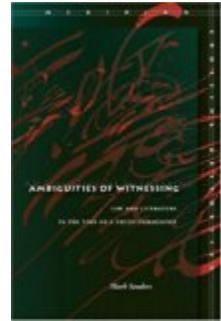


Mark Sanders. *Ambiguities of Witnessing: Law and Literature in the Time of a Truth Commission*. Palo Alto: Stanford University Press, 2007. xii + 257 pp. \$60.00 (cloth), ISBN 978-0-8047-5615-0.

Reviewed by Ksenia Robbe

Published on H-SAfrica (January, 2010)

Commissioned by Myriam Houssay-Holzschuch



## Disappropriating Law and Literature

Mark Sanders's *Ambiguities of Witnessing* is a truly challenging book—in its interrogation of the very nature of law and literature, and their bearings on each other; in its reading against the grain of the binaries of fiction and truth, hearing and reading, material and symbolic; and in its exemplary analyses across the cultural boundaries of the South African imaginary. During the last decade, a large amount of research has been dedicated to the concepts and the work of South African Truth and Reconciliation Commission (TRC). However, against the background of the studies dealing either with the Commission's peculiar quasi-legal operations or analyzing its varied literary representations, this work takes *both* as its subject, assuming, thus, a double-directional approach. Indeed, *ambiguity*, “an acting on both sides,” is integral to Sanders's method of interpreting the Commission's procedures and their implications for the post-apartheid literature and culture. For a reader weary of disputes between the advocates and critics of TRC's politics of reconciliation, this study, grounded in a sophisticated theoretical framework and relying on historical analysis, might offer new insights into South African culture as well as the broader issues of interdisciplinarity.

Critical reading of the TRC's report along with literary texts responding to the event—explicitly, as Antjie Krog's *Country of My Skull* (1998) and Njabulo Ndebele's *The Cry of Winnie Mandela* (2003), and implicitly, as Zoë Wicomb's *David's Story* (2001) and J. M. Coetzee's *Disgrace* (1999)—has recently been practiced by lit-

erary scholarship. This study, however, examines literature engaging with the TRC not only in terms of literary response or generic interaction. But its interdisciplinarity also reaches beyond, bringing broader social or ethical concerns into discussions of literature: more importantly, it explores and theorizes the practices of literature and law as interrelated and impinging on one other. Such cross-disciplinary analysis is conceived as a *disproprative reading* that opens itself to a variety of cultural practices and negotiates their codes by responding to them and making oneself responsible. In his reflection on reading as a practice of ethical and political engagement, Sanders draws primarily on Emmanuel Levinas's understanding of responsibility as an inter-subjective network within which a subject may appear (by “taking on responsibility for the responsibility of the other for the other” [p. 19]) and Jacques Derrida's concept of disappropriation invoked to interrogate and deconstruct the unity or “propriety” of the subject.[1] Within this theoretical perspective, responsibility always involves disappropriation (removal of the subject, its creation in response to its being called by the “other”) insofar as our understanding of subject and agency as well as the link between knowledge and action is not predicated on an idea of coherence and symmetry. If reading, Sanders suggests, functions as responsibility, it also entails a practice of disappropriation. Along these lines, the book invites readers to consider such questions as: what might be the consequences of regarding law and literature as “subjects” that have to go through the process of disappropriation in rela-

tion to each other in order to become subjects? What does it entail for our *reading* if we consider literature as law and law as literature? In an intriguing way, the author, on the one hand, traces disappropriation *in* the work of the TRC and, on the other, suggests it as a concept *for* interpreting the Commission's operations and their literary re-imaginings in terms of the legal *and* the literary.

This kind of reading exposes ambiguity as a principle that not only lies at the heart of literature or fiction but also "abides at the very nub of forensic procedure" (p. 4). The ultimate interdependence of literature and law is conceived in terms of Socratic irony—"a feigning of ignorance" (p. 6)—that comes into play when a witness's testimony is being heard—the moment when both verificatory procedures of law and assumptions of fiction's unverifiability get suspended. In other words, testimony (and its reading) comes to be regarded as neither "fiction" nor "truth," or, rather, both. Being open to the unverifiable, "facilitating both a narrative and a counternarrative," law "makes possible the testimony that, in some instances, questions and transforms what it had set out to accomplish" (p. 8). Such instances of disappropriating that might allow for transformation are focused on in the six chapters, each of them emphasizing a particular aspect of discursive practices engaged and promoted by the TRC. After discussing the ethical concepts generally underlying the discourse of the TRC (chapter 1), the focus shifts to the politics of remembering apartheid (chapter 2) and, more particularly, of mourning and commemorating the victims through references to a victimized figure of woman and mother (chapter 3). The following three chapters scrutinize the structures of address embedded in the discourses of forgiveness and reparation as well as the conditions of possibility shared by fictional literature and testimony.

It is, then, not only reading but also hearing and witnessing the Commission's proceedings as well as their representations in literature and other media that are central to the project. Hearing, according to Sanders, "can radicalize our thinking of reading" (p. 17). This is, however, not a purely methodological matter. South African culture of the first decade after apartheid was impregnated by the TRC hearings and their mediations, on local and global scale—to such an extent that it can arguably be perceived as a culture of *witnessing* and of being witness to witnessing. These processes involved virtually all groups of South Africa's population and, though certainly perpetuating the multiple divisions inherited from colonialism, nevertheless attempted to create common trajectories of remembering and at least, so the ar-

gument goes, generated a consciousness of what the author calls "responsibility-in-complicity."

This concept originates from Sanders's earlier book *Complicities: The Intellectual and Apartheid*. The idea underlying Sanders's comparative readings of critical texts by twentieth-century South African intellectuals, across race, ethnicity, time, and political commitments, is that "the history of the intellectual and apartheid yield a figure of responsibility-in-complicity who, opposing apartheid or differing from it, makes a radical affirmation of foldedness with the other." *Ambiguities of Witnessing* further elaborates this vision of complicity, both "troubling and enabling," along with the author's argument for "a *continued* writing" of the intellectual history of apartheid.[2] It emphasizes the critical role of a historical consciousness at the time of remembering and re-imagining the past and future. Though the TRC guidelines provided for investigating "gross human rights violations" during the apartheid period, particularly after 1960, the actual insights incited by its operations tended to reach beyond the apartheid period and address also the instances of structural violence. This point is explicated in the final chapter's analysis of Coetzee's *Disgrace*. The novel, according to Sanders, constantly invites a historical interpretation of its characters' acts exceeding what any commission or court may demand (the university committee investigating the protagonist's crime is seen as mirroring the TRC): "one's confession must cut deeper than the one demanding it can imagine" (p. 179). This "cutting deeper" into the history of violence and abuse—a history that repeats itself—is one of the major strengths of Sanders's analysis, which allows for more nuanced readings of current processes in the post-apartheid society.

Along the lines of Derridean deconstructive thinking on which the study generally relies, the author works through the aporia of forgiveness by exposing it to the South African concept of *ubuntu*, particularly in the Zulu idiom, that denotes an "African ethos of reciprocity" and "supplements human rights with an ethics of responsibility" (p. 9). In a similar way, the aporia of reparation ("no sum is by itself equal to the symbolic process" [p. 119]), via a critical reading of Melanie Klein's psychoanalytic accounts of reparation with their implied references to Germany's interwar period, gets ultimately tested against the context of post-apartheid South Africa. By scrutinizing the central concepts of the TRC discourse—*ubuntu* and *xolela* (a Xhosa word that means both "forgiveness" and "reconciliation" or cuts across the two)—and by reflecting on a series of translations and mediations involved, the study exposes the misconceptions

caused by uncritical readings through exclusively “European” or “African” idioms.

The interpretation of “women’s hearings” in chapter 3 seems to be particularly elucidating, also for the arguments in the previous and subsequent chapters. In Sanders’s view, women’s appeals to conduct funeral rites for the victims of human rights violations reveal “the deeper nature of apartheid” pointing out “at once a disjunction and a conflation of law and custom that stem from apartheid’s prehistory” (p. 60). At the same time, it makes one reflect on what is meant by “human rights” and “gross violations,” and what a communal work of mourning, specifically on a symbolical level, might imply. Here, again, a particular attention is paid to the idiom in which the discussions were conducted: how women’s invocations of specific customs and traditions, touching on both intimate and public aspects, disturb and disrupt the imaginary integrity of the discourse of human rights and customary law. On these pages, Le-phina Zondo, mother of an African National Congress (ANC) guerilla executed by the apartheid regime, meets Antigone, in a rereading of Sophocles and Hegel, in order to demonstrate how civic law and customary law as a product of colonialism get destabilized through references to divine law or a community’s tradition. This is one of the book’s most interesting instances of translation that traces idiomatic nuances and shifts of meaning across languages and cultures—a translation reliant on what Gayatri Chakravorty Spivak calls transnational literacy.

As Sanders’s analysis persuasively shows, in spite of the many failures identifiable in the Commission’s work, it appeared to be able to open itself, in a gesture of hospitality, toward a possibility of unconditional storytelling.

As a “listening and response-generating machine,” it allowed to transform itself when leaving a space for ambiguity in the processes of witnessing (p. 31). The author, as participant in that witnessing, frames his readings with a reflection on the politics of personal involvement into a nationwide process. It is this genuine engagement with the ambiguities of the South African situation that the study never lacks. In general, the book is a significant contribution not only to the study of the TRC and (post)apartheid culture, but also to the postcolonial critique of legal and literary practices in their deep interconnectedness. Perhaps most importantly, it succeeds in thinking further about the possibilities of shifting the disciplinarity of what we call “literature” by confronting it with similarly rigid disciplinary frameworks of “law.” The book starts charting, in this sense, what its author has called elsewhere “a field of study in which ‘literature’ would be one occasion of reading among many.”[3]

#### Notes

[1]. For Derrida’s employment of the term “disappropriation” as a translation of the German *enteignen* (“retraction of property”), see “The Retrait of Metaphor,” *The Derrida Reader: Writing Performances*, ed. Julian Wolfeys (Edinburgh: Edinburgh University Press, 1998), 125. Drawing on this de-essentializing function of the term, Sanders uses it as a central concept in his critical discussion of literature and reading, most particularly in his essay “Reading Lessons,” *Diacritics* 29, no. 3 (1999): 3-20.

[2]. Mark Sanders, *Complicities: The Intellectual and Apartheid* (Durham and London: Duke University Press, 2002), 18, 15.

[3]. Sanders, “Reading Lessons,” 5

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-safrica>

**Citation:** Ksenia Robbe. Review of Sanders, Mark, *Ambiguities of Witnessing: Law and Literature in the Time of a Truth Commission*. H-SAfrica, H-Net Reviews. January, 2010.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=25881>



This work is licensed under a Creative Commons Attribution-NonCommercial-No Derivative Works 3.0 United States License.