

On Transitional Justice Entrepreneurs and the Production of Victims

TSHEPO MADLINGOZI
Khulumani Support Group
tshepo@khulumani.net

Faculty of Law, University of Pretoria
tshepo.madlingozi@up.ac.za

Abstract

What kinds of politics are (re)produced when a transitional justice expert seeks out the victim, elects to rescue him from his marginality, categorizes him and represents him on the world stage? More specifically, given the fact that transitional justice experts legitimize their existence on the basis of speaking about and for victims, is it ever possible for the expert to exercise 'responsibility' to the victim's story in ways that contribute to the genuine empowerment of the victim? The main aim of this contribution is to make some tentative remarks on how, and what kind of, victims are 'produced' by the transitional justice industry. In the first section I make some generalized observations regarding the political subjectivity of victims produced when transitional justice experts speak about and for victims. In the second section I then look at how Khulumani Support Group, a South African-based social movement of over 55,000 members, has negotiated the contradictions brought about by the transitional justice industry and its representations – in a sense of speaking both about and for victims. I conclude that since 'the story' is the main point of encounter between the authoritative expert and the marginalized victim, 'responsibility to the story' should mean more than being nice to victims or adhering to rigorous scientific and ethical standards; it should also, if not principally, be about redistribution of resources and power. In exercising responsibility to the story experts need to dismantle trusteeship and reproduction of colonial relations.

Keywords: transitional justice; theft of story; empowerment; speaking for others; active citizenship

The production of authentic victims, or victim authenticity, is an inherently voyeuristic or pornographic practice that, no matter how carefully or sensitively it is done, transforms the position of the 'victim' in his or her society and produces a language of victimization for him or her to speak on the international stage... The remove between the human rights professionals and the people they purport to represent can reinforce a global divide of wealth, mobility, information and access to audience. Human rights professionals consequently struggle, ultimately in vain, against a tide of bad faith, orientalism and self-serving sentimentalism. (Kennedy, 2002: 121)

I am not educated. Nomarussia Bonase is uneducated. I don't have a degree. But I can tell you I have a degree. I went to a university; the university of East Rand. My lecturers are the citizens of South Africa, especially the people of East Rand. That is where I got educated. Nobody can come and tell me anything. I can beat the experts, the professionals who have those degrees. (Nomarussia Bonase, Khulumani Support Group East Rand Coordinator, Thokoza, Interview, 10 October 2009)

Background

The main aim of this contribution is to make some tentative remarks on how, and what kind of, victims are 'produced' by the transitional justice industry. More specifically this contribution has two central concerns: first, I would like to recast Spivak's question and ask: Can the victim speak?¹ Second, I would like to look at the kind of political subjectivities produced by transitional justice experts. This contribution originates from the premise that, as far as victims are concerned, the ultimate goal of transitional justice processes and interventions is not just to 'heal', compensate, and honour victims' memories, but it is ultimately to contribute to the transformation of the political subjectivity of victims in ways that enable them to engage as active citizens, whose capacity to think, to speak, to act, and to revolt is acknowledged and respected.

In the first section I make some generalized observations regarding the political subjectivity of victims produced when transitional justice experts speak about and for victims. In the second section I then look at how Khulumani Support Group (www.khulumani.net), a South African-based social movement of over 55,000 members, has negotiated the contradictions brought about by the transitional justice industry and its representations.

Discursive and Political Violence in Transitional Justice

To illustrate how dominant discourses and institutions, in both the First World and the Third World, marginalize and disempower the 'subaltern', Spivak focuses on the practice of widow-sacrifice (sati) – an act in which a widow immolates herself at the husband's funeral pyre as an act of ultimate loyalty and devotion. During colonial India the British abolished the practice on the basis of a 'civilizing mission' to India. Famously, Spivak saw this as an example of 'White men saving brown women from brown men' (1988: 92). On the other hand, Hindu men excused this practice by arguing that the widows wanted to die. Spivak shows how each of these representations legitimized the other: one purports to be a civilizing mission, saving Hindu

1 See Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?' (1988) (looking at how dominant discourses and institutions marginalize and disempower the Third World 'subaltern').

women from Hindu men, the other a reward, permitting the women to commit a ‘pure’ and ‘courageous’ act. All the while, the widow’s *own* voice is ignored (Kapoor, 2004: 627). As Kapoor (2004: 628) surmises, the crux of Spivak’s argument is that the above representations conflate two related but discontinuous meanings of ‘representation’: ‘1) “speaking for” in the sense of political representation; and 2) “speaking about” or “re-presenting” in the sense of making a portrait’. I want to submit that because the transitional justice industry chiefly operates on the basis of these kinds of representations, any discussion of ‘responsibility to the story’ should seriously engage with the political implications of these representations.

Whether it is through ‘fact finding’ reports, conference papers, academic journal articles, ‘field notes’, or more egregiously, funding proposals, the core task of a transitional justice entrepreneur is to speak about or for victims. In this article I would like to reflect on the question of whether the transitional justice expert can *ever* exercise ‘responsibility’ to the victim’s story. In doing so, therefore, we should not only ask whether the victim can ever speak, but whether it is ever legitimate for others to speak about or for the victim. In discussing ‘the problem of speaking for others’, Alcoff (1991: 7) poses the following question:

Is the discursive practice of speaking for others ever a legitimate practice, and if so, what is the criterion for its validity? In particular, is it ever valid to speak for others who are unlike me, or who are less privileged than me?

Kapoor (2004: 628), writing in the context of the field of development, adds the following questions:

What are the ethico-political implications of our representations for the Third World, and especially for the subaltern groups that preoccupy a good part of our work? To what extent do our depictions and actions marginalise or silence these groups and mask our own complicities? What social and institutional power relationships do these representations, even those aimed at ‘empowerment’, set up or neglect?

It is true that in some post-conflict situations or in situations of prolonged authoritarianism victims often lack the space or skills to speak for themselves vis-à-vis elites – both state and others such as aid workers, NGO officials, and ‘academic migrant workers’. But the practice of speaking for and about victims further perpetuates their disempowerment and marginality. To be sure, as transitional justice experts, both from the First World and Third World, we appropriate the right to speak for victims by dint of our geopolitical and institutional privilege. In fact we must go further and assert that the transitional justice entrepreneur gets to be the speaker or representative on behalf of victims, not because the latter invited and gave her a mandate but

because the entrepreneur sought the victim out, categorized her, defined her, theorized her, packaged her, and disseminated her on the world stage. Having ‘mined’ the story in order to use it in the First World – a practice others aptly refer to as cultural imperialism – the entrepreneur reinforces her status as the authoritative knower who is ordained to teach, civilize and rescue the benighted, hapless victim. Despite writing critically and passionately about the situation of *the* victim, the victim is not only left in the same position but this encounter could be an act of further violence and dispossession. Razack (2007) aptly refers to this as ‘stealing the pain of others’, dehumanizing victims further and reinstalling First Worlders as morally and racially superior in relation to them.

While it might be true that most experts appropriate the story with the intention of helping the victim and that most genuinely attempt to exercise ‘responsibility to the story’, parenthetically, we might ask: is it even possible for the expert to get to know the reality of the victim-other? When a researcher comes to Africa to conduct research, she faces many constraints which make the task of ‘knowing’ her subject very difficult. First, she does not speak the local language and, not unlike the missionary or colonial anthropologist, she has to rely on an English-speaking local informant and translator. Other sets of constraints include submission deadlines, academic writing and referencing styles, as well as the inherited ideological and theoretical baggage she is coming with. Ratele (2008) therefore asserts that researchers need to quit pretending that existing or traditional research methodological and analytical frameworks tell us anything about African people worth knowing.²

The ‘theft of victims’ pain’ occurs more clearly in the work of international non-governmental organizations (INGOs) concerned with lobbying and advocacy in the area of transitional justice. To be effective in their work, these INGOs speak about and for victims with the aim of inviting others to do something to end victims’ suffering. In this sense then, transitional justice NGOs are part of the international human rights movement aimed at saving victims everywhere. Mutua (2002) and others have shown how this mission is a continuation of the missionary impulse to civilize and save the Third World. Mutua (2002: 19) thus concludes:

Once again, the allegedly superior Europeans and North Americans descend on supposedly backward natives in the Third World with the human rights mission to free them from the claws of despotic governments and benighted cultures.

2 An example of the difficulty in ‘knowing’ the researched subject and understanding their narrative is discussed in a brilliant book by Krog et al. (2009). Antjie Krog (2009: 91) confirms that it was only after the testimony of their research subject was closely retranslated by her co-investigators and read from an African indigenous cultural and psychological standpoint that she could ‘come to the awareness that her testimony was a narrative of exceptional power’.

Mutua (2002: 10–38) presents this through a metaphor he terms the ‘savages-victims-saviours (SVS) construction’: the victim sandwiched between ‘the ogre’ (the state) and the ‘redeemer, the good angel’ (INGO officials).

For Kennedy (2002: 111) this practice is bad for both ‘victims’ and human rights ‘advocates’. The tendency of human rights to articulate good and evil in abstract terms is extremely limiting for victims, Kennedy points out, because

differences among ‘victims’, the experience of their particularity and the hope for their creative and surprising self-expression, are erased under the power of an internationally sanctified vocabulary for their self-understanding, self-presentation and representation as ‘victims’ of human rights abuses. (Kennedy, 2002: 112)

At the same time, for advocates of human rights the knowledge that they are ‘heroic agents for an authentic suffering elsewhere’ kills any chance of genuine solidarity with those cast as victims (Kennedy, 2002: 112). As reproduced at the head of this article, for Kennedy, this representational dimension of human rights advocacy is the most despicable thing – he calls it voyeuristic and pornographic – about using human rights as the language of emancipation and empowerment.

To further understand how transitional justice actors often rob victims of their agency in ways that are inimical to victims’ empowerment, let alone active citizenship, we need to view ‘transitional justice’ as a global project aimed at reconstructing Third World states in Western liberal democratic terms (Lundy and McGovern, 2008). Another key point is the fact that the whole enterprise of transitional justice has become ‘overdominated by a narrow legalistic lens’ (see McEvoy, 2007, for a review of this literature). McEvoy (2007: 421) shows that one way in which legalism is discernible ‘is a tendency towards an understanding of transitional justice that is both state-centric and ‘top down’.’ Further, and more significant, McEvoy (2007: 424) argues that this tendency has come to see justice and its delivery as the business of state and state-like institutions. Local communities are therefore robbed of agency and are merely seen as either victims to be rescued or perpetrators to be prosecuted: ‘entire post-war populations [are viewed] either as traumatized victims lacking the ability to make decisions about the future, or as people driven by destructive psychosis that renders them incapable or morally unworthy of positive contributions to peace-building’ (Lundy and McGovern, 2008: 265).

The transitional justice industry, especially that which is part of the ‘international human rights movement/community’, could therefore be accused of producing a racially inferior and politically disempowered subject. In this regard, Neocosmos (2006) has argued that the human rights discourse is

part of a project to substitute emancipatory politics based on active citizenship with 'statism', that is, politics of demobilization and passivity reliant on 'state-delivery' or delivery by other institutions like NGOs whose mode of operation is, despite rhetoric to the contrary, overwhelmingly top-down. The politics and practice of human rights discourse, he argues, are actually disempowering as they produce 'passive citizenship dependent on power (states, empire, NGOs, etc.) for its existence' (Neocosmos, 2006: 357). Understood in this way the human rights discourse is actually often detrimental to the empowerment of victims as it produces a lack of agency (the notion that 'victims' or oppressed people cannot wage the struggle by and for themselves) and trusteeship (the idea that others must 'represent' or 'take up the cause on behalf' of 'victims') (Neocosmos, 2006; Meister, 2002; Mutua, 2002). Despite all the talk about victim empowerment then, the victim produced by transitional justice NGOs and others in the international human rights movement is a hapless, passive victim dependent on NGOs and others to speak for her and argue her case.

To sum up, it can be argued that the encounter between the victim and expert reproduces relations of inferiority and superiority. In this encounter, the one is the victim and the other is the saviour. Politics of disempowerment and trusteeship – with a heavy missionary slant – are reproduced. If we agree that 'the story' is the entry point to appropriation, 'theft of pain' and cultural imperialism, what is the transitional justice expert's responsibility? Responsibility should certainly extend beyond issues of ethics in research and advocacy. Confronting our own responsibility should also encompass the kinds of political subjectivity we produce. In the next section I look at the attempt by a social movement of victims to overturn these unequal power relations, reject their representation by others, and 'speak out' for themselves.

Khulumani Support Group

They just want us to be victims and tell our stories so they can help us. I am sick of telling my story. It makes them feel good to show that they are helping us. They don't really want to change things and what good does telling our stories over and over do? They are just white professionals who want to keep their jobs. (Western Cape Khulumani member, cited in Colvin, 2000)

We do not want to be the recipients of services provided by government, when we are capable of providing these services ourselves once the necessary resources have been allocated to us. We have proven our capacity to take our future in our hands. We demand to play our part in rebuilding our own lives. (Khulumani, 2006b)

Khulumani Support Group (Khulumani), a national organization of victims and survivors of gross human rights violations committed during apartheid,

was established in 1995, just before the setting up of the Truth and Reconciliation Commission (TRC), with two main aims: firstly to ensure that victims took part in the TRC and that the Commission functioned in a 'victim-centred' manner; and secondly to contribute to the empowerment of victims. Victims and survivors settled on the name Khulumani – 'Speak Out' – because they had decided that silence was not an option and that they needed to speak out about what had been done to them and what they had witnessed being done to others (Khulumani, 2009).

Historical Origins of Khulumani Support Group

Khulumani's origins can be traced back to the separate creation of two organized groupings of victims, which later coalesced into Khulumani Support Group. The Gauteng grouping of victims was assisted by the Centre for the Study of Violence and Reconciliation (CSVR) in order to establish itself as an organization of victims. In order to teach victims about the impending TRC process, CSVR ran educational workshops across Gauteng and neighbouring provinces. In March 1996 Khulumani set up a 'central Khulumani advice office' based in Johannesburg (Hamber et al., 2000). As far as the Western Cape grouping is concerned, the Cape Town Trauma Centre for Survivors of Violence and Torture was instrumental in bringing together groupings of victims which eventually affiliated with Khulumani. Starting from 1998, the Trauma Centre's Torture Project started reaching out to ex-political prisoners and torture survivors. Colvin (2000) reports that in order to assist ex-political prisoners and torture survivors, the Trauma Centre began holding monthly meetings. The meetings were organized into a two-part structure. The first part of the meeting was devoted to advocacy issues and the second part was reserved for storytelling. Colvin (2000) reports that as the organizations became two independent but collaborating entities, there was also a split between the advocacy activities and the storytelling component. The latter component was seen as the work of the Trauma Centre, while the former was seen to fall within the domain of Khulumani. As time went on, some Khulumani members started to get tired of just telling their stories without that having an impact on their socio-economic needs. Khulumani Western Cape developed into an independent and assertive organisation.

As already stated, Khulumani was created in order to enable victims and survivors to access the TRC and to make sure that their rights in terms of the TRC Act were protected. Throughout the TRC process Khulumani helped victims obtain and fill out applications and appeals, coordinated meetings with TRC officials, and provided individual and group counselling for victims as they delivered their testimonies. The organization hoped that the official process of truth telling would help them reclaim their dignity. However, for a variety of reasons, the TRC process has left a bitter taste in the mouths of Khulumani members. Khulumani members repeatedly point

out that the TRC was a ‘perpetrator-friendly’ process; it betrayed victims in that the promises regarding reparations and truth recovery were never met; and they felt that they were forced to forgive perpetrators while perpetrators and beneficiaries of the apartheid system did not show any remorse.³

Organizational Dynamics of Khulumani Support Group

Membership of Khulumani is by way of filling out a Needs Assessment Form (NAF), outlining the details of violation(s) of human rights that the individual has suffered and what their needs are. The fact that membership is by way of self-identification as a victim or survivor, as opposed to being ‘certified’ by some state agency or NGO, reaffirms members’ sense of agency. The NAFs are collated onto the Khulumani Apartheid Reparation Database that is used to inform and challenge government policy on reparations and its other policies relating to the needs of victims. The database was initiated in 2001 with the aim of getting a very comprehensive picture of victims in South Africa – that is, where they are located and what their most urgent needs are.

As can be expected, Khulumani members were involved in the struggle against apartheid in a variety of ways. Consider the following from Khulumani Free State (Provincial Workshop 29 and 30 September 2006):

- we were political activists and we belonged to different parties;
- we were part of the community uprisings;
- we became involved through our siblings, our relatives, and our friends;
- we were involved in trade union activities as organized workers;
- we participated in political activities at school and we joined the student political movements;
- we fought the apartheid regime through the underground movement;
- we suffered the vandalizing of our property and physical and emotional abuse;
- we advocated for the rates and rent boycotts;
- as Christians, we were victimized by white people, especially by Afrikaners.

Constitutionally, the highest decision-making structure in Khulumani is the National Steering Committee. This Committee, which also elects the Board of Trustees, is made up of representatives from different Provincial Steering Committee structures. All Khulumani regional structures, incorporating various districts, make provincial structures. It is expected that most of the work of the organization should be carried out by these local structures.

3 Despite the fact the TRC was the most resourced truth commission ever, that it held more than 100 public hearings and collected more than 22,000 testimonies from survivors, a study edited by Chapman and van der Merwe (2008) entitled ‘Did the TRC Deliver?’ found that the TRC failed to achieve all its objectives.

A National Contact Centre (NCC), with only a handful of full-time staff, provides support to provincial and local structures that are in charge of implementing programmes and campaigns. The organization is also quick to point out that it is not an NGO. In its 2005 strategic plan articulating the ‘distinct competitiveness of Khulumani’, staff made the following point: ‘Most NGOs are driven by people with high standards who make decisions on behalf of others. But Khulumani has a bottom-up approach. In Khulumani survivors speak on behalf of victims’. Coming back to the issue of representation and (dis-)empowerment, as we shall see below, Khulumani has had to tread carefully to ensure that while it mobilizes on the basis of victimhood, the ultimate goal for such mobilization should be the building of a strong, vibrant collective of empowered activists.

There is general agreement amongst Khulumani staff (Khulumani, 2009) that the organization has undergone the following three phases in its development:

Phase 1: 1995–1998: support to victims to engage with the TRC and to attend its hearings, and the provision of assistance in outreach activities and in statement-taking;

Phase 2: 1998–2006: mobilization and advocacy around reparations issues, with strategic research into community reparations and policy recommendations as a means of reconstructing damaged communities and rebuilding the lives of victims and survivors;

Phase 3: 2006, ongoing:

- in-depth documentation and archival work on the lives of ordinary citizens who gave their lives in the struggle and the building of a history from ‘the ground’ of the struggle beyond the existing narratives of exile and incarceration;
- development of livelihoods activities using an economic rights framework;
- increased engagement in the intersections of violence and gender and the healing of sexual wounds sustained in the struggle;
- implementation of legal strategies to address key issues of impunity;
- deepened connections with efforts within the African continent to support emerging victims’ groupings across the continent;
- ongoing efforts to expand the use of the public sphere by victims, as opposed to researchers/experts.

As is clear from this history, Khulumani has grown from just being a support group concerned with helping members to meaningfully engage with the TRC to being a movement concerned with issues of social justice and transitional justice, broadly defined. Since 2006 the organization has broadened its scope to deal with the felt needs of members and to deal with various issues emerging from transitional justice processes. More recently the

organization has declared that its ‘real goals’ beyond the TRC are to make the following real: ‘to end impunity, to ensure reconciliation, and to create agency and not dependency’ (Khulumani, 2006a).

Today some of the organization’s programmes focus on the following:

- Khulumani survivors of gender-based violence at the hands of both state agents and fellow comrades;
- victim and survivor-led community memorials;
- implementation of community reparations programmes through the securing of community investment grants for local sustainable livelihoods activities;
- addressing the direct needs of victims for prostheses, healing from torture, and adult basic literacy training;
- offering after-school care in poor township schools;
- youth participation in social reconciliation;
- getting the names of people who died in the ‘mass struggle’ onto the *Sikhumbuzu* wall (wall of remembrance) at Freedom Park (a state-initiated national monument and memorial).

Apart from the Khulumani Apartheid Reparation Database, a key mobilizing tool that the organization uses is its Charter for Redress. The idea behind the Charter for Redress was first mooted in 2005. The organization sought to draw inspiration from the 1955 Congress of the People’s Freedom Charter – a powerful rallying document during South Africa’s liberation struggle. Between July and December 2006 staff from the NCC travelled to all provincial structures as well as the majority of its regional structures to hold participatory workshops with members. The main aim of the workshop was for victims and survivors to identify the issues that in their opinions still had to be resolved by the government. At the end of the process, these were collated into a Charter (see Khulumani, 2007a). In a press statement (Khulumani, 2007b) announcing the launching of the Charter the organization stated:

The Charter identifies the fact that reconciliation has a price – the price is the cost of redressing the terrible wrongs done to individuals and communities across South Africa. The Charter provides a checklist for all South Africans to explore what it is that victims and survivors require if they are to experience a sense of justice and to become restored to active participation in the ongoing construction of a society that benefits and includes all its citizens, not only the 45% who presently live above Minimal Living Standards.

How Successful has Khulumani Been?

Briefly the following could be said, that at the macro and policy levels, issues of reparations, sustainable livelihoods, social reconciliation, and impunity regarding apartheid era crimes remain unresolved and constitute the bases of

ongoing struggle. However, success at a policy level is not the only way to assess the effectiveness of a social movement. In his study of why people participate in social movements, Klandermans (2004: 361) distinguishes between three 'dynamics of movement participation', namely instrumentality, identity, and ideology:

Instrumentality refers to movement participation as an attempt to influence the social and political environment; *identity* refers to movement participation as a manifestation of identification with a group; and *ideology* refers to movement participation as a search for meaning and expression of one's views.

Assessing the success of a social movement should thus go beyond just looking at whether the movement has been able to make an impact at the policy-making level. This especially applies to identity-based movements campaigning for the rights of marginalized groups like sexual minorities, immigrants, 'the poor', and of course victims of past human rights abuses. For these movements, evaluating 'success' must go beyond an evaluation that begins and stops at the 'instrumental' level, and must seek to see how far the organization has been able to afford members the dignity and sense of worth in belonging to a group and being able to express their moral outrage.

Turning to Khulumani, its mission is to contribute to the transformation of its members from victims to active citizens. When one looks at the three phases of the movement's development one notices that in phases one and two the main objective of the organization was getting the state to recognize victims and survivors and afford relief to its members. As it became clear that this process will be a long and ongoing process of engagement and struggle, the organization shifted its attention to programmes and activities that could help in the empowerment of its members. So, although the reparations campaign is still the central public campaign of the organization, at the branch level members are involved in a number of activities that are aimed at self-empowerment so that they could become 'change-agents' within their communities. In the past two years, culminating in the recently articulated mission of the organization, the theme of 'empowerment' has featured a lot in the organization's language and slogans. For example, Khulumani's latest psychosocial workshop manual, co-developed with Marie Kilroe (2009), stresses that the aim of these workshops is individual and group empowerment. 'Empowerment processes' are defined in the manual in the following terms:

Empowering processes are those where people create or are given opportunities to control their own destiny and influence the decisions that affect their lives. Empowering processes are a series of experiences in which individuals learn to see a closer correspondence between their goals and a sense of how to achieve them and to gain greater access to and control over resources. Efforts to gain control, access to resources,

and a critical understanding of one's sociopolitical context are fundamental aspects of empowering processes.

Organizational activities such as storytelling, group counselling for family members of those who disappeared, 'history from below', and sustainable livelihoods projects are frequently seen and assessed through an empowerment lens.

Most Khulumani members speak of the sense of pride and dignity in belonging to Khulumani when previously they felt neglected, marginalized, and disempowered. In a most vivid demonstration of the merging of 'instrumental', 'identity', and 'ideology' dynamics, one member of Khulumani has gone so far as officially naming her son – now four years old – 'Khulumani':

My baby Khulumani . . . [Laughing]. I got pregnant while being an activist in this organization. What made me name my baby Khulumani is because of this government that does not want to listen. I would like that even when he is old they must look at him as a Khulumani member, whose mother was so active trying to get into the heart of government in order to help the citizens of South Africa. (Nomarussia Bonase, Thokoza, Interview, 10 October 2009)

Another member explains what being a member of Khulumani has meant for him:

Being with Khulumani has taught me a lot, especially to discover the uniqueness in victims and survivors of human rights violations . . . [Interacting] with other members on a daily basis is really really significant to me because it really reminds me that sharing, through experience, [is good] hence the saying 'company in distress makes sorrow less'. So in a nutshell I would say it has been an uplifting experience throughout these past years. (Zweli Mkhize, Braamfontein, Interview, 8 November 2007)

Jobson and Mthetwa (2009) explain this sense of agency further by asserting that in Khulumani those who 'cross over' to the side of the 'victors'

are the ones who take the lead in organizing meetings, counselling, participating in activities that promote human rights, organizing memorials and participating in democracy enforcing activities such as information sharing, voting, protesting against the violation of rights, striving for financial independence, etc. They empower those behind them who then rise to empower others.

From my observations, I see that a lot of members now demonstrate a certain sense of empowerment and active citizenship as a result of their involvement with Khulumani. A detailed exposition of how Khulumani members demonstrate this on a day-to-day basis in their communities is

impossible here. The following summary, which appears in Khulumani's organizational profile booklet (Khulumani, 2009), adequately captures some of the instances that demonstrate the acquisition of 'civic competence' through involvement with the organization:

- the monitoring of the performance of local governments through application of the Promotion of Access to Information Act (PAIA) by 15 groups across Gauteng, and now extended to the Western Cape;
- the provision of safety and security support services as active members of Community Police Forums and as trauma counsellors based at local police stations;
- the monitoring of the 2009 General Election as Election Observers, accredited and trained by the Independent Electoral Commission to provide oversight at local polling stations in all nine provinces;
- assistance to former combatants to apply for Special Pensions in recognition of the years of service given for the struggle for democracy as registered members of liberation movements;
- the monitoring of prison conditions and the treatment of prisoners as Independent Correctional Centre visitors;
- advocacy in support of victims of violations of the past as well as victims of current violations such as sexual violence;
- Khulumani members have made written and oral submissions to Parliament and to the TRC Unit (a unit set up by the state to monitor how government departments are implementing the recommendations of the TRC) in relation to issues that affect them;
- door-to-door visiting to care for vulnerable children and their caretakers when they are ill;
- organization and hosting of community commemoration and heritage-related events.

Too often experts claim that a movement that organizes on the basis of 'victimhood' perpetuates feelings of disempowerment and dependency. The history and ongoing struggle of Khulumani Support Group shows that it does not have to be so. The movement does frame its collective identity on the basis of yet-to-be-redressed violations experienced by members, not to perpetuate dependence and feelings of disempowerment, but to build a self-reliant collective movement able to challenge government and others. In this regard, I have previously referred to Khulumani members as 'bad victims' who are not willing to be wheeled out during national days, to cry, sing and tell their stories, and in Fanonian terms then 'go back to the cave' (Madlingozi, 2007).⁴ Khulumani members refuse to accept their situation as

4 At an official function in February 2010 to rebury four liberation combatants who were buried in unmarked graves, a government spokesperson referred to Khulumani as 'like a toothache that refuses to go away'.

natural, and actively struggle for their legal and moral entitlements and assert their right to be heard – thus taking responsibility for their own stories and how they should be used, as we shall see below.

From ‘Dependency to Agency’: Refusing Representation

A typical NGO can be described as having the following characteristics: a not-for-profit organization made up of professional office bearers who draw up programmes and raise funds on behalf of certain beneficiaries or ‘clients’. The structure of a typical NGO is hierarchical, with policies and other decisions being drawn up by the salaried staff members or board of directors of the organization and/or donors. NGOs do not normally have a membership base – the leadership of the organization itself identifies ‘stakeholders’ or ‘beneficiary communities’ that it would like to ‘provide’ or ‘deliver’ certain services to and to ‘empower’. Critical commentators (Shivji, 2007; Neocosmos, 2004; Mutua, 2002; Wood, 1990) have argued that this kind of relationship produces dependency and inevitable passivity.

Looking at the characteristics above, it would be incorrect to say that Khulumani is an NGO. Khulumani Support Group is a national membership-based organization. This is how two members explained the concept:

I remember last year there was a workshop attended by the women members of Khulumani where they amended Khulumani policy. It made me very happy because it was not just members from Gauteng, there were members from all provincial structures. Which means Khulumani’s constitution or policy is not just something that emanates from the [national] office, it is something that comes from provincial structures and those provincial structures are made up of people from branches. Which means everything that happens in Khulumani comes from the ground, from the communities until it reaches the national level. (Nesta Ndebele, Braamfontein, Interview, 5 August 2007)

When we say Khulumani is membership-based, we mean it is an organization that is sustained by the people; its decisions are made by the people not by a clique or whoever. Even though we have a board that is directing us, its purpose is just to oversee that Khulumani is disciplined and that it follows its code of conduct. But when it comes to decision-making it is directed by its constitution and the people. The leadership is elected by the people. It begins democracy from the local level. (Mohloa Monnye, Bloemfontein, Interview, 24 February 2007)

Coming back to the issue of ‘representation’ and production of dependent victims, Khulumani members are not content with just being ‘represented’ by the staff at the NCC. Khulumani members constantly and consistently seek to hold the organization to account for activities done on behalf of the members. A resolution that is always adopted at provincial and national

meetings relates to ‘improving communication between the Contact Centre and the provincial and regional structures’. Towards this end, mobile phone text messages are sent, although infrequently, to members in order to give updates and deliver ‘breaking news’. A quarterly newsletter is also sent to local structures. All staff members, not just provincial and regional coordinators, complain that members call them all the time demanding information and claiming their right to inform programmes and strategies – notwithstanding the fact that staff members receive their mandate from resolutions adopted at the AGM or National Steering Committee meetings. One staff member recently put it thus: ‘working for Khulumani means you forgo your privacy. Members from all over South Africa call 24/7 demanding information and wanting to give advice.’ (Zweli Mkhize, author’s notes, 15 January 2010)

Most branches hold meetings every fortnight where members receive updates, mandate branch coordinators, give general strategic advice and raise grievances. At one such meeting held on 9 September 2009 in Sharpeville, members were angry that they had not received any updates in a long time from the NCC and felt that they were not consulted when important decisions were taken. Some of the comments made included the following:

When it comes to things where our input is needed . . . we are called in but when it comes to ‘luxurious’ things like workshops and trips to other regions we are not needed.

The rot is up there at the office not down here. Locally branches are working hard.

The Board is ineffective. It must be ‘fixed’.

Even though people are volunteering, they must carry out their work in a ‘straight manner’.

You Tshepo might be a qualified lawyer or whatever but you don’t know the pain of losing your loved one, having your family torn asunder. You do not know the pain!

The move from ‘dependency to agency’ is both internal (between members and mandated staff) and external (between Khulumani and other civil society organizations and state agencies) and is therefore also shaping Khulumani’s interaction with NGOs. Although, as we have seen above, some NGOs played a key role in shaping the initial strategic direction of the organization, over the years Khulumani has grown in confidence and now seeks to direct its engagement with others. The organization now seeks to conclude a memorandum of understanding when it enters into partnerships with civil society organizations and government agencies – setting out rights and responsibilities of each partner. The organization also has a research protocol document

in which it asks potential researchers not only to submit their thesis proposals and ethics clearance from the university but also to explain how the envisioned research will make a contribution towards victim empowerment. While some transitional justice experts, eager to have an encounter with victims, have charged that these measures mean that the NCC staff are ‘obstructive gatekeepers’ or are holding members ‘hostage’, given a history of exploitation and unaccountability on the side of some researchers and NGO officials, members feel that these measures are necessary.⁵

As far as responsibility to victims’ stories is concerned, increasingly members seek to alter the unequal power relations that are produced during encounters with experts. An example of this new assertiveness is this resolution from Khulumani Grahamstown:

University students should know that copyright of any data that they will be researching belongs to Khulumani Support Group and not to the university and that any document to be documented (sic) by the university on Khulumani Support Group should benefit the latter. (Khulumani, Grahamstown, Workshop, 5 May 2007)

This repudiation of researcher–victim power relations is also evident in this call by Khulumani Mpumalanga provincial workshop participants:

The selling of victims’ stories or inviting of film companies to make documentaries about victims’ stories in return for the payment of R50 or R100 should end because it destroys the dignity of victims and survivors throughout the continent.

Moving beyond the representation of its members by others, as part of its community memorialization and ‘history from below’ projects, the organization has started a process where branches, working with a staff member from the NCC, engage in a participatory process of telling their stories. With funding from the Rosa Luxemburg Foundation the organization is publishing booklets wherein members tell their stories. This process builds upon an earlier, mutually affirming and beneficial partnership with the South African History Archive which documented the history and stories of Khulumani members in the East Rand.

I would like to argue that the objections raised above do not only concern issues of ethics and responsibility towards victims’ stories, but attempt to restructure the power relations between transitional justice entrepreneurs and victims. It must be stated, however, that the move from ‘dependency’ to ‘agency’ and the various ‘gatekeeping’ measures that the organization has undertaken has not meant that the organization does not collaborate with

5 To circumvent organizational protocol, some experts approach members directly, outside of organizational protection, individualizing them as victims and negating their identity as active members of a social movement.

transitional justice scholars and practitioners. Quite to the contrary, the organization is now more than ever before granting interviews and engaging in collaborative projects with others. However, in doing so the organization has endeavoured to ensure that its members' stories are 'used' in ways that do not lead to the disempowerment of members and the demobilization of the organization. This perspective can be summed up in the following email response written by Khulumani's director to a PhD candidate:

Victims and survivors are quite able to express for themselves what needs to be done. An organization like Khulumani, values immensely the intellectual perspectives that researchers can bring, but we wish to see these researchers working from within the organization, not applying an external lens, to advance their own careers, to some extent at the expense of victims and survivors. (Marjorie Jobson, *Email correspondence*, 2007)

The aim of this section was not to make out that Khulumani is a movement without any internal hierarchies and tensions. As evident above, members sometimes feel that those they have given a mandate to represent them do not act in a democratic and accountable manner. On those occasions, Khulumani members are never shy to voice their dissatisfaction and prescribe corrective measures. As with any social movement, the process of building a cohesive, democratic, and participatory collective is forever an ongoing process. Nonetheless, the case study of Khulumani shows that key to the transformation and empowerment of victims is the building of their own movement that does not rely on transitional justice experts and other elites that government and others consider 'legitimate interlocutors' to speak about and for them. This is therefore key to the shift from dependency to agency, that is, victims having greater control over their encounters with expert-others and not allowing themselves and/or their stories to be used as fodder to sustain the industry and its entrepreneurs.

Conclusion

We have everything. When people come here, we want to know who are these people, what is their objective? What are they doing here? What do they want? Because we don't want people to come and get rich on our stories. We are not playing here. The stories are our hearts. (Nomarussia Bonase, Thokoza, Interview, 10 October 2009)

Politics begins when one decides not to represent victims... but to be faithful to those events during which victims politically assert themselves. (Badiou, 1985, as cited by Neocosmos, 2007: 18)

In this article I have been concerned to argue that 'responsibility to the story' is not simply about faithfully representing what victims say or their reality –

as if that were ever possible. I have argued that ‘the story’ is usually the entry point towards reconstituting victims as hapless, disempowered and lacking in any rational thought and action. ‘The story’ is also the central device in sustaining the transitional justice industry. This industry is made up of constantly mushrooming transitional justice academic centres and think tanks, (‘peer-reviewed’ and subscription-based) journals and books, mail listserves, blogs, newsletters, fellowships, workshops and conferences. Most of these are based in the First World but also include big, influential Third World transnational NGOs and local informants/‘point men’. A well-travelled international cadre of actors – what I have called transitional justice entrepreneurs – theorize the field; set the agenda; legitimize what constitute appropriate transitional justice norms and mechanisms; influence the flow of financial resources; assist governments in transition; invite, collaborate with and capacitate ‘relevant’ local NGOs and ‘grassroots organizations’; and ultimately not only represent and speak for victims but ‘produce’ *the* victim.

Although done with the best intention in the world, the ‘global apartheid’ – on one side white knowledgeable experts and on the other side black victims who need saving – re-enacts and perpetuates the civilizing mission of the past centuries. Whether it is through field reports, policy papers, or academic papers and manuscripts, transitional justice experts’ professional advancement is based on being able to ‘speak about’ and ‘speak for’ victims. Despite the constant references to the need to have ‘victims’ voice be heard’, to have ‘victim-centered or bottom-up transitional justice processes’, and to ‘victim empowerment’, transitional justice scholars and practitioners have not genuinely interrogated how their programmes and interventions have led to the disempowerment or empowerment of victims.

Since ‘the story’ is the main point of encounter between the authoritative expert and the marginalized victim, ‘responsibility to the story’ should mean more than being nice to victims or adhering to rigorous scientific and ethical standards (standards set by the benign entrepreneur and her peers in academia and the NGO world). It should also be about the kinds of politics and political subjectivities reproduced by those encounters. Critical self-reflexivity, and an awareness of the power relations at play during these encounters, could be the starting point.⁶ Helping to come up with an epistemology that promotes victim consciousness and is faithful to the world view of victims is also an urgent task. All of this might go a long way in

6 While the practice of ‘reflexivity’ might be useful in opening up avenues for the expert to come to terms with his ideological and epistemological baggage, the power relations involved in the encounter, and his complicity in perpetuating the marginality of the victim, Ratele (2008: 553, original emphasis) sounds a warning regarding the assumption of power ironically reinforced: ‘At the most basic, but not unimportant, level the assumption is in how the researcher looks at the object of study, and how he is never looked at. When he remembers to look at himself, it is called **reflexivity**. Even here though, it is the researcher who is looking at himself, it is not those he is studying looking at him’.

starting a process, as Badiou (1985) counsels, by which the ‘expert’ becomes faithful to those events in which victims politically assert themselves, thus enabling the emergence of truly emancipatory politics constituted of equals. In order to achieve the latter goal, transitional justice experts should move away from the view that says that ‘theory is white and metropolitan, while experience is black’ (Gordon, 2006, cited in Pithouse, 2009: 162). This does not mean that victims possess all knowledge or truth, or that they do not deploy their victim identity opportunistically and situationally. It simply means that ‘responsibility to the story’ should also, if not principally, be about redistribution of resources and power. In exercising our ‘responsibility to the story’ we need to dismantle the trusteeship and reproduction of colonial relations; failure to do so would be ‘to turn solidarity into imperialism’ (Mgnxitama, 2004).

At the risk of romanticizing the organization, the work of Khulumani Support Group shows that it is possible to have victims empower themselves and reject unequal power relations that come with encounters between victims and transitional justice experts. Khulumani members endeavour to reject the culture of trusteeship and demand that their stories be used in a responsible manner, a politically responsible manner that leads to their empowerment so that they can participate in activities that concern them as equals. Khulumani members have not allowed others to simply represent them – they have chosen to ‘speak out’ for themselves, thereby transforming their political subjectivities into those of thinking, acting and protesting human beings. Indeed, the victim *can* speak and do much more.

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