Truth Commission is the only stage or podium where I can get to voice out all this pain and anger. Maybe I will get over it.

MS MKHIZE: In your statement it's where you have also stated that you were tied with a rope around your neck and you were hung on a tree, was that the usual occurrence or it was an isolated issue?

MS MAZIBUKO: I wouldn't say it was a usual occurrence, but as far as I know that was not a rule within the ANC itself that you should be assaulted and treated in this manner.

I still bear some scars on my neck. After having been assaulted I bled through the mouth, nose, as well as ears, but still I was hung, I was left dangling on the tree, and at that time they were telling me that they wanted to kill me on that particular day. And I had been made to wear an overall so that if I mess myself up they wouldn't get, or catch sight of my mess. There's a certain boy by the name Mpsi and an assistant commander JJ Jonas. When he took me down, brought me down from the tree he said I was hot which means I was still alive, and the other one said no this dog is dead. When they took me and put me on the ground they realised that I was not dead. That's when they left me.

At that time I just wished I was dead. I kept on praying to God to take me and take my soul because I just wanted to die, but my wishes were not granted. My teeth have now turned red because they had come loose at that time. Chief Maybra(?) came to my assistance. He told me that I should not use my teeth, I should not eat anything that was going to make my teeth more sensitive and he nursed me back to health until I got better. But after we were taken from Zambia to Tanzania, that is the Tanga Jail, that is when I got even better because we were given healthy food and we were not skipping any meals. And I have since been on the slow road to recovery.

We stayed there for a whole year and the tribunal come there apparently to discuss or deal with our cases. At first there was Comrade Vera Sibisi who was our attorney, but thereafter they just came and went away, thereafter nothing happened up to the first time that we were released and taken to an ANC camp in Dagoa without ever having appeared before any other tribunal.

MS MKHIZE: Then in 1993 you have also mentioned that you were tortured and you were sexually assaulted?

MS MAZIBUKO: Yes. At the end of 1992 I went to Shell House to Comrade Mdu. I had gone to ask for his assistance to make some arrangements for me to be able to get either a job and get a place to stay because when I got to Swaziland I found that my house had been looted and the house itself had been sold and they had alleged that - because I used to go the Chief with some of the comrades and I would explain to the Chief that they should not be harassed by the police and they went to the Chief and alleged that I had been taken to Zambia and I would not be coming back to Swaziland and they lied and said that I had asked them to sell the house on my behalf. They sold it for R20 000 and they took the contents of the house. Ever since I have come back from exile I saw my bedroom suite in another comrade's house by the name of Mike. And this woman is from Mamba. She is sleeping in my bed and using my bedroom suite.

MS MKHIZE: I asked about the 1993 incident where you said that you were also tortured in Boksburg?

MS MAZIBUKO: I was in Piet Retief at that time and there was a rally that was held where I saw Comrade Jacob Zuma as well as A Team. I approached them for some help. They said all they could help me with was to give me money to go to Shell House where all my things would be arranged accordingly. They gave me R50,00 to go to Shell House. When I got to Shell house I was taken to Mr Mdu, and he seemed surprised to see me at his office. And I told him that he was not able to kill me.

Thereafter he took me in his car together with another guy, they took me to Boksburg and they showed me this new house which had this advertising agency's board that the house was on sale. They put me into that house and when Mdu - when this other guy left Mdu raped me the whole night at gunpoint. He said he lost me in Zambia and I wasn't going to get away on that particular night. This was his house. He had bought the house. And should I dare scream he was just going to kill me and go and dump me far away. He raped me for the whole night and the following day he took me to Shell House. When I got to Shell House I was given money by this other guy who said that I was going to get some taxis and I never saw Mdu until today. He raped me in that house in 1993.

MS MKHIZE: The question that I want to ask you is, as you have just told us the story it seems you had a prominent position within the ANC structures, now after all this did you try to complain or lay a charge or lay a complaint with regard to your treatment?

MS MAZIBUKO: Yes I have done some complaining. I have faxed some of the comrades, Phosa, Mashego as well as Skweyiya, Comrade Baba as well as the Senator. I also went to the Senator's house. I went to Dr Karim. At times I used to have my breakfast at Dr Karim's house. The mattress on which I used to sleep was given to me by Dr Karim's wife, Thelma. She is the one who used to help me at the time and she thereafter felt that she had grown tired of helping me. I have laid complaints, quite a number of complaints, and they would make promises, but nothing would come out of the promises that they made.

MS MKHIZE: Now according to your own opinion, as a prominent activist within the ANC, what do you think could be done to help other women who have been humiliated, tortured and harassed like you have been?

MS MAZIBUKO: Well according to me I think if I could get a place to stay and get back my clothes or my property and the contents of the house and be able to earn a living because I was assaulted and the X-rays that I came with from Tanzania, from Wimbili Hospital where I was taken by Dr Jimmy Mabaso, the Boers took all that and now I do not have any proof of the injuries that I sustained during that time as well as the doctor's report that gives details about the extent of my injuries. And thereafter I was put at a certain farm next to Moolman and they said I should go and vote for my father, Mandela, that was just before the elections.

If there could be some consideration I would appreciate to get a shelter. Everything was taken, even my assets were frozen in Swaziland and I lost quite a number of documents as well as my ID. When I got to my place there was absolutely nothing to my name. I was destitute, I had absolutely nothing and I just couldn't start at any point. And the place or the site that used to belong to me was now given to other people or sold to other people.

If I could be restituted and get the things that I need or that are necessary in order to subsist I would appreciate that. I am staying at another woman's place now and she harasses me at times. She treats me as her garden boy and she makes such petty complaints. She treats me like a slave. She seems to be teaching me how to clean the house and how to do whatever she wants me to do. I feel like a slave to another woman whereas I once had a place of my own to stay and I also had a property of my own. This is what disturbs me even more and it makes me not to be able to sleep.

One other aspect is that after I had submitted the statement to the Commission about two weeks ago I received a telephone call from Matthews Phosa, the Premier of Mpumalanga, who said to me whatever I was going to say before the Truth Commission about the members of the ANC he has a right to protect them against whatever I was going to say, and that I was powerless, there was nothing I could do.

One also phoned me and told me that I am useless, I am just a vagabond and he told me that I was going to die in the street just like a stray dog that has been struck by a car. He said why wasn't I there at the Ermelo Truth Commission because they were there to offer their apologies. That is when I realised that the statements that I had submitted in Ermelo was somewhere within my enemies. That is where they were reading it at will and doing as they pleased with it.

That is why I said this is the opportunity for me to address you. I do not see you as children, but I see you as mothers to your children that I am telling you this. This is something that I have never said before. I have never told it to anyone but I feel my soul would be freed if I do tell somebody about the harassment and the torture that I went through.

MS MKHIZE: We have already asked you quite a number of questions. I am just going to be very brief and ask you two questions.

You said that the work you were doing helping the ANC you were showing people routes at the Border Gate, can you tell us as to how you executed your duties and how you knew as to the safety of these routes?

MS MAZIBUKO: (The speaker's mike is not on. The first part of the speaker couldn't be picked up by the Interpreters). What I used to do I would go to that place first and try and see as to how safe was the place, and I would go across the border and I would travel a long distance up to the city to try and see as to the safety of the route that I was going to point out to the comrades. I would look out for the police, for soldiers or any type of obstruction that could possibly be there. And I used to have a roster that I got from a certain Charlie guy at the Border Gate as to what time the soldiers and the police patrolled the area. I had this timetable with me. I also used it and I would be at a certain place stationed there to try and check whether the roster went accordingly and how true were the times. If there was a conflict with regard to the times I would regard that place or the route as being not safe. There isn't even a single comrade who was killed after I had pointed out a route to them. It was the very first time for the seven comrades to be killed after I had pointed out a route.

MS MKHIZE: Do you perhaps suspect that the timetable that you so trusted was probably changed in order to try and destabilise you so that you could get into trouble maybe?

MS MAZIBUKO: I wouldn't say the timetable was changed, it wasn't changed, but the mistake was made by my fellow workers. The one who came and said the people should be taken to the place. I only knew that when I came back from exile as to who gave them our information as to the fact that there were seven people that were going to be sent at a certain time, and the first person who came to me, Delisa(?) told me that I should go prepare the route, he was on his way to Nhlanguana to take his girlfriend there. When he got to Nhlanguana he phoned and at the time I was in danger myself. Luckily I did not go to where there was a lookout, I went through another route because I had quite a number of secret routes that I knew because I was born in Piet Retief and I know some secret places, and this Boer told me that they had been told by a certain person who had come to me to tell me that I should point out a route. He is the one who sold me out.

MS MKHIZE: Lastly do you ever hear or go to the Motsanyane Commission?

MS MAZIBUKO: When did that start?

MS MKHIZE: The Motsanyane Commission was also formed to address the atrocities that happened in exile.

MS MAZIBUKO: No I have never heard of it, absolutely not.

CHAIRPERSON: Mrs Mazibuko thank you very much for coming to tell your story. It's always painful to talk about things which have in fact been done to you by the people whose cause you also follow and this issue of people being accused of spies is a very difficult one, because the way in which people lived in the last number of years have been such that if somebody said you were a spy then instantly you were actually cut off from your comrades and it was very, very difficult to get your story believed.

We will investigate this matter and we will certainly ask the ANC for information on your particular matter so that we can actually establish how and why it is that there was this thought that you were a spy.

We also will try, you have given us the names of the people who you allege have actually done this to you and we will see what they have to say about the matter as well.

But we thank you for coming here today to share your story.

Is there anything you would like to say before you actually leave?

MS MAZIBUKO: I would appreciate it if the Commission could help me because I am suffering. I can't make ends meet. I live like a wild animal. At times I do not have a place to sleep. I do not have clothes to wear. If I could be helped in that regard.

Even at the women's meeting they do not call me because they say I dress clumsily and therefore I am not fit to attend such meetings. If the Commission could help me speedily because I am in dire need and I am desperate.

CHAIRPERSON: Thank you. The Reparation Committee in fact makes recommendations to government about a policy on reparation. The head of the Reparation Committee is here and she will certainly take note of your request. Thank you very much for coming.

END OF TESTIMONY