Prologue

In response to a questioner, a witness speaks. Between 1996 and 2001, a truth and reconciliation commission held public hearings across South Africa. These hearings were designed to assist the commission in the "investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights" committed at the height of the apartheid era and in its immediate aftermath, as the commission had been mandated to do by the Promotion of National Unity and Reconciliation Act of 1995. The public hearings made the work of the seventeen men and women appointed by President Nelson Mandela and led by Archbishop Desmond Tutu unique in the history of truth commissions. In this relatively recent lineage, in which the South African Truth and Reconciliation Commission's most notable precursors investigated political crimes in El Salvador, Argentina, and Chile, witnesses seldom testified openly.[1] The South African hearings were aired on radio and television, often being broadcast live, and the commission made transcripts of most of the testimony available on the World Wide Web.[2] This wealth of publicity and documentation, added to by several films about the commission and books by a number of its members,[3] allows one to track how narrative solicited by a quasi-legal body reflects as well as influences political and historical transition. Although many elements of this process are specific to the South African transition from apartheid and a colonial history to an ambiguous position in capitalist globalization, such a tracking shows, more generally, how law, by admitting testimony under certain specific constraints that it cannot comprehensively impose, shapes transition but also makes for a transformation of its own anticipated ends.

For thinkers on transitional justice,[4] a truth commission is a quasi-juridical body designed to establish the truth about an era of political wrong in ways that promote peace, democracy, and a culture of human rights in the country concerned.[5] Usually an alternative or complement to criminal trials of perpetrators of gross human rights violations, truth commissions are, as a rule, born out of political compromise. The proposal for a South African truth commission originally came from the African National Congress. Meeting in October 1993 to discuss the findings of an internal inquiry into torture and killing in its military camps, the ANC national executive committee took up an idea that Kader Asmal, a respected jurist and senior member of the organization, had put forward in a lecture at the University of the Western Cape a year before.[6] The final shape of the Truth and Reconciliation Commission, however, emerged from the negotiated settlement to end apartheid between the state and the African National Congress, whereby provision was made for amnesty for members of the state security forces. Gruesome details had begun to emerge about clandestine death squads deployed by the state against political activists in the 1980s. And, in the early 1990s, there was increasing evidence of orchestrated "third force" activities aimed at provoking war between supporters of the African National Congress and the Inkatha Freedom Party. South Africa's first nonracial election, planned for April 1994, was being jeopardized by continuing violence. When the security forces threatened to remain passive as the Afrikaner right wing and the Pan-Africanist Congress sought to derail the peaceful transition, a clause stating that "amnesty shall be granted in respect of acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past" was inserted into the postscript of the interim constitution agreed upon in December 1993.[7] In the end, the amnesty would also apply to those who had fought against the apartheid state, and their human rights violations would be investigated and made known. Although the African National Congress had set a precedent by investigating abuses in its camps, there would be some murmuring from the liberation movements against the idea that acts of resistance to the regime could be legally equated with acts in its defense—which, in an extraordinary change of heart, eventually led the ANC to take the commission to court in 1998 in an effort to prevent it from releasing its report.[8] With a general amnesty having been rejected, all of those involved in the "conflicts of the past" would be eligible for amnesty from criminal and civil prosecution

for politically motivated acts, on condition that those acts were proportionate to the political objective in question, and that a full disclosure was made by their perpetrators.[9] As Alex Boraine, deputy chairperson of the commission, writes, "amnesty was exchanged for truth" (283).

It was, however, judged unfair, and legally questionable, to offer an amnesty to perpetrators that would erase the right of victims to enter into criminal and civil suits without offering those victims something in return.[10] Thus reparation joined fact-finding and amnesty, becoming the third element of the commission's mandate. As conceived by the act, this component of the mandate would include working out a policy of monetary reparations, an issue that remains contentious, as well as "restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims" (South Africa, Promotion 3[1][c]). The testimony of victims thus played a dual role, combining evidence-gathering and reparation in an uneasy pairing that the commission endeavored to palliate by distinguishing "factual or forensic truth" from "personal and narrative truth," "social truth," and "healing and restorative truth" (*Truth Commission Report* 1:111–114).[11] Under Archbishop Tutu's guidance, the commission adopted a victim-centered approach in which, as he put it, "[t]his Commission is said to listen to everyone" (*Truth Commission Report* 1:112). Accordingly, the human rights violation hearings, at which the testimony of victims was heard from April 1996 until August 1997,[12] came to define the commission's work. Of the more than 20,000 people who made statements to the commission about human rights violations against them, about 2,000 testified publicly.

After a preliminary screening to determine whether they qualified, amnesty applicants were usually required to testify publicly; in addition, a number of hearings on particular entities or activities were convened—for example, on the submissions of the political parties and the armed forces, the state chemical weapons program, the activities of Winnie Madikizela-Mandela and the Mandela United Football Club; on the role under apartheid of the prisons, the legal and medical professions, and the faith community; on the particular violations experienced by women. The last of these hearings took place in August 1998. Amnesty hearings continued, with less and less fanfare, into 2001.[13] Thanks to intensive coverage by the media,[14] the hearings, at least those of its first two years, more than the commission's seven-volume report, are what will likely

remain most strongly impressed in the imaginations and memories of people inside the country as well as abroad.[15]

The Truth and Reconciliation Commission has been the subject of important scholarship and reflection on human rights, transitional justice, and the relationship between law and religion.[16] Although overlapping to a greater or lesser extent with these areas of inquiry, the emphasis of my book is different. It is, in the first place, cross-disciplinary. The forms taken by the testimony at the hearings make the Truth and Reconciliation Commission a singular occasion for thinking about the relationship between law and literature. In post-apartheid South Africa local cultural formations interact with more widely shared juridical codes such as human rights to produce new kinds of legal, political, and ethical concepts and practices. Literature is at the heart of these developments—as testimonial narrative operates both as a conveyor of evidence and as a switch for directing legal proceedings toward goals not anticipated by the framers of the laws that instituted them. The conditions of possibility for this dual operation are instated by the law itself. The Promotion of National Unity and Reconciliation Act assembled a heterogeneous and complex set of provisions. The Truth Commission was, in the first instance, bound by the act to collect evidence of the gross violation of human rights. Its mandate also led it to invite claims for reparation from the victims of apartheid who testified before it (see Boraine 334). The victims were thus at liberty not just to testify to a specific set of rights violations dating from the thirty-four-year period under investigation but also to claim redress for a more vast and persistent history of wrong. They were, in practice, sometimes able to state demands in terms other than those anticipated in the vocabulary of universal human rights.

Tracing specific claims made by and on behalf of witnesses, I make two main arguments. The first is that when testimony at the commission's hearings transformed its agenda it did so not in spite of the law but *because* of it. The ambiguity set to work at the hearings was systematic. This contention is grounded in an account of what took place at the hearings that I develop in critical dialogue with what the commission says in its report about its concepts, principles, and practices. This work of interpretive description prepares the way for my second claim. Reaching beyond the peculiarities of the Truth and Reconciliation Commission and the South African transition, I argue that the ambiguity in all language that, in the most traditional of terms, designates the literary, abides at the very

nub of forensic procedure. I take "ambiguity" in a literal sense. Etymologically, the word derives from Latin, and combines *amb-*, meaning "both ways," and *agere*, "to drive." *Agere* is also the root of the verb "to act," and the nouns "agent" and "agency." "Ambiguity" may thus be taken to mean an acting on both sides (*amb-* comes from the Greek *amphi*). Its implications would then be not purely semantic but also pragmatic. William Empson exploits this etymology when he writes of ambiguity, in poetry, as being "any verbal nuance, however slight, which gives room for alternative reactions to the same piece of language" (1). Understood in terms of action and reaction, ambiguity is the general condition of word and act, of word *as* act. The title of my book, *Ambiguities of Witnessing*—which might also be heard as *Ambiguities: Of Witnessing*—exploits the mobility of the genitive preposition "of." It means to say that, while the words of a witness can themselves be ambiguous in meaning and effect, any such ambiguities are underwritten by an ambiguity in law itself that comes into play when it solicits and elicits testimony.

These ambiguities can be explicated through reference to the account of testimonial evidence presented by John Henry Wigmore in his classic treatise *Evidence in Trials at Common Law* (1904):

> When a witness' statement is offered as the basis of an evidential inference to the truth of his statement—for example, the statement of A that B struck X—it is plain that at least three distinct elements are present; or, put in another way, that there are three processes, in the absence of any one of which we cannot conceive of testimony:
>
> *First*, the witness must know something, i.e., must have *observed* the affray and received some impressions on the question whether B struck X; to this element may be given the generic term observation;
>
> *Second*, the witness must have a *recollection* of these impressions, the result of his observation; this may be termed recollection;
>
> *Third*, he must *communicate* this recollection to the tribunal; that is, there must be communication, or narration, or relation (for there is no single term entirely appropriate). (Wigmore § 478, 2:636)

If we deconstruct Wigmore's tripartite hierarchy, in which perception and recollection underlie narration, we can see that, in any actual train of verification, the first two items are tertiary and secondary to the story that is heard. When a footnote in Wigmore acknowledges the difficulty of determining whether or not a witness is lying (§ 478, 2:640), we have an

example in which the causal thread connecting testimony to recollection and perception is broken. It is the same contingency of truth that allows for an exploitation of the ambiguities of language to produce claims different from those anticipated by the tribunal in question. The very possibility, as Binder and Weisberg put it in *Literary Criticisms of Law*, of "law [being] an arena for the performance and contestation of representations of self and . . . an influence on the roles and identities available to groups and individuals in portraying themselves" (463) is granted by the law itself.[17] The opening comes from the law as it entertains narrations the veracity of which is unknown. When a narration is given credence, without its (yet) being verified by being set into the causal chain as analyzed by Wigmore, it is to all intents and purposes a fiction. The idea may be intensified if fiction is, as Jacques Derrida points out in *Demeure: Fiction and Testimony*, the condition of possibility of truthful testimony (42).

If literature is, by definition, the unverifiable,[18] in law we have the constant *différance* of fiction and truth. In thinking the specificity of law, this *différance* must not be forgotten. It would be wrong, not only in the context of a truth commission, to conceive of law as if the moment of verification were irrelevant. At the same time, the moment of fictionality can, I would maintain, never be perfectly reduced through the procedures of verification and falsification that the law employs. Although, from the point of view of law, testimony is *to be verified*, it is, strictly speaking, *unverifiable* at the moment that it is elicited. This moment of unverifiability establishes the dependence of law on literature. It does not, however, follow that law, because it ultimately attempts to verify testimonial evidence by establishing causal relations between observation and narration, is repressive of the literary. In fact, I would argue that what we call the literary actually depends on the law suspending its procedures of verification in order to hear the narration of the witness. In forensic practice, this can be a complicated affair. When a court, through its officers (prosecution and defense), elicits evidence through questioning, it calls forth a story. The questioner may think that he or she knows the answer in advance, but since nobody knows what the witness will in fact say, he or she is structurally in a position of ignorance. This may be thought of, in a complex way, in terms of Socratic irony. *Eirōneia* is, in classical terms, a feigning of ignorance. When Socrates declares in Plato's *Apology* that "this is the first time I have come before the court . . . I am therefore an utter foreigner to the manner of speech here [*atechnōs oun xenōs echō tēs enthade lexeōs*]"

(17d),[19] we do not take it to mean that he is ignorant of its procedures. He seeks from the court an account of itself, the truth and consistency of which he will test through questioning. "Socrates' questioning," writes Kierkegaard in *The Concept of Irony*, "was aimed at the knowing subject for the purpose of showing that when all was said and done they knew nothing whatever" (37).[20] Irony is doubled in Plato's text, since questioning is, of course, the way in which the court proceeds when it examines a witness. It goes beyond the scope of my book to demonstrate it *historically*, but it may follow logically that the literary is unthinkable without reference to the verificationary procedures of law. The very fact that we use the term "unverifiable" suggests that it is being defined in opposition or difference to a truth or item of knowledge obtained by procedures of verification. If such procedures are at the heart of law (as much as, say, science), then it is quite possible that when, in a fiction, Socrates declares himself a stranger to the idiom of the court—the gesture of irony par excellence—we have a figure for the origins of the literary. The literary is an essential aspect of the law in its functioning, when its verificationary procedures are in abeyance. The idea that literature exists apart from the law, a notion that has had its own historical development, betrays the integral relationship between the politics of democracy and the privilege of the literary as irony. As Derrida asks and answers, "is it not also democracy that gives the right to irony in the public space? Yes, for democracy opens public space, the publicity of public space, by granting the right to a change of tone (*Wechsel der Töne*),[21] to irony as well as to fiction, the simulacrum, the secret, literature, and so on" (*Rogues* 91–92).[22]

Concentrating on the limits as well as the openings of law, my approach to testimonial narrative before the Truth Commission is different in emphasis from much of the work that has appeared on the subject to date. The dominant tendency among scholars interpreting Truth Commission testimony has been to point to the inadequacy of the commission's procedures in allowing stories to be told, or to its facilitating only certain kinds of stories.[23] Sometimes this charge is based on a theoretical commitment to a notion of the unsayable or unrepresentable, or a silence that may have been brought on by a traumatic psychical event.[24] When this is the case, it becomes less clear to what extent a *legal* demand for narration *produces* the silence—since, to recall Wigmore's terminology, it is, strictly speaking, between observation and recollection that trauma irrevocably shatters the chain of testimony. This greatly complicates the

interpretation of particular testimonies, but also suggests that the problem may not always lie solely with the legal body and its rules and procedures. Although it is clear enough in traumatic cases that a quasi-juridical hearing may do nothing to mend the break between recollection and observation, either for the witness or for the inquiry, it is not obvious that it will fail to do so *because* of its demand for particular evidence. I am therefore more convinced by the picture of the law that comes from work on slave narrative and *testimonio*, in which it is argued that stories are shaped in particular ways when they are told in order to make cases at law. This is palpable with *The History of Mary Prince* (1831), which was published by the Anti-Slavery Society in the cause of abolition but can also be read as the impeachment of a slaveholder's testimony in a libel suit against Thomas Pringle, secretary of the society—and, more recently, with *I, Rigoberta Menchú* (1983), which documents human rights abuses against the Mayan Quiché and peasant movements in Guatemala.[25] In the United States, station-house confessions are, as Peter Brooks argues in *Troubling Confessions*, all too often predetermined by the case to be made by the police, who then in various ways coerce the suspect into making incriminating statements. In each of these cases, the ones giving testimony are viewed as having had a story imposed upon them. The prevailing sentiment has thus been to see law as utterly repressive, or, alternately, to seek out resistance, silences, even secrets and lies on the part of the witness.[26] The portrait of law presented by these critics is, as I regularly acknowledge in my own analyses, not always a caricature. Yet the fact that the law—in its various guises—calls forth and helps to shape a story that is to be verified should, at least, make it possible to see it as facilitating both a narrative and a counternarrative. This is another sign of the effect generated by law that I term ambiguity—or *amb-iguity*—of witnessing. That such a doubled narrative may, as with the genres of slave narrative and *testimonio*, develop in turn into subgenres of narrative fiction, appears to reinforce this view,[27] as does the fact that these subgenres may, in turn, influence and shape legal and quasi-legal procedures.[28] Because it must open to the unverifiable, and thus to ambiguities of witnessing, the law, in particular instantiations, makes possible the testimony that, in some instances, questions and transforms what it had set out to accomplish.

My first chapter attends to dispropriation of law. A term I take up from a discussion of Levinas and Derrida by Thomas Keenan, "dispropriation" refers to an entity's not being proper, or identical, to itself. Law is never

simply law, but is constantly doubled and inhabited by its others. Taking the Truth Commission's hearings as a lesson in the ethics of reading, *Ambiguities of Witnessing* is interdisciplinary. Law's relation to literature, it contends, is one not of opposition but of interdependence. In order to be law, law engages, and engages with, cultural explanation, linguistic idiom, and even literary form. Translation, however, may be the paradigm of how the law makes and remakes itself in response to its others. Recognizing the right of witnesses to testify in the language of their choosing, the Truth Commission employed a technics of simultaneous translation. This technics was underwritten, in turn, by a declared hospitality to victim witnesses informed by the African ethos of reciprocity known as *ubuntu*: a person is a person through other people. In South Africa, *ubuntu* supplements human rights with an ethics of responsibility, and it guided the commission's openness to testimony. An analysis of the links between *ubuntu* and the leading of testimony brings me to one of the key arguments of my book—that, faced with the reality that perpetrators would not come forward en masse to make good for what they had done, the Truth Commission generalized responsibility across the body politic by making itself a proxy for the perpetrator vis-à-vis victims whose testimony it solicited. The proxy would, of course, demonstrate unequivocally its willingness to make good the wrongs of the one it represented. By extending this substitution to listeners to the simultaneous translation, and to those tuned in to the radio and television broadcasts, a phantasmatic perpetratorship became available, in principle, to anyone. So did a phantasmatic agency of reparation. Such possibilities of responsible substitution are a key instance of the *amb-iguity* systematically produced by the Truth Commission when it entertained the testimony of apartheid's victims. Although it is a facet of its work for which it did not fully account,[29] perceiving how the commission generalized perpetratorship and reparative agency is crucial to understanding what it did, and what it fell short of achieving.

The next three chapters follow closely ways in which the Truth Commission altered its course in response to testimony that it led. The conditions of possibility for this reside, most immediately, in the Promotion of National Unity and Reconciliation Act. There, as I have noted, fact-finding joined with the reparative goal of restoring the dignity of victims by allowing them to tell their own stories. In the interests of pursuing this goal, although the questioner might attempt to prompt a witness to

disclose facts about particular human rights violations to which his or her preliminary deposition had referred, the testimony of victims was in principle unhemmed by typical courtroom strictures of cross-examination and rulings on relevance. Witnesses testifying as victims were ceded considerable leeway to tell their stories as they chose. When, in accordance with its mandate of reparation, the commission solicited requests for assistance from victims, it made for a further expansion of the scope of testimony to include what witnesses felt themselves to have *lost*.

I devote especial attention in the first two of these chapters to calls for funeral rites for the dead and disappeared—the requests made before the commission by witnesses for bodies and body parts, for information about the site of burial of a relative, or for exhumation and proper reburial. These were, as I understand it, an invitation to the commission and its audience—those present at the hearings, as well as those following them on television and radio, or reading the transcripts after the fact—to enter into mourning and condolence. Although its initial mandate did not classify the abuse of corpses as a gross violation of human rights, the commission was led to perform exhumations, a project not covered in its original budget. By seeking the commission's help in laying their next of kin to rest, witnesses in effect testified that apartheid was a formation that denied the right to mourn and proscribed condolence. They therefore added to the account of racist legislation and its social, political, and economic effects a profound sense of how apartheid affected one's way of being.

I turn in the second of these chapters to how petitions for funeral rites and testimony on behalf of the dead established a specific pattern in the testimony of women. Sometimes the claims for funeral rites were made in the name of "tradition" and "custom"; although this mourning could take highly specific local forms (such as the Zulu *ukubuyisa*, or bringing back the spirit), I argue, what is most significant is that it was people from marginal communities, mainly black women, who were the ones making claims in a forum firmly grounded in legal modernity. This, among other things, implicitly challenged the subordination of black women under colonial and apartheid customary law. I proceed to analyze how the observation by feminist social scientists that women—particularly those demanding funeral rites for male relatives—were not testifying to violations done to themselves led the commission to plan and convene special women's hearings. A considerable number of the women testifying had

been activists in their own right and had been detained and tortured by the police. Although, as I argue, the social scientists' critique did not fully register the implications of the ubiquitous demand for funeral rites, what it did was enable women to testify not only to offenses by the state but also to abuses within the liberation movements. Prominent female members of the movements testified, if not to sexual assault and harassment in ANC training camps, then to not having the courage to speak about them. Again, the mandate of the commission was challenged to adapt itself, and it did so. Yet, in this case, it met with a silencing that was all the more resistant for being a self-silencing.

In broader terms, the continued marginalization of women can be linked to the structural political and economic violence of apartheid—to which the commission keeps drawing attention in its report, only to state, controversially, that it had no mandate to enter into it. Through the testimony of women, apartheid is remembered in terms more far-reaching than the categories and subcategories of gross human rights violation. Just as in claims for funeral rites and invitations to mourn, apartheid had emerged as a foreclosure of mourning and condolence, in the advocacy of feminist legal academics, the experiences to which women testify are not unique to women but exemplary of the structural and founding violence of apartheid, the legacy of which stubbornly endures. A risk of advocacy, however, is that the woman may become merely an exemplary figure—as happened in the case of the Afrikaner-nationalist ideology of the *volksmoeder* (mother of the nation). This problem, as I discuss, is the subject of two contemporary novels, by Zoë Wicomb and Njabulo Ndebele, respectively.

The third of these chapters includes my sole analysis of the testimony of a perpetrator. Despite the more formal procedures governing amnesty hearings, on a few occasions the rules were radically renegotiated when victims were given leave to question an amnesty applicant. Reflecting on a hearing at which a succession of torture victims confronted their torturer, I explain how forgiveness, which, like victim-centeredness and *ubuntu*, became a key concept for the commission under Desmond Tutu's leadership, may have been redefined in such (more or less) unmediated transactions between victims and perpetrators. At its amnesty hearings the commission did not assume the symbolic place of the perpetrator-who-makes-good, as it did in relation to victims at human rights violation hearings. But by offering perpetrators the chance to make good on their

own behalf, the commission, in the exceptional cases when the chance was taken, created a sense that perpetrators may have acted as proxy for, and thus performatively separated themselves from, a former violator-self. At the same time, although the substitutive technics operating testimony set in motion a process that is open to *destinerrance* through the actions of witnesses seeking amnesty—lying, selective testimony, manipulation of amnesty conditions and rules of examination and cross-examination—and therefore not all alteration was felicitous,[30] there never resulted from this the same wholesale shift in direction by the commission as in response to victims' testimony—except perhaps when victims themselves intervened in the process, as they did at the hearing that I analyze. I juxtapose my analysis of the amnesty testimony in this chapter with a lecture given by Jacques Derrida in August 1998 at the University of the Western Cape, a few months before the commission presented the first five volumes of its report to President Nelson Mandela. In his lecture, Derrida carefully set out a series of aporias of forgiveness but avoided making more than the most minimal reference to South Africa and the Truth Commission. I ask whether Derrida's aporias may not be explicated differently through a detailed analysis of the amnesty hearing along with certain remarks made by Tutu in his book *No Future without Forgiveness* (1999) that link forgiveness to *ubuntu*.

Collectively, these three chapters show how, by being open to witnesses and their stories, and to their exploitation of the ambiguity of the word "violation" in order to reinscribe it in ways not anticipated by the act, the Truth Commission revealed more than expected. In addition to the picture that its report presented of the political conflicts of the past, its hearings conveyed how the country's history of wrong was understood by its people and how they envisaged that wrong being made good. The testimony of victims—and, sometimes, that of perpetrators—supplied additional layers to the understanding of apartheid. It also gestured at how, through a symbolic as well as practical instantiation of responsibility, mourning, and forgiveness, both actual and substitutive, it might be possible to repair what had been broken.

My penultimate chapter engages the complex question of reparation—material as well as symbolic. In March 2003 the Truth Commission formally ended its work by handing the last two volumes of its report over to President Thabo Mbeki. Although the commission's own work had ceased, its recommendations had still to be put into effect. The most con-

tentious of these were proposals for reparation. The continued wrangling about reparations between the government and victim groups—a struggle that has crossed the waters to be fought out in courtrooms in New York City—represents a fascinating if painful collision of affect, law, and the political economy of neoliberalism. Turning to the psychoanalytic writings of Melanie Klein, I set out an aporia of reparation, showing how the Truth Commission's notion of "symbolic reparations" implies at once an economic and a literary response to what, in a deliberate oxymoron, one might call the enduring violence of the past. The dynamics of responsible substitution are vividly set to work in a poem by Antjie Krog that stands as the epigraph to the final volume of the commission's report. It is with Krog's poem that the *amb-iguity* of law that generalizes reparation is seen to open the possibility for singular responses, which, in turn, bring us full circle before the literary at the heart of the law.

The chapter on reparation forms a bridge between those on the hearings and my final chapter, which I devote to two remarkable works written in response to the commission. Antjie Krog's *Country of My Skull* (1998) and J. M. Coetzee's *Disgrace* (1999) reveal, in different ways, possibilities and problems inhering in the particular conjuncture of literature and law that the Truth and Reconciliation Commission set to work. Here I consider, as in more than one of my chapters, how it is the figure of irony that stands for the literary; and what that means for understanding the place of the literary in law as well as in politics. If in Socrates we have a figure for the origins of the literary in *différance* with law, the key traits are a questioning and a setting to work of a fiction in order to test claims to knowledge and truth. This is something that particular witnesses before the Truth Commission appear to do too. When Gayatri Chakravorty Spivak draws on Paul de Man's reading of Friedrich Schlegel's version of irony as permanent parabasis of an allegory, it is in order to suggest a speaking- and reading-otherwise that might effect practical transformation irreducible to the workings of an informational calculus (*Critique* 156n, 430). We can use these various articulations of irony to explore Hegel's notion in *Phenomenology of Spirit* of woman as "eternal irony of the community." A second figure of irony, Antigone, accompanies Socrates in this book. Read against the grain of Hegel, by exposing the rift between custom and law, Sophocles' Antigone brings the Hegelian "community" into question. This was certainly the case when women testified before the Truth Commission, leading it along unanticipated paths. Literary works set

such *amb-iguities* of witnessing to work in singular ways, even as they comment on, and test for soundness, the concepts and operations of the commission. In Antjie Krog we discover poetry, insofar as it gives itself over to the word of the other, to be the condition of possibility for testimony, and thus also of law. Like Krog, J. M. Coetzee brings all the resources of literature to bear on what it might mean to make good for a history of wrong in which one's own acts and desires may, whether one likes it or not, be episodes and motive forces. Coetzee gestures toward the very elements of language, as song and music work within and against prose to imply, among other things, a critique of the instrumentalization of language as "communication," something that the Truth Commission, despite its openings in invention, may have risked.