Reconsidering Testimonial Forms and Social Justice: A Study of Official and Unofficial Testimony in Chile

T. Randahl C. Morris

Georgia State University

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RECONSIDERING TESTIMONIAL FORMS AND SOCIAL JUSTICE: A STUDY OF OFFICIAL AND UNOFFICIAL TESTIMONY IN CHILE

by

T. RANDAHL CANTUA MORRIS

Under the Direction of Gregory C. Lisby

ABSTRACT

Testimony flows from a story that originates long before the opportunity to be a witness about human atrocities occurs. And, ironically, testimony – the voice that is suppressed during times of state sanctioned terror – continues to flow long after the perpetrators fade from power. It is this ethereal and enduring paradox that raises the questions of what testimonial forms are, how they communicate, and whether they positively impact social justice as evidenced by enhanced communicative freedoms.

The testimonial forms of this study are narratives about human rights atrocities which emerged from the 17-year military junta in Chile led by Augusto Pinochet. This project
examines the development and uses of official and unofficial testimony surrounding times of transitional justice using a multi-modal analysis incorporating narrative and historical analysis, communication ethics, and critical theory which yields a meta-analysis of testimony and the context in which it functions. This research concludes that a life cycle of testimony exists that is organic and evolving. Furthermore, due to the unique circumstances of transitional justice periods, a theory of testimony ethics is called for to increase individual communicative freedoms that lead to enhanced social justice as well as to increase the success of communication processes of truth commissions.

INDEX WORDS: Communication ethics, Testimony, Testimonial forms, Human rights violations, State sanctioned terror, Transitional justice, Truth commissions, Truth and reconciliation, Public sphere, Trauma narratives, Life narratives, Testimonial ethics, Arpilleras, Chile, South Africa
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T. RANDAHL CANTUA MORRIS

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2012
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by

T. RANDAHL CANTUA MORRIS

Committee Chair: Gregory C. Lisby
Committee Members: Angelika Bammer
Carrie Packwood Freeman
Hongmei Li
Fernando Reati

Electronic Version Approved:
Office of Graduate Studies
College of Arts and Sciences
Georgia State University
May 2012
ACKNOWLEDGEMENTS

Just as individual stories must be told, the story about the story must also be told. This is the narrative I felt compelled to investigate through this dissertation. My research began with a focus on communication ethics in truth and reconciliation commissions, settled strongly on visual manifestations of testimony, and eventually grew into a conceptualization of testimonial ethics which acknowledges the moral demands of core narratives as they take on different forms and are appropriated in different ways through time, context, and users.

This dissertation is the manifestation of several years of study and interaction with numerous people who have contributed in ways that have profoundly affected the project. I would like to extend special thanks to Roberta Bacic, Marjorie Agosin, and Gayla Jamison. My deep gratitude for their guidance and insights goes to my committee chair, Gregory Lisby, and my committee members: Angelika Bammer, Carrie Packwood Freeman, Hongmei Li, and Fernando Reati. Finally, I must extend a heartfelt thanks to my friends, colleagues, and family who cheered me on, listened to my angst, and voiced confidence that I was working toward something important. In particular, I thank my husband, Richard, and children, Taylor and Jessica. Living amongst arpilleras depicting abductions and torture as well as mountains of books and journals about death and loss must have seemed odd but they supported me nonetheless.

Finally, I must acknowledge the people who risked so much to tell their stories in an effort to attain social justice.
# TABLE OF CONTENTS

ACKNOWLEDGEMENTS ................................................................................................................. iv  

LIST OF TABLES .............................................................................................................................. viii  

LIST OF FIGURES ............................................................................................................................ ix  

I. INTRODUCTION .......................................................................................................................... 2  
   A. Significance of the Project ......................................................................................................... 3  
   B. Research Questions & Scope .................................................................................................. 7  
   C. Methods & Procedures .......................................................................................................... 9  
   D. Delimitations & Limitations ................................................................................................. 9  
   E. Outcome of the Study ............................................................................................................ 13  

II. CONTEXTUAL HISTORY ........................................................................................................... 15  
   A. Social Justice as a Goal after Human Rights Atrocities ..................................................... 15  
   B. Selected Theories of Justice Relative to Transitional Justice Testimony .......................... 22  

III. LITERATURE REVIEW ............................................................................................................ 30  
   A. The Evolution of Human Rights Testimony ........................................................................ 32  
   B. Transitional Justice as the Context for Testimony .............................................................. 49  

IV. METHODS .................................................................................................................................. 60  
   A. Methods of Analysis ............................................................................................................. 60  
   B. Procedures ............................................................................................................................ 64  

V. ANALYSIS OF CASES .............................................................................................................. 66
A. Context of the Cases: Chile after Pinochet ........................................66
B. Introduction to the Commission and Cases .....................................70
C. CASE 1: Jorge Silva and Carmen Cifunentes ................................80
D. CASE 2: Hector Hermosilla ...........................................................88
E. CASE 3: Victor Jara ........................................................................93
F. Testimonial Form Analysis ..............................................................110
G. Comparison of Testimonial Forms from a Communication Ethics
   Perspective .....................................................................................119
H. Results of the Analysis of Testimonial Forms ................................131

VI. CONCLUSIONS & RECOMMENDATIONS ...........................................135
   A. Overview of Outcomes and Lessons from South Africa ...............135
   B. Contributions of Communication Theory to Transitional Justice and
      Testimony ..................................................................................145
   C. Revisiting the Research Assumptions and Questions ..................152
   D. Conceptualizing a Theory of Testimonial Ethics and Policies .........155
   E. Limitations and Future Research ...............................................158
   F. Conclusions and Contributions of the Study ..............................160

BIBLIOGRAPHY .....................................................................................166
   A. Primary Sources Bibliography ......................................................166
   B. Master Bibliography ....................................................................170
APPENDICES ......................................................................................................................... 194

Appendix A: Supplemental Case Information ................................................................. 194

Appendix B: Hector Hermosilla, Scraps of Life Film Transcription ......................... 198

Appendix C: Victor Jara’s Testimony - Estadio Chile .................................................... 204

Appendix D: 2010 Chilean Consulate Invitation ............................................................ 208

Appendix E: Statistical Summary from the Chilean National Commission on
LIST OF TABLES

Table 1 Narrative Analysis of Testimonial Forms ................................................................. 118
Table 2 Communication Ethics Theory Applied to Chilean Testimonial Forms .................. 134
Table 3 Life Cycle of Testimony (Hypothesized) ................................................................. 164
Table 4 Life Cycle of Testimony Exhibited in Chilean Testimonial Cases ......................... 165
LIST OF FIGURES

Fig. 1 NCTR Statistics on Age of the Disappeared ................................................................. 74

Fig. 2 NCTR Statistics on Occupation of the Disappeared......................................................75

Fig. 3 Arpillera of the Abduction of Jorge Silva and Carmen Cifuentes ................................. 84

Fig. 4 Narratives of Human Rights Violations ...................................................................... 139

Fig. 5 Remembrance Card .......................................................................................................194

Fig. 6 Inelia Hermosilla ...........................................................................................................195

Fig. 7 Memorial Handkerchief ................................................................................................196

Fig. 8 Popular Unity Party Rally .............................................................................................197

Fig. 9 2010 Chilean Consulate Invitation ................................................................................208
“I am not of their age or time and so have not personally heard their voices or seen their faces, but I know this by what is written on bamboo and silk, etched on metal and stone, and inscribed on basins and bowls that have passed down to us through succeeding generations.”

-Mozi. c. 5th Century B.C. “Impartial Caring” as noted in

I. INTRODUCTION

The multitude of testimonial forms that arise from the complex times of transitional justice, the forms they take, and their uses establish the basis for this research project. Investigating the impact of testimonial forms on social justice as evidenced by enhanced communicative freedoms occurs within the framework of contemporary justice theory that establishes norms for ethical decision making. These types of processes are commonly attributed to restorative justice which aims to repair societal ills and wounds so that individuals, groups, and nations can come to grips with past atrocities, attempt to make amends for wrongs, establish a collective public memory, and encourage all individuals and parties to move forward with a shared understanding of lessons learned (Villa-Vicencio and Doxtader 2003).

The thesis of this dissertation is that the ability to give testimony and have it heard, considered, circulated, and acted upon is fundamental to social justice. Testimonial forms surrounding times of national transitions from oppressive to more humanitarian societal organizations are the focus of this study which incorporates theories of justice and public/counterpublics to investigate how testimonial forms contribute to social justice. John Rawls’ theory of justice as fairness and the importance of adopting a veil of ignorance to promote equal treatment of all people has long been the benchmark of justice in contemporary societies (1971). Michael Sandel, on the other hand, argues that this neutral position does not result in the best ethical decisions (2009). Sandel believes that Rawls’ just society is the right goal but advocates for ethical decision-making within the context of our unique life narratives.

These complementary yet opposing theoretical frameworks will be applied to testimonial forms and processes during times of transitional justice, which aims to bring together the
oppressed and oppressors into a combined and united society that functions as a cohesive public. Testimonial forms will be analyzed using Michael Warner’s criteria for publics and counterpublics to determine how the testimonies contribute to equalized access to and circulation of communication (2005). Within this context, questions arise about whether giving testimony transitions people from oppressed to a totality of fully functioning, free members of society. Testimony, as a life story form, lends itself to a multi-level narrative analysis to uncover key themes and disjunctures, both of which will provide information essential to determining whether testimony contributes to social justice. The use of historical methods will help establish testimonial context and metadiscourses that may affect the potential impact of testimony. The work of Rawls, Sandel, and Warner will be used to assess how testimony impacts social justice in contemporary post-tyrannical societies transitioning to more democratic forms of governance, with a specific focus on Chile and South Africa from 1932 to 1995.

A. Significance of the Project

While there is a general assumption within the field of transitional justice that testimony is cathartic (Peters 2005; Laplante and Theidon 2007), analysis of official testimony and how it contributes to truth and reconciliation is scant within the communications discipline and the few comparisons to unofficial forms of testimony, such as biography and visual artifacts, do not specifically address the possible impact on enhancing social justice which is a definitive goal of truth and reconciliation efforts.

Within the last 30 years, close to 40 truth and reconciliation processes have occurred internationally in order to obtain testimony pertaining to human rights violations (HRVs)
Transitional justice, the new academic area of inquiry that is developing around these truth and reconciliation efforts, is firmly planted within the political science and law disciplines. However, the possibilities for investigation within the field of communication are numerous. Outside of the academic community, these efforts are considered within the realm of peace building and encompass a broad range of human rights activities including activism, relief, negotiation and mediation, military conversion, and development and conversion. Lisa Schirch notes that peace building prevents, reduces, transforms and helps reduce civil violence (2005, 57).

Early uses of testimony were developed to meet specific objectives, such as to conclusively establish that human rights violations had occurred. While this is still a fundamental function of testimony as a mechanism to aid peace building and transitions from oppressive governments, the international focus, particularly since the South African Truth Commission, has turned toward healing and reconciliation. And though best practices advocates for this model, the concept of using testimony as the primary mode for overcoming individual and societal trauma has been examined, questioned, and contested (Thomas 2009; Humphrey 2003; Graybill 2002; Wilson 2001).

The complex situations in which testimony is obtained significantly affect how the testimony is gathered and ultimately used. At the core of these efforts are the victims’ stories and the resulting official testimonies that are distilled from the original narratives. Yet, due to the conflicting needs and desires of victims and oppressors and the overriding need to move the society toward reconciliation, the resulting official testimony is often analyzed and condensed in a way that renders entire life stories in only a few words. In fact, some truth commissions, notably in El Salvador, only include “representative” testimony (Freeman 2006; Ensalaco 1994), virtually ignoring a large portion of the individuals affected. This seeming disregard for the stories of individual human suffering and experience appears to be a perpetuation of social injustice that runs counter to interrupting the cycle of dehumanization, a primary goal of transitional justice.

James Gibson says that many truth commissions fail because they attempt to do too much and that the most effective truth commissions are ones that focus on societal transformation through changes in attitudes and beliefs of the larger population which he characterizes as “bystanders “ and more crucial than the active participants (Gibson 2009, 126). This focus comes at a cost, however: “The truth need not concern individual events but instead can be a broader truth about the nature of the ancien regime. Some believe this attitude change must involve forgiveness and some sort of redemption, but the minimal requirement of reconciliation

_________________________

2 Obtaining testimony from victims is a delicate process. Roberta Bacic notes that in Chile the victim testimony was obtained in one-on-one interviews. The interviewer took notes during the conversation because it was felt that recording the interviews would be too stressful for the victims (Interview 2011).
is most likely tolerance: the willingness to ‘put up with’ former enemies and to limit political competition to peaceful means within the context of democratic political institutions” (131). Eschewing legal proceedings for persuasive processes that affect societal transformation, he says, involves “using” individual stories in the public sphere: “Far more compelling is the testimony of ordinary people in their own narratives. And the stories that people tell, in their own words, can have an enormous impact on bystanders” (134).

The diversity in the information exhibited in official versus unofficial testimonies raises the question of how to balance the objectives of a truth and reconciliation commission with the need to strategically obtain and document violations that will lead to greater understanding for current and future generations. Writing – the act of laying down on paper the final words about the sum of a person’s life – literally will be the last official word about the disappeared. The importance of crafting these testimonies to meet not only the needs of transitional governments and commissions, but also to meet the needs of family, survivors, communities, and societies, cannot be overstated. Yet, in the midst of stabilizing transitional governments and processing massive amounts of documentation, words can be taken for granted. Even though societies may find other ways to acknowledge human rights abuses, history has shown that words survive when memorials do not (Agosin 2004). Ancient texts that continue to be used for thousands of years attest to the fact that words can and do have a nearly infinite lifespan. This research seeks to approach the question of whether official testimony – words that are crafted for justice, healing, and memorializing – should be the most carefully chosen of all.

Communication in relation to transitional justice is a timely subject and one which shows potential for significant communication inquiry. Existing scholarship on truth and reconciliation favors the South African experience and a few key comparative studies. The research focuses
heavily on general outcomes and approaches and debates the merits of truth commissions versus trials and other models. Interestingly, although testimony is the basis of truth commissions, there is little research that investigates the process that determines how the testimony is ultimately used.

This research project will attempt to investigate these conflicting societal needs and the impact on communication processes, identify the various types of testimonial forms, and explore how they are used to further the move toward social justice in societies evolving from oppressive regimes.

**B. Research Questions & Scope**

Creswell (1994) suggests that the qualitative study include one or two grand tour questions, which should be general in nature in order to not constrict the study, and five to seven sub-questions, with the combination becoming working guidelines for the evolution of the study (70). The primary grand tour research question – How do different forms of testimony contribute to social justice? – meets the “general in nature” criteria and leads to a series of probing questions based on existing literature and theories. The first sub-question to be answered is how would social justice ideally be achieved through testimony? Identifying an ideal from previous processes and existing literature provides a model for comparing and measuring the impact of testimonial forms which, in this research, is the South African truth and reconciliation process, the most extensive and replicated truth commission. Secondly, who gives the testimony and are there circumstances or characteristics that might affect whether the
testimony furthers social justice? What happens to testimony once it is given? Do testimonial forms communicate and circulate in different ways?

A secondary grand tour research question – Is the stated purpose of testimony in official truth and reconciliation commission documents consistent with the actual usage of testimony? – helps to establish intent and practice and leads to a series of questions about context and culture and their potential effects on testimony and its impact on social justice. For example, can a moment of “kairos,” a time when people are willing to come together, share their stories, and move forward that is cemented by the sacredness of the sanctioned testimony process (Doxtader 2009), transform individuals without regard for their previous oppressed social standing and, by extension, transform a community into a more just society? Or, are testimonial forms ritualistic vehicles through which oppressed people emerge in the process of becoming part of the totality? How is testimony affected by the affiliated political, social, and economic circumstances (Campbell 2002)? What happens to the testimonial forms once they are given or created?

This research proposes examination of two testimonial processes, each related to official truth and reconciliation processes and abundant testimony outside of state sanctioned processes. The primary research process examines testimony related to Chile (1973 – 1980) and atrocities that occurred during the government led by Augusto Pinochet. After 17 years of state terror, two truth commissions – 10 years apart – attempted to document tens of thousands of disappeared persons and those detained and tortured (Maclean 2006; Ensalaco 1994). Testimony about the disappeared and tortured is found in both official and unofficial venues. Interestingly, anonymous testimony found in both written and visual forms can be tied to official testimony and biographical accounts. The secondary focus is on existing research about testimony produced in South Africa (1960 – 1995) after more than 40 years of apartheid. The South
African process is widely acknowledged as one of the most diverse, inclusive and successful truth and reconciliation efforts. As in the case of Chile, official testimony exists in the TRC document; in addition, testimony was given in a number of venues and televised (Doxtader 2009, Gibson 2009, Mack 2008). While the specific objectives differed somewhat – Chile’s TRCs were convened to establish the truth and to determine reparations and South Africa’s were undertaken to establish truth, reparations, and to determine amnesty for perpetrators – both efforts had at the core the ideal that testimony would document and serve as the final truth of human rights abuses which would then lead to reconciliation efforts for the torn countries.

C. Methods & Procedures

A multi-method approach to this study of testimony has been designed so that the testimony itself is closely investigated and also to accurately establish the context of the testimony and societal, political and other factors that may affect its development and usage. Narrative analysis will be used to cull themes and life stories from the written testimony in both official and unofficial venues. A visual form of narrative analysis will be used to interpret resistance acts and art forms of the transitional justice periods. Historical research methods will further illuminate the time periods, societal complexities, and context of the testimonial forms.

D. Delimitations & Limitations

This dissertation investigates various forms of testimony, usage and treatment in official and unofficial venues, modes of circulation, and potential contributions of testimony to freedom
of thought, association, and speech. This research seeks to determine impacts on social justice by using communicative freedoms as a gauge.

Because of the interdisciplinary and global nature of the topic, prior research comes from an eclectic mix of scholar concentrations including but not limited to communication, human rights, transitional justice, anthropology, literature, law, philosophy, psychology, and political science. This broad range requires a concerted effort to contain the scope of testimony investigated to that which results from human rights violations surrounding times of transitional justice. The official testimonial forms of study will be written, final reports. Unofficial testimonial forms will focus on written and visual forms. A distinction made in this dissertation is that the testimony under study is of individuals directly affected by the human rights violations giving testimony about a particular instance that they either survived or witnessed. Creative expressions that reflect on first-hand or witness testimony, as interpretive works, are too far removed from the events to be considered transitional justice testimony. This important distinction focuses on those creative expressions that can be considered a primary individual narrative.

Two eras of testimony processes that have occurred after oppressive regimes – Chile (1973 - 1980) and South Africa (1960 - 1995) – have been selected due to the unique circumstances, amount of existing testimony, time that has transpired since the testimony gathering, existing literature, and time for potential impacts on social justice to be realized. In each case, several decades have passed since the human rights violations have occurred resulting in the need to conduct historical and narrative analysis of the accounts due, in part, to the fact that many of the original victims and perpetrators are now dead. In addition, the aim of this research is to analyze the ethical implications of the testimonial forms at the macro level,
specifically to examine the impact on social justice for groups of people versus individuals. The primary analysis will focus on testimony from the TRC in Chile after the Pinochet military rule. In Chile, the case of people, primarily women, who were left behind when the junta of August Pinochet “disappeared” approximately 5,000 people beginning with the overthrow of Salvador Allende in 1973, was officially chronicled in two truth commissions (Maclean 2006, Ensalaco 1994). The Chilean testimony will be compared and contrasted to the South African TRC which has been extensively critiqued and modeled by other nations and, as such, is the current gold standard by which other truth and reconciliation efforts are measured. The South African Truth and Reconciliation Commission, initiated after more than 20,000 people died before the decades-long apartheid laws were overturned in 1995, is unarguably the most profiled and replicated truth and healing effort to date. The process was documented in an official report as well as through numerous scholarly, human rights, and public communication vehicles (Maclean 2006, Ensalaco 1994). It is the intent of this research study to examine the communication of each of these forms to identify similarities and differences in officially sanctioned processes and to reflect on the primary research question of whether testimonial forms contribute to social justice.

Due to the extensive amount of scholarly research that has been conducted on the South African truth and reconciliation process, selected studies and results will form the basis for comparison with the Chilean truth and reconciliation commission.
A few words about the timing of testimony is necessary as the range of testimonial forms can occur over extensive periods of time and even extends from one generation to another. In South Africa, for example, transitional justice leaders invited representatives from other countries to share their experiences about truth commissions prior to launching their efforts. These pre-TRC conferences were the site of some of the first official transitional government


4 Three years prior to the establishment of the South African truth and reconciliation commission plans for a transitional justice period were being investigated. In 1992 a group from the Institute for Democracy in South Africa toured Germany, Czechoslovakia, Hungary, Poland and Ukraine to research the transition to democracy. Within the next three years, two international conferences were organized by the Institute for Democracy in South Africa to allow public debate on whether a commission should be established and also to learn from other societies that had engaged in and completed the process. Countries represented included Brazil, Chile, El Salvador, Uruguay, Poland, Hungary, Germany, Bulgaria, Czech Republic and Argentina and included a Latin America delegate. Proceedings were published in two books, Dealing with the Past: Truth and Reconciliation in South Africa (Boraine, Levy and Scheffer 1994) and The Healing of a Nation? (Boraine and Levy 1995).
testimony\textsuperscript{5} which illustrates that official testimony can occur prior to officially sanctioned commissions and also reveals that testimony may be used for multiple purposes. In this case, individual and collective accounts of human rights violations were used as supporting evidence about the need for a commission yet, during the official process, the same stories were used to help determine circumstances surrounding individual detentions, disappearances and deaths, aid in efforts to obtain justice, and create the over-arching historical record of apartheid atrocities against people. This study will be confined to testimony that directly affects the move to transitional justice, is a product of transitional justice efforts (the period of power transition from an oppressive regime to the more just/more democratic government model), or evolves from such efforts. Interpretative testimonial forms such as those that arise from observers/witnesses, such as social commentary, reconstructive art, public memorials and literature, signal a departure from the transitional justice period and may not be considered in this analysis.

E. Outcome of the Study

The thesis of this dissertation is that the ability to give testimony and have it heard, considered, circulated, and acted upon is fundamental to communicative freedoms and, therefore, to social justice. By analyzing the narrative themes and context of two eras of transitional justice

\textsuperscript{5} Joyce Mtikulu testified about the torture and death of her son, Siphiwo (Boraine and Levy, 1995 19-20), and Febe Potgieter spoke about the impact on 11,000 detainees under the age of 18 and the lack of official records pertaining to youth killed during apartheid (21-23).
and the resulting testimonial forms, this thesis will be investigated and debated. There are at least three potential outcomes of this research: a comprehensive analysis of official versus unofficial testimony; a better understanding of the ways testimony is used and contributes to truth and reconciliation objectives; and insight into whether the process leads to increased social justice as evidenced by enhanced communicative processes and freedoms. The specific contributions to literature include addressing a topic – transitional justice testimony – that is often mentioned but rarely investigated deeply from a communication perspective. In addition, this research may potentially add to the discussion among some scholars about whether the assumption should be made that testimony is a definite route to societal healing and reconciliation (Mendelhoff 2004; Rolston 1996). Finally, this study will attempt to draw a distinction between the expectations, rhetoric, and realities of the testimonial forms and how they may or may not contribute to efforts to transition traumatized and divided communities and nations to more socially just societies.
II. CONTEXTUAL HISTORY

The bridge that spans from human rights atrocities to social justice is best understood after first investigating how social justice and transitional justice are linked and the theoretical underpinnings of both.

A. Social Justice as a Goal after Human Rights Atrocities

Curiously, although social justice is a foundational concept in democratic societies, a definitive explanation of social justice is not to be found among scholars who study social justice or human rights organizations that purport to defend it. “Among those who support it, it is not at all clear what the idea means,” notes Zinaida Miller (1999, ix) who says that the term has an “emotive” quality which leads people to support the idea in general terms but breeds longstanding contention about the particulars. Michael Novak (2007) supports Friedrich Hayek’s contention that the term is misused and abused: “It is allowed to float in the air as if everyone will recognize an instance of it when it appears. This vagueness seems indispensable. The minute one begins to define social justice, one runs into embarrassing intellectual difficulties” (para. 2).

The ambiguity began with the first historical usage of the term in 1840, credited to Sicilian priest Luigi Taparelli d’Azeglio (Novak) of the Catholic Church which is well known for...
its emphasis on investigating and furthering social justice. 

6 d’Azeglio was studying the impact of industrialization on human, job-related migration patterns from rural to urban locals when he first used the term. Religious emphasis on helping those in need revived ancient doctrines of philosophers such as Philo, Augustine, and Aquinas as well as the recognition that individual efforts to help the less fortunate could not meet the need, thus social justice responsibility was transferred from an individual obligation to society as a whole (Raphael 2001, 236). Fifty years after d’Azeglio’s writings, the church attempted to define social justice in Pope Leo XIII’s Encyclical, *Rerum Novarum* (Verrecchio 2010). Misuse of the term appears to stem from industrialization and the entry of economists into public debate about the rise of capitalism and great wealth (Barry 2005; Miller 2008; Raphael 2001; Willoughby 1900). Free market economists began advocating for distributive justice, equality in allocation of goods and resources in its most basic sense, which became linked with socialism as a threat to the free market system and created a dialectic and seemingly insurmountable debate. H. E. Foxwell ties the evolving ideals of right with “the development of positive institutions” which promoted social stability, a legal structure, and economic relations that “faithfully mirrored the prevailing notions of equity or axioms of social justice” (1899). In one of the earliest books on the topic, Willoughby explains that social justice – which is concerned with general principles or “ideals of right” – is situated at the intersection of ethics, economics and politics (1). He notes that in the

6 Westell Willoughby notes that investigation of the “canons of right and justice” began with the rise of philosophy in ancient Greece, stalled when the “theological spirit” during the Dark Ages consumed natural laws as the “Laws of God,” and significantly morphed 500 years later when Kant theorized the laws of nature as moral law, which “appears as the categorical imperative of the practical reason” (1900, 18).
16th to 18th centuries individual reason began to overtake the long-standing rule of absolute obedience which was, at first, directed to the church during the Protestant Reformation and then took hold as political criticism. “…the doctrine became general that political rulers, if they would have obedience of their subjects, should hold themselves bound to observe certain moral principles, and to administer their high offices as public trusts” which then broadened to include ideals of right in the industrial and social life spheres (2). Evidence of this is central to the United States Declaration of Independence core concepts “…unalienable Rights…Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed…” (Talisse 2001, 11). Others trace the evolution of social justice from an individual virtue to a societal necessity within the capitalist system emanating from unbalanced employer/employee relations beginning in mid-1880s Europe, a catalyst for labor unions and social movements (Barry 2005; Miller 2008).

While today social justice appears tantamount to social equity and human rights, after World War II social justice became an economic issue resulting in trade unions that prioritized people above profits, resulted in taxation laws intended to redistribute wealth, and put into place health and education services to equalize quality of life for all people, regardless of their financial means (Miller 2008, 5-6).

In the most general terms, social justice has come to mean doing the right thing which often is tied to equality and equivalent distribution of things, fundamental or essential freedoms, and access to situations, processes or resources that influence freedom and power and an individual’s ability to live his or desired life. Justice educators and researchers Joseph Zajda, Suzanne Majhanovich and Val Rust maintain that “Social justice as a construct is an attempt to answer the following question: How can we contribute to the creation of a more equitable,
respectful, and just society for everyone” (2006, 13). At its most elemental and individual level, social justice is a term that advocates for basic liberties and life necessities. At the societal level it appears to be an intangible something that everyone agrees is important and which resides somewhere in the triangulation of religion, law, and public opinion. “Of course social justice has always been, and must always be, a critical idea, one that challenges us to reform our institutions and practices in the name of greater fairness,” says Miller (2008, x).

The concept of social justice has evolved over many eras. In ancient times, Aristotle conceived of justice as giving people what they deserved based on shared conceptions of which virtues were most important (Sandel 2009). In the 17th Century, John Locke advocated for the natural rights of humans, particularly freedom and equality (Merrill 2000). The social contract, as an implied agreement between citizens and the state, monopolized social and political debates in the 18th century, particularly in the writings of Thomas Hobbes, Jean-Jacques Rousseau, and the writers of the Declaration of Independence and Constitution (Solomon and Murphy 2000, 8). John Stuart Mill brought the concept of utilitarianism to the forefront of political consciousness with his 1861 publication that advocated for the greatest happiness for the greatest number which continues to be a foundational concept in social justice and ethics (Merrill 2000, 84). By the Victorian period, Thomas Carver (1915) situated the responsibility for social justice as a moral obligation of the state, particularly in relation to settling disputes. In contrast, contemporary philosophers advocate for the idea that a “just society respects each person’s freedom to choose his or her own conception of the good life” (Sandel 2009, 9) yet the concept of individual virtue as an influencing factor remains. Some of the justice tenets stem from religious values and teachings and extend to the mission and objectives of human rights organizations. The ongoing debate centers on whether social justice is a virtue – exemplified at the individual level – or
whether it is a societal or global imperative. Amartya Sen (2009) defines justice in “terms of the lives and freedoms of the people involved, [though] institutions cannot but play a significant instrumental role in the pursuit of justice” (xii). Within conflicts throughout the world and in human rights campaigns and subsequent truth and reconciliation efforts, the idea of justice takes center stage: “Social justice as a social policy is the natural aspiration of all democratic societies and remains the only long-term guarantee for developing and sustaining peace, tolerance and harmony in the world” (Zajda, et. al. 2006, 15).

D. D. Raphael takes a pragmatic approach to the debate and places contemporary notions of justice at the juncture of law, ethics and politics (2001, 1). While in law, the idea of justice is pervasive, he says, in society and politics, it is an expected ethical ideal. In social ethics, Raphael notes that justice conserves (maintains a stable social order) and reforms (changes entitlement patterns by considering merit and need and perfects the system) (4). While this seems plausible in more stable societies, in post-conflict and transitioning societies the function of social justice, by necessity, tends to be much more rudimentary with an emphasis on stabilizing fragile societies while at the same time attempting to protect basic rights of individuals.

The extensive literature illustrates that social justice is both an individual virtue and societal mandate, that state structures can be put into place to ensure that specific elements of social justice occur, and that justice is an important societal goal particularly when the needs outweigh the ability of individuals to exercise their good heartedness. As a social movement, the human rights agenda has permeated nearly all academic disciplines, and international tribunals - as well as truth and reconciliation processes in individual countries - appear to be the preferred mode for transitioning from oppressive regimes.
And even though the exact location and definition of social justice is ethereal, what appears to be abundantly clear is that essential freedoms – sometimes referred to as natural rights – must be in place in order for social justice to be realized. For this reason, the conception of social justice employed in this study is at the individual and group levels relating to communicative freedoms - basic liberties and freedoms of thought and expression with a focus on free communication, circulation of ideas, and equal opportunity to participate in community and political discourse. This focal point is consistent with all major international human rights documents of the last 60 years. With few exceptions, these significant human rights conventions reference freedom of expression, thought and/or speech attesting to communicative freedoms.


freedoms being fundamental to the realization of social justice. The earliest of these, the 1948 Universal Declaration of Human Rights, serves as a touchstone for other conventions and identifies unrestricted communication as an essential human freedom with explicit references to freedom of thought (Art. 14), freedom of opinion and expression (Art. 19), and freedom of assembly and association (Art. 20) (International Declaration of Human Rights, 1948).9

Despite the ambiguity and lack of a cohesive social justice definition, leading contemporary theories of justice do exist with John Rawls’ theory of justice as fairness having been in the forefront since he first put forth the theory in a 1958 article. Over the following decades, scores of competing theories have emerged based on Rawls’ formulation.10 Michael Sandel’s politics of the common good is a critical response to Rawls. Sandel has developed a significant following both inside and outside of academia. Michael Warner’s public and counterpublic theories allow a more precise dismantling of the complex communication processes leading to increased agency and, in this research, have been applied to times of transitional justice and their impact on testimony and social justice (2005). The following section considers the ethics of justice through the portal of communicative freedoms and the theories of Rawls, Sandel, and Warner.

9 See Julie Peters who follows the development of rights and literature through history and notes that rights protected individuals from the state as well as the democratic majority (2005, 266).

10 See, for example, David Mapel (1989), Social Justice Reconsidered, and Robert Solomon and Mark Murphy (2000), What is Justice?
B. Selected Theories of Justice Relative to Transitional Justice Testimony

Rawls’ assumption-based theory of justice as fairness (1958), as the “dominate influence in contemporary political philosophy” (Sen. 2009, xvi) has guided the justice and human rights community for more than 50 years, yet considerations of how people actually behave, interact socially, and make decisions proposes a reality-based theory of justice that must also be considered. Rawls’ work has informed disciplines concerned with justice and stems, according to Sen (2009), from the Enlightenment period and two lines of reasoning: the transcendental institutionalism (from which Rawls’ theories are connected via concepts such as the social contract and establishing fair institutions that will enable reasonable decisions) and realization-focused comparison (which aims to minimize or eliminate injustice and considers justice within the context of people, groups, and culture), the argument Sandel makes when he advocates for incorporating fundamental human issues such as faith, values and lifestyles within democratic deliberation (Baggini 2009). The choice of these two theorists as the ethical lenses for this research is essential to the discussion of testimony and how it impacts social justice because the organizations that establish the mechanisms for obtaining and determining testimony follow, in most cases, the best practices approach which is gleaned from the experiences of more stable, democratic countries and does not necessarily take into account the unique characteristics or circumstances of a particular place, time, or people.

Rawls’ theory on the process of fair decision making in relation to justice has provoked criticism and critical debate from the onset. Though many people have developed alternative conceptions of justice, Rawls’ theory has been at the helm of justice debates for the last half-century. Robert Talisse notes that Rawls’ 1971 book, A Theory of Justice, “sparked what may
fairly be called a revolution in political philosophy…Rawls not only reinvented and
reinvigorated the enterprise of political philosophy, but also proposed a fascinating and
controversial philosophical theory” (2001). While Rawls’ ideas are controversial, they continue
to be debated because he introduced a unique perspective on society, morality and economics
and applied a known concept – the social contract – in a distinctive manner (Raphael 2001). In
2001, Rawls issued a “restatement” to his original work, in part to respond to issues raised by
critics, but also to clarify that his theory is not a general moral philosophy; rather it should be viewed as a “philosophical and moral basis for democratic institutions” (5) with the conditions
designed to enable a “well ordered society” (2001).

Rawls’ theory proposes that rational people agree to participate in societal relations
because there are benefits of cooperation, but to ensure that society is fair to everyone, certain
criteria should be in place. First are basic liberties that allow people to achieve their highest aims
in life; such liberties would include freedom of thought, association, political thought and
participation, and essential integrity (i.e., those freedoms that contribute to integrity and respect),
and rights apparent in existing law (58). In practice, these freedoms are in evidence in
international legal conventions and human rights principles used during times of transitional
justice. In order to make fair decisions Rawls theorizes that an original position of equality is
established by assuming a “veil of ignorance” that allows people to consider only the most
central elements, without knowledge of extenuating circumstances (15). Rawls adds two
additional justice principles to further equalize unbalanced social relations. The equal
opportunity principle posits that those positions and opportunities in a society that offer the
greatest benefit are available to all people (42). The difference principle seeks to remove
inequalities by giving an advantage to those with the least resources and greatest need (57).
The theory of justice as fairness appears to be an overarching narrative and/or underlying foundational principal in human rights efforts and documents. This raises two problems in relation to communicative freedoms. First, because freedoms of thought, expression and association are not quantifiable resources, goods or services, the philosophy of equal distribution seems incompatible with the idea of the freedom to think, express or associate. Secondly, there seems to be a presumption that implementation of the Liberty Principal is so obvious that it negates the need for further guidelines. The gap between stating that people have or deserve freedoms and their perceived and/or actual capability to participate in a meaningful and be heard is another matter altogether (Sen. 2009, 228). Although Rawls attempts to give comprehensive and objective criteria, he fails to account for how liberty works in real life. In times of transitional justice, putting his theory into place proves problematic. In practice, when truth and reconciliation commissions are formalized, the founding language includes fair and equal access to communicative freedom – addressed as the ability to give testimony – yet often this freedom tends to be discussed in broad terms without consideration to individual, community, situational, and/or societal concerns or norms that might affect a person’s ability to fully execute communicative freedoms.

So exactly how is Rawls’ theory of justice as fairness evident in times of transitional justice, particularly during truth and reconciliation commissions and the use of testimony? First, Rawls makes the assumption that “rational” people are the point of reference in determining justice. The question must be asked how rational can one expect people to be after war or state sanctioned terror, particularly those who lives have been destroyed. Secondly, Rawls tells us that people in a society or state are there because they have agreed to a certain give and take in which they allow others to lead the society because there are inherent benefits to be gained.
While we can imagine this in a stable society it is difficult to envision that the trust level in a transitional society is high enough that people would willingly agree to a concept that they may not even be cognizant of. We can imagine, however, that previously marginalized people may not be agreeing but rather may be going along with a larger societal shift that may replicate previously established patterns of oppressive silence. Rawls’ theory attempts to break down the intellectual decision making processes into finite chunks that people can concretely apply to a given situation, however, these attempts to isolate pieces and neutralize extenuating circumstances, while it may truly result in a type of fair decision, also creates a limited view of a situation. Within truth and reconciliation commissions, as in most aspects of life, there are multiple competing considerations to be investigated in relation to human rights violations. It is widely acknowledged that in times of human atrocity there are compound types of violations yet most truth and reconciliation commissions primarily focus on death and torture with detentions as a secondary consideration. While this narrow focus facilitates the process and prioritizes the most grievous crimes it also disregards other types of human rights violations such as rape, systematic terrorizing, and recruitment of children as militants. While it is practical to prioritize and bracket, and from a Rawlsian perspective should aid fairness while seeking justice, in actual practice it minimizes the magnitude of crimes toward both individuals and groups. During times of transitional justice, this veil concept is evident in the practice of not naming names of perpetrators as well as in the narrow scope of testimony used in official truth and reconciliation commission reports. In cases where processes seek retributive justice through tribunals, for example, and in granting amnesty, narrowing the field of human violations and extenuating circumstances – an example of Rawls’ veil of ignorance in practice – does not present a fair or thorough representation of the depth or breadth of a perpetrator’s scope of violations.
Sandel, a long-time critic of Rawls’ theory of justice as fairness, has developed the politics of the common good theory which – instead of focusing on distributive justice and neutrality that negates moral reasoning – calls for a community-focused justice, the idea that equalizing basic liberties and people’s opportunity and participation in civil society results in further justice for individuals and society as a whole.\textsuperscript{11} Four elements are essential for Sandel’s politics of the common good: citizenship, sacrifice, and services in contrast to post-modern realities of individualist, self-serving behaviors; moral limits of markets versus unchecked efforts to maximize consumerism and corporate profits; inequality checks and balances, solidarity, and civic virtue as opposed to widening gaps between rich and poor, apathy, and societal discord; and a politics of moral engagement versus impoverished public discourse or avoidance (2009, 263-269). In contrast to Rawls, Sandel addresses the moral imperatives not only for society to provide the opportunities but also for individuals to participate and associate freely as a requirement of membership. This call for individual involvement is tempered by moral limits of markets or the idea that people come before making money. In doing so, Sandel questions whether a free market system results in justice for society because the priority for government then becomes supporting the market economy and rendering non-judgmental political choices versus moral choices. Every decision is reduced to a dollar value and a technocratic cost-benefit

\textsuperscript{11} Sandel, a Harvard University philosophy professor, is well-known for his concepts of justice. His class lectures are available online (http://www.justiceharvard.org/) and can also be viewed on YouTube (http://www.youtube.com/watch?v=kBdfeR-8hEY). His key concepts are outlined in his 2009 book, \textit{Justice}. 

26
analysis which corrodes civic debate and democratic decision making (BBC 2009). Sandel’s theory of justice, operationalized through his politics of the common good, is an apt lens for evaluating testimony within times of transitional justice because of the focus on newly emerging democracies to establish strong markets to rebuild their economies. With an emphasis on the market economy, a shift occurs in decision making that may affect individual freedoms for the sake of the greater good of the unstable country.

Although Sandel’s theory identifies participative freedoms and consumerism as competing factors that affect realization of a politics of the common good, the specific actions that would signal a violation of the base principles, such as specific examples and consequences of unequal power structures that affect actions, are missing. Warner (2005) addresses these individual freedoms of thought, speech and association in his theory of counterpublics, marginalized groups of people whose communicative freedoms are thwarted by hegemonic groups, corporations, governments and the like. As groups progress from counterpublic to public status the strength of the individual freedoms increases to meet the generally accepted ideas of freedom within a democratic society. Whereas counterpublic communication is circulated in protected venues, for example, public status communication freely circulates. While counterpublics are marked negatively for their attempt to exercise freedoms, publics have no such branding because they have the independence to communicate at will. And though

counterpublic communication has a specific agenda within limited publications, public communication creates a social space for circulation of reflexive discourse. Evaluating testimony using Warner’s criteria for publics and counterpublics will result in a deeper understanding of the intricacies related to the use of testimony and how it is promoted and circulated in truth and reconciliation processes and its ultimate ties to conceptions of social justice. Evaluating how testimony, as a gauge of communicative freedoms, affects social justice requires a multi-faceted ethical lens that includes current best practices (Rawls), a conception of what full communicative participation includes (Sandel), and specific benchmarks that aid evaluation of testimony in context (Warner). The assumption of this research is that although the transitional justice processes cite the importance of communicative freedoms, the evidence of this is obscured without systematic inquiry based on the theories of Rawls, Sandel and Warner.

The link between communicative freedoms and social justice has strong theoretical ties which appear to be provided for in democratic founding documents, human rights conventions, and law. However, in practice, unequal power structures of all kinds provide loose protection for these freedoms even in stable societies\(^\text{13}\) which raises the question of what additional stressors and limitations may impact communicative freedoms in a less democratic environment, particularly one transitioning from an era of state sanctioned terror to one with human rights and stabilization as primary goals. Jose Zalaquett addressed this issue from the Chilean perspective

\[^{13}\text{For further discussion of the link between communication freedoms and social justice, see Michael Warner’s } \textit{Publics and Counterpublics} (2005), \textit{Hannah Arendt’s Eichmann in Jerusalem} (1964), \text{and Marjorie Agosin’s } \textit{Tapestries of Hope} (2008).\]
when in 1974 he participated in the first of two pre-South African Truth and Reconciliation Commission conferences: “In a transition one is dealing with a situation where meeting ethical requirements and political constraints creates dilemmas,” he said. “Building or reconstructing a morally just order entails building a political culture and setting in place values, institutions and policies that will guard against the recurrence of the type of atrocities committed in the past” (Boraine, Levy, and Scheffer, 1994, 9). The rebuilding is not only preventative, it is reparative for both individuals and society. Truth, justice and forgiveness are the tools for moral reconstruction, an ethical process with the political goal of “achieving the best that is possible in the circumstances” (Boraine, Levy, and Scheffer, 1994, 9-10). These are the types of realities and tensions that create the potential for good intentions to turn into moral quandaries. For example, if the stated goals of a truth and reconciliation commission are to allow people to give full testimony but the testimony is suppressed or altered through the process, is not given full publicity, or is rhetorically included as part of a representative overview of testimony, how does this reflect on individual communicative freedoms? Does such use of testimony perpetrate social injustice?
III. LITERATURE REVIEW

The current literature on testimony originates from numerous disciplines, however, the vast majority of research that focuses on testimony within the confines of transitional justice is found in human rights and law literature. And although there is extensive literature on truth and reconciliation commissions, testimony tends to be included in the larger context as a first step in the process and a best practices approach toward societal reconstruction. Testimony as a communicative function and its impact on social justice has received modest attention; rather, existing literature tends to fold testimony into research on the overall impact of commissions and contributions toward restorative justice and retributive justice; some studies investigate the process of obtaining testimony; other studies question the assumed ability of testimony to promote individual and collective healing within transitional justice structures. Within the communications discipline, there are some studies that address truth and reconciliation and touch on testimony.¹⁴ This dissertation research will add to the existing literature by looking at

¹⁴ These studies are referenced throughout this document. Eric Doxtader’s rhetorical work is primarily concerned with the political/ethical process and how the use and timing of language furthered the South African reconciliation and contributed to public deliberation (With Faith, 2009). Annelies Verdoolaege researches hegemonic discourses within the South African Truth and Reconciliation process with a focus on public hearings and the broader post-transition archive using a linguistic/rhetorical approach (Reconciliation Discourse, 2008). Katherine Mack’s dissertation focused on the South African process using rhetorical theory to analyze democracy-building. She maintains that the failures of the process were the catalyst for other, unofficial testimony and memorial projects; she analyzed two fiction works, an apartheid photography book, and the memorial mission of
testimony as a communicative product stemming from human rights violations and restorative justice practices. Specifically this study will examine how testimonial forms develop, communicate, and are used in both official and unofficial ways to affect social justice.

This literature review is separated into two sections. The first section begins with a brief overview of the evolution of human rights testimony, a synopsis of literature pertaining to testimony and healing, and exploration of official and unofficial classifications, forms, and venues. Two primary areas of literature that aid in understanding the unique characteristics of human rights testimony, truth in testimony and rhetorical dimensions of testimony, will also be reviewed. The second section of this literature review focuses on transitional justice, the context of human rights testimony. The literature covers transitional justice as a concept, process, and temporal/ethical period. Each of these variables impacts testimony and the way it is used and serves to broaden understanding of the particular circumstances that can influence testimony during periods of truth and reconciliation.

The Institute for Justice and Reconciliation (Generative Failures, 2008). Discourses and Human Rights Violations is a set of collected essays focusing on discourse analysis heavily slated toward the South African public hearings (Anthonissen and Blomaert, editors, 2007). Fiona Ross’ “History in the making” essay investigates how the marginalized positions of women and cultural considerations shaped the testimony that was given. Her work, “On having voice and being heard,” (2003) is also cited in this paper. James Gibson, a political scientist whose work frequently appears in law journals, writes about persuasion and law processes in truth commissions, primarily South Africa. He cites the power of individual stories over legal options, and compares the process to a “public relations campaign selling the ‘truth’ about the past and a plan of action for the future” (2006, 131).
A. The Evolution of Human Rights Testimony

Testimony is a truth-oriented narrative, typically of pain and suffering, told by a survivor to another (Pellicer-Ortín 2011). Within the context of transitional justice after repressive regimes, testimony is found in government sanctioned and controlled versions, often called truth and reconciliation reports, which are typically intended to represent a collective history. In truth commissions, official testimony is found on two parallel planes, that of individual healing and that of national fact-finding and resolution, with overarching themes of achieving truth and reconciliation in the move to a renewed, more humanitarian society (Hayner 2011).

Uncontrolled narratives about official testimony predominately occur outside of official processes and venues. Unofficial testimony circulates in public arenas, unsanctioned by transitional government or commissions, and while the stories stem from the same “survivor-victims,” the content and form are unhampered by official processes and structures (Jolly 2010).

Historically, the importance of testimony was recognized in ancient times as evidenced by testimonial writings on the Persian Wars by Herodotus in the fifth century B.C. (Yurita 2007, 34). Others note that attention to testimony throughout history has been confined to a few, notable scholars. Augustine of Hippo, for example, identified written, spoken, and other types of testimony in the fourth century B.C. (King 2009), and Greek philosopher Plato cogitated on the differences and problems in determining “true belief and knowledge” during this same era (Coady 1992). Prior to the advent of testimony as a product of contemporary transitional justice, testimony customarily has been associated with law processes. In the long-standing tradition of law, testimony is a carefully defined process of giving and obtaining information, given under oath in a courtroom or sanctioned proceeding, and is tied to the defense or prosecution of a
person or entity. While transitional justice testimony is rooted in the truth and reconciliation commission movement which began in earnest in the 1980s, a precursor to the modern form can be traced to post World War II trials (Cornejo, Rojas and Mendoza 2009). In the contemporary human rights arena, however, testimony assumes many forms, both official and unofficial, which are articulated through life narratives. Shoshana Felman and Dori Laub describe such testimony as a “discursive practice,” a work in progress, “a speech act.” Due to the proliferation of “contemporary” human rights atrocities, humanity is in an “era of testimony…a crucial mode of our relation to events of our times” (1992, 5).

Testimony is the cornerstone of transitional justice. Without exception all truth commissions have had testimony as the foundation for fact finding. This is significant because, prior to the advent of truth commissions, trials and tribunals based on legal systems were the mechanisms for justice after human rights atrocities. While the focus in law is to prove or disprove testimony, the focus in human rights processes is to obtain and hear testimony as a crucial step in the transition to a more just society. As the use of truth commissions has progressed, the process of obtaining and using testimony has increased in sophistication and structure. The Zimbabwe Human Rights NGO Forum report (Forum 2006), for example,

15 Black’s Law Dictionary, first published in 1891, is littered with the term “testimony” and examples of how it is defined and used. For example, “It (testimony) properly means only such evidence as is delivered by a witness on the trial of a cause, either orally or in the form of affidavits or deposition…Testimony is one species of evidence” (1910, 447). Also, “Testimony is the evidence given by witnesses. Evidence is whatever may be given to the jury as tending to prove a case. It includes the testimony of witnesses, documents, admissions of parties, etc.” (1151).
elaborated on the critical role of communication with a particular emphasis on the importance of gathering testimony and developing data bases for analysis and comparison during times of transitional justice. Based on an analysis of 40 truth commissions, Mark Freeman gives specific recommendations for publicity, outreach, and public hearings to optimize procedural fairness surrounding testimony (2006). In some studies, record preservation practices delineate testimony as an archival line item (Peterson 2005). Annelies Verdoolaege situates testimony within the larger truth and reconciliation archive with the official report as the primary location (2008, 33). In many cases, truth commission web sites are the repository for public access to records which often include testimony.  

An assumption that testimony has the power to heal not only individuals but nations has been a pervasive and fundamental aspect of transitional justice. Richard Wilson references


17 In the South African Truth Commission hearing chamber, for example, a banner with the words “Revealing is healing” was displayed (Thomas 2009, 324).
“collective cleansing” of a national “sick body” in the South African truth and reconciliation process that theoretically heals individuals and nations simultaneously (2001). This supposition appears to stem from medical, psychology, and literary studies and, more recently, trauma studies. This area of research is concerned with the idea that giving testimony transforms the testifier from victim to survivor and, when circulated among an audience, informs, persuades, and/or moves others to action and/or transformation (Pellicer-Ortin 2011).18 One early psychiatric study found positive results for patients when former victims of political violence in Chile gave testimony (Cienfuegos and Monelli 1983); another study determined that therapy helps to transform trauma and guilt of political refugees into “political dignity” (Agger and Jensen 1990). But some scholars question whether the testimony that is generated through truth and reconciliation commissions and similar public processes19 can produce results such as those garnered through one-on-one psychological counseling (Humphrey 2003, Graybill 2002, Wilson 2001). Nina Thomas call this a “misapplication of therapeutic constructs to a larger public context” (2009, 329). She identifies multiple problems with applying the use of testimony as a healing mechanism from the personal to public realms including the ethical issue of appropriating private stories for public ends and the ensuing lack of healing. Bridgettine French

18 Pellicer-Ortin identifies the work on the healing capabilities of testimony, based on “adapted medical ideas,” on trauma and memory studies by scholars such as Cathy Caruth, Geoffrey Hartman and Shoshana Felman; holocaust narrative studies, such as those by Primo Levi and Ellie Wiesel, have figured prominently in trauma studies (2011, 71).

maintains that the bureaucracy of transitional justice creates testimony “erasures” that result in homogenous story frames that do little to help victims gain agency or become healed (2009). And Rosemary Jolly investigates multiple forms of testimony, including those found in literature, from a “victim-survivor” perspective, and the process of giving testimony to differentiate between testimony that results in re-living a trauma versus creating a memory of a trauma (2010). While the work of Thomas, French and Jolly interrogates usage of testimony, none of the research addresses the communication processes surrounding official and unofficial testimony.

Identifying differences between official and unofficial testimony following human rights atrocities establishes the parameters for the analysis of the testimonial forms. Official testimony normally is sanctioned by the state, is presided over by an appointed board of commissioners, and is publicly released in reports of officially endorsed truth and reconciliation processes, court documents, and other discursive societal settings relative to justice. Within the last decade, particularly since the South African Truth and Reconciliation process, public hearings have augmented the testimony obtained for the official reports (Verdoolaege 2008). In examining the claim that official truth telling contributes to reconciliation, David Mendeloff (2004) notes that there are four purposes of official testimony: to authoritatively acknowledge

20 Parts of this background information were previously reported in a transitional justice class paper titled “Testimony: What can be expected from official and unofficial life stories?” (2008).

21 Exceptions to the customary written statements include photography, audio, video, and live televised testimony. For example, The Peru Truth and Reconciliation Commission’s exhibit, “Yuyanapaq. To remember,” was the result of an official investigation of 80 photo archives throughout the country (Peru Report 2003).
crimes to facilitate healing and reconciliation; to objectively document events as a basis for state-sanctioned, shared history; to finalize painful history allowing society to move forward; and to provide truth so that lies and distortions cannot be passed off as facts. Additional goals may include identification of all perpetrators (including wrongdoing by the state) and patterns of abuse versus individual instances, as well as contributing to the reconstruction of society and the “moral order” (Call 2004, 103).

Existing scholarship on truth and reconciliation favors the South African experience and a few key comparative studies, focuses heavily on general outcomes and approaches, debates the merits of truth commissions versus trials and other models, and intermittently touches on cultural considerations. Some authors assert that testimony, particularly the use of storytelling, is more effective than trials or cognitive arguments (Gibson 2009, Minow 2000). Obtaining testimony from victims is an implied and standard practice for investigative bodies yet the scope, format, process, uses, and circulation vary wildly.\textsuperscript{22} Commissions often make post-commission recommendations and suggest accountability structures, encourage reconciliation and establish the mark between the past atrocities and the future changed society (Daley 2008). These types of objectives are found in many truth and reconciliation commission goal statements although each commission establishes objectives relative to particular dynamics which vary depending on the type of commission, how it is established, and ongoing power moves and/or threats from the

previous regime. Daly observes that official testimony commission reports typically are the result of many people working independently on cases before they are brought into the final document. Official testimony, then, reflects a multitude of decisions and perspectives on points, big and small, which may or may not reflect all the “truths” of a story. Finally, official reports can only report what is available. “Ironically, truth reports are designed to relate what survivors most commonly refer to as the unspeakable. To speak is not necessarily to convey what happened and to read what happened is not necessarily to know the truth” (26). Depending on the fragility of the transitional government and the influence of the previous leaders or others, a person’s full testimony may not be reported or given (Daly 2008, Doxtader 2009, Ensalaco 2000). As Teresa Phelps notes, “The needs of the individual victims become buried under the avalanche of public goods, a practice that can endanger a country’s future” (2004, 53). When a fractured society does not attend to the human need to “re-member” an individual, family or community that has been “dismembered” through violence and terror, it results in a cycle of retributive actions seemingly without end, says Phelps. If individual testimonies are included in commission reports, in the words of the people who testify, they become interwoven with the meta-narrative of the newly emerging democracy in a sacramental and dignified manner that has the potential to turn victims into survivors and provides hope for the future (71). Daly observes

\[\text{previous regime} \]

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23 In Chile, transitional President Patricio Aylwin established the truth and reconciliation commission by presidential decree because former President Augusto Pinochet continued to head the military (Hayner 2011). In South Africa a more inclusive process allowed the congress to establish the commission after two international pre-commission conferences allowed for a dialogue about the pros and cons and possible outcomes (Boraine and Levy 1995).
that “The most important part of the story may very well remain untold (2008, 27). “…truth
tellers must invariably make decisions about what truths to tell” (26) but because they are buried
in layers of context, politics, circumstance, and concerns regarding reception, results may also be
buried. Here, she is referring to the complex process of communication that is dependent on an
interaction between the originator of communication and the reader and which is complicated by
perception and bias. With this in mind, it is conceivable that official testimony could be
developed and interpreted in many ways.

Unofficial testimony, on the other hand, does not subscribe to the same limitations as
official testimony from truth and reconciliation proceedings. Unofficial testimony commonly
follows a narrative format and is told as an unedited account of a survivor or loved one of a
disappeared, deceased, and/or violated person. Although formats vary, unofficial testimony
often yields deep details about the circumstances of the abduction/violation, initial reactions,
detailed descriptions of efforts to find the detained and disappeared, quests for information,
frustrations, hopes, fears and burdens, life summaries and promises for the future, and the
physical and emotional toll on those left behind. Unofficial testimony emerges in many forms
and commonly is referred to as story telling although scholars have analyzed and categorized the
forms into many specialty areas. Analysis of stories or life narratives is a well developed field as
shown by Sidonie Smith and Julia Watson (2001) who identify 54 genres of life stories.
Unofficial testimonies which appear on the fringes of transitional justice processes intersect with
many of these genres as in the case of auto/biographies, a type of narrative in which the
interrelatedness of the person telling the story cannot be separated from the person being
discussed. This interrelation makes it possible for the reader to understand multiple viewpoints,
situations, and contexts. Other testimonial forms found in human rights narratives include
autothanatography or death writing (Egan 1999), testimonio (Smith and Watson 2001), and counterstories of resistance (Eakin 2004). These examples illustrate the range of life experience, priorities, and perspectives that can be embodied in unofficial testimony in contrast to official testimony as an objective, causal narrative or summary intended to meet overarching societal goals. In autothanatography, for example, testimony addresses death through the action of the one living and focuses on the process of dying. In this genre, “Death writing becomes preeminently life writing, and a bid to take charge of how that life writing is read” (Egan 207). Testimonio, the act of bearing witness, is another genre that fits the form of the unofficial testimony in which “… the narrator intends to communicate the situation of a group’s oppression, struggle, or imprisonment, to claim some agency in the act of narrating, and to call upon readers to respond actively in judging the crisis” (Smith and Watson 206). Eakin points out that counterstories, those that go up against the controlling group or societal narratives, are stories of resistance and reformation of “dehumanizing” accounts imposed on the disempowered (11). In transitional justice testimony, the counternarrative is typically against the previous or outgoing regime but it depends on who is giving the testimony and the circumstances of the story.

The range of unofficial testimonial forms that circulate during times of transitional justice is not limited to written or oral histories. Other types of unofficial testimony are found in creative expressions such as literature, art, media, and performance. Sometimes these testimonial forms are used in court as was the case in Chile where one of the most engaging
forms of testimony was realized through the creation of political quilts known as arpilleras.24 These cloth documents were secretly made and smuggled outside the country as a form of communicative art that alerted the international community to human rights violations (Agosin 2008; Bacic 2002; Ensalaco 2000; Roht-Arriaza 2005). Although the victims were forbidden by the military regime to speak, the arpilleras were able to speak in a silent language about the unspoken and documented atrocities in a way that cannot be contested as compared to words which can become compromised due to objectives for reconciliation that are in conflict with individual and family needs to recognize and memorialize. Likewise, dozens of murals in Derry and Dublin, Ireland have been created over the years by Catholic and Protestant groups and individuals affected by the government clash with citizens which ended with a cease fire agreement in 1998. The mural testimonies of specific events remain today as public memorials (Ralston 1996). In Juarez, Mexico, visual testimony and public performance come together in feminicidios or femicide fields. These are sites of death where the bodies of young murdered women have been dumped, now transformed by pink, oversized crosses – as large as a woman - documenting the deaths. Often found in highly populated areas, the visual displays include the young women’s names and dates of their deaths and stand in opposition to the perpetrators and local government which has been either unable or unwilling to successfully investigate or stop the murders.25 Visual testimony stands in contrast to the official rhetoric of transitional justice and language-based testimony. In particular, testimonial arts communicate truth in an

25 Photos are posted on May Our Daughters Return Home, http://www.mujeresdejuarez.org/
unalterable way that legitimizes perspectives of the creator and the audience (Agosin 2008).

Although written and spoken words may be compromised during transitional times, the strength of testimonial visual and creative artifacts is sustained because the images remain as concrete representations of actual events. This raises the question of whether the testimonial art form more strongly contributes to communication freedoms since the variable of testimony alteration appears to be more controlled.

Public performances, such as rallies and non-confrontational protests, are standard fare in social movement activities (Polletta 2006; Johnston and Noakes 2005) but also emerge in the pre-transitional justice periods when public communication is tightly controlled and forbidden by oppressive regimes. Jean Franco notes that demonstrations by women against dominate regimes “resacralize” the body that is dehumanized during torture and bring meaning and ethics back to life (1999). Lisa Baldez traces the Chilean presidencies of Salvador Allende and Augusto Pinochet though women’s public performances and compares and contrasts pro- and anti-government protests. She follows the women’s increased power to influence the political processes noting such techniques as the “March of the Empty Pots” in which women walked publicly and banged on pots to protest political policies (2002, 163). Chilean women contested Pinochet’s human rights violations against citizens by performing La Cueca Sola (We Dance Alone) to illustrate their lives after family members were disappeared, covertly staging protest posters in public places, and giving out handkerchiefs imprinted with drawings of loved ones and their dates of disappearance (Jamison 1991).

For many decades, film documentaries have served as a repository for unofficial testimony. “The Battle of Chile” follows the military coup and human rights violations of the Pinochet junta through eye witness testimony. Chile Films cameraman Jorge Hernan Muller
Silva was murdered because of his involvement in the award-winning film. Although the film was widely circulated internationally to illustrate the conditions within the country, it was banned and not shown in Chile until 1997, 23 years after Silva’s 1974 forced disappearance by Pinochet agents (Guzman 2009; Agosin 1984). But not all human rights documentaries are prominent during transitional justice times. Whereas Guzman’s film is considered an example of transitional justice testimony, Claude Lanzmann's epic Holocaust film “Shoah,” although of great historical importance, was developed 30 years after the human rights atrocities and would more correctly be categorized as a memorial project. Filmed testimony has the advantage of translating narratives through multiple sensory avenues, however, the potential impact of a particular testimony to significantly impact people sometimes occurs in unexpected venues. Children’s poems about the conditions at the World War II era German concentration camp

26 Silva’s film footage was used for two Patricio Guzman films. “The Battle of Chile” won documentary awards and was shown in more than 35 countries; “Chile: Obstinate Memory” was released in 1997 and featured conversations with the original interviewees after the Pinochet era along with the original filmed testimony (www.patricioguzman.com, 2009).

27 The object of much scholarly analysis, “Shoah” features Holocaust narratives from people in 14 countries; the interviews are compiled into a 9½ hour documentary that recreates that time through the stories of people who worked, lived around, and survived German World War II concentration camps. See, for example, Koch’s “The Aesthetic Transformation” (1989), Charney and Fromer “A Study of Attitudes” (1992), and Freidlander “Trauma and Transference” (1992). Online summary: http://www.ifcfilms.com/films/shoah. Carol Blair writes extensively about the rhetoric of memorials and their function as public eulogies in Contemporary U.S. Memorial Sites (1999). See also Olsen, Finnegan and Hope, Visual Rhetoric, which looks at the combination of visuality and protest and their ability to contest through performances and memorials (2008).
Terezin are, in and of themselves, powerful and poignant testimony yet, when set to music and sung by young people, immerse listeners and their bodies in the hopes and fears of thousands of children who did not survive the Nazi genocide. Embodied forms of testimony, those narratives that bring the events to life, whether they are visual artifacts or captured in a visual or aural medium, often evoke emotion in ways that official rhetoric and written testimony, the standard way that official testimony is transmitted, may suppress.

Inherent in the term “truth commission” is the idea that “the truth” will emerge through the gathering of testimonies encapsulated in narratives of pain, stories of death, and demonstrations of loss. So, in some ways, the terms “truth” and “testimony” are interchangeable concepts within the realm of transitional justice and associated commissions. This type of truth typically does not meet the correspondence theory of truth as beliefs or communication that can be matched to facts. The truth of testimony as the foundational element of truth and reconciliation commissions is presented in official reports as personal, sometimes verified

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29 See Walter Benjamin’s discussion of aura in “The Age of Mechanical Reproduction” (1936) and Roland Barthe’s writings on the studium and punctum in Camera Lucinda (1980).

accounts and, unlike legal testimony, is not subject to judgment by a jury or a judge.

Recognizing multiple truths through storytelling seems to be an approach that can bring people together to recognize diverse viewpoints and experiences, a strategy that the South African commission exemplified. Commission chair Desmond Tutu identified four types of truth in the South African final report: an objective, corroborated truth referred to as factual/forensic; personal storytelling called a personal or narrative truth; a transcendent truth achieved through critical civil debate which was called social or dialogic truth; and sense making, contextual truth referred to as healing and restorative truth (South African Report 1998). Deborah Posel (2001) critiques the categories and explanations “as poorly specified,” nonetheless, the distinctions are unique among commission reports and establish a framework for recognizing and valuing all types of testimony without the necessity for societal acceptance based on possibly unattainable and agreed upon truth criteria.

Similarly, Felipe Fernandez-Armesto identifies four types of truth which situates truth into a personal perspective; these include a truth that is felt, that is told, that is of reason, and that is perceived through sensory avenues (1997). In the Chilean process, the “truth you feel” is abundant in the cases. Although the final acts of torture and death may not have been witnessed by anyone who has testified, the people knew what happened. They saw enough cases of torture, of people being walked in to the National Stadium but never coming back out, of bloated bodies floating down the river. They know. In terms of the “truth you are told,” there is little. Pinochet’s government officials never admitted why or how more than 3,000 people disappeared and the destruction and/or repression of documents was noted extensively in the official commission report. The “truth of reason” or the truth you tell is overwhelmingly apparent. More than 35,000 people have testified over the years. The circumstances of disappearances
have been told over and over through testimony, religion, drama, art, quilts, printed
dhandkerchiefs – the people left behind are determined that the truth of these times is constantly
told and reinforced. They refuse to forget for both personal and societal reasons. As for the
“truth that you perceive through your senses,” this, too, is apparent in Chile. If people did not
directly experience torture, they “felt” it through the systematic terror that was instilled by the
actions of the military and government. And, those family members who have lost loved ones
did “feel” that they were gone even in the absence of a body or grave to validate their feeling of
loss.  

In Chile, “the truth was considered an absolute, unrenounceable value” for “society
cannot simply black out a chapter of its history, however differently the facts may be interpreted”
(Report 1991, 14). The commission felt that the efforts to establish a truth would be cathartic
and a deterrent for similar human rights violations in the future but also recognized that a full
accounting, such as finding the remains, might not be possible. In this sense, the truth which was
cobbled from many sources including individual testimony, would “put an end to many a
continued injustice – it does not bring the dead back to life, but it brings them out of silence”
(14).  

31 This discussion of truth in the Chilean transitional justice process was previously noted in a 2009 class
paper, “A Critique of the Truth & Reconciliation Process in Chile.”

32 Years of documentation from the Vicaria of Solidarity was given to the Chilean commission and was
instrumental in developing a foundation for the commission work (Hayner 2011, 225).
Eric Doxtader (2009) has extensively researched the rhetorical aspects of the South African truth and reconciliation process and says that the process of reconciliation creates a diminished truth and that this truth cannot emerge until a time of kairos when the opposing sides are finally willing to come together. But even during this time, the competing agendas may compromise the ability of a truth to emerge as Mark Ensalaco (2000) observes in his analysis of the Chilean truth commission which, he says, was created during a time in which the “virtue of truth” was mixed with the “virtue of prudence” (236). As if the competing political aims aren’t enough to complicate the “truth finding” process, the larger context of time and memory also impacts the effort to make a societal shift to reconciliation as Berber Bevernage (2010, 116) observes:

By drawing from what I’ve termed modern historical discourse, I suggest, truth commissions aim at the restoration, or creation, of a modern consciousness of time, thereby confirming a characteristically modernist disjunction between past and present; in turn, this idea of time is profoundly challenged by ‘memories of offence’ which refuse to let the past go, and which insist that the past habitually ‘haunts’ the present. Although I believe that the international emergence of truth commissions results from an implicit – sometimes even an explicit – recognition of the problem of the ‘haunting past’, I argue that these commissions turn to modern historical discourse precisely because of the latter’s refusal of the idea of the ‘presence’ or ‘persistence’ of the past. (FN 47) This I see as the principal paradox which underwrites the contemporary phenomenon of state-organized truth commissions.
Creating collective history within the desired image of an emerging newly democratic society, often referred to as nation building, is a fundamental goal of transitional justice which is subordinated publicly by the official meta-narrative of truth, healing, and reconciliation (Doxtader 2009). The narratives that emerge function individually and collectively and create ambiguity about “facts” that can result in contested histories from people and organizations with different perspectives on the same historical period. The competing goals inherent in the

33 Extensive literature exists about history and how it develops. See, for example, Friedrich Nietzsche’s distinctions of the three types of history: monumental, antiquarian, and critical. These historical classifications correlate to the overarching and strategic decisions about how the information functions. Monumental history is that which is seen as “worthy of imitating” and is used as an incentive to action. Historical publications produced by corporations or institutions are an example of monumental history. Antiquarian history is thought of as the most objective “truth,” and it can be found in pure chronological records. Critical history is the view of monumental and antiquarian histories through the lens their subsequent outcome and consequences within societies. In On the Uses and Disadvantages of History (1995). Michel de Certeau, in The Practice of Everyday Life (1988, 74) asserts that productions of history are an evolving, transformative process. “It means changing something which had its own definite status and role into something else which functions differently.” (From T. Randahl Morris, class paper, “The Production of Archives - Visual Memory and the Relation to Historical Accounting” 2007). See also Tzvetan Todorov, in Hope and Memory (2003, 182), who says there are two types of historical memories (literal which leads nowhere beyond the event and exemplary which seeks dialogue and positive lessons for humanity); he identifies three stages of memory production which, by necessity, require subjective decisions that can alter the original intended message (establish facts, choose surviving traces, and construct meaning (122)). Likewise, Paul Ricoeur’s epistemology of history includes documenting, understanding, and representing in Memory, History, Forgetting (2004).
transitional justice period are widely acknowledged as creating a time of ambiguity which will be looked at as a possible catalyst for the emergence of various testimonial forms in this research.

**B. Transitional Justice as the Context for Testimony**

Because testimony is the product of truth and reconciliation processes, examining the diverse frameworks in which testimony emerges gives context to the testimonial forms and the circumstances of the people who, as witnesses and survivors, “give” the stories. The remainder of this literature review addresses truth and reconciliation processes within periods of transitional justice.

Transitional justice can be viewed as a concept, process and a specific temporal and ethical period. As a concept, transitional justice is an in-between political and humanitarian position in which a newly democratic state moves all players and issues and perceptions toward a model of freedom and inclusion. The process of transitional justice includes balancing transition goals of political and economic stabilization and reconciliation with remnants of previous regimes and dealing with human rights atrocities, lies, cover ups, and victim trauma. Multiple and various mechanisms are used depending on the unique circumstances of the state, economic issues, and international influences and demands. Transitional justice as an ethical and temporal period is bracketed by gross human rights violations during times of state sanctioned terror campaigns and by the ideal of a future democratic society in which equality and social justice prevail. The existing literature on transitional justice indicates a complex concept, period, and concept fraught with seemingly uncontrollable variables and volatile participants.
The concept of transitional justice, in modern times, has a strong international oversight component through the United Nations and the Universal Human Rights Declaration which evolved from the 1945 Nuremberg Trials to investigate the human atrocities committed by the German Nazi army and the subsequent Tokyo trials in 1949 (Cornejo, Rojas and Mendoza 2009). Development of a transition plan may involve the United Nations, other countries or non-governmental organizations, all of which can help struggling countries successfully manage a changeover. Ellen Lutz and Katheryn Sikkink assert that an international network of human rights workers, legal professionals, and activists, which they call the “justice cascade,” can be a vehicle for justice through legal systems outside of the transitioning country after a “norms cascade” or significant reversal of the previous human rights violation mindset (2001, 3, 32). The implication is that transitional justice occurs in an arena of international concern and observation and has had a ripple effect throughout the world.

The process of transitional justice,\(^\text{34}\) despite its label, often begins years prior to the official transition period. In South Africa, for example, preliminary conferences to bring together the affected parties were held as much as three years prior to the official start of the transition (Doxtader 2009; Boraine, Levy and Scheffer 1994; Boraine and Levy 1995). Setting the stage for transitional justice and societal reconciliation can begin even in the midst of a crisis with diplomacy efforts, during conflict with management and mitigation work known as

\(^{34}\) As an academic discipline, transitional justice is a specialty within political science and studies the times between oppression and freedom within the context of human rights movements, legal issues, and state and international political processes.
peacemaking and peace enforcement, and as the country moves from crisis to unstable and then stable peace with peacekeeping and post-conflict peace building (United States Institute of Peace 2010, 9). With the establishment of a new, sometimes temporary government, the actual transition begins and decisions are made about how to move from “before,” often seen as a period of state sanctioned-terror, to “after,” a vision of a society in line with international norms and accepted standards of conduct such as indicated in the Universal Declaration of Human Rights (1948). The preferred tools or mechanisms chosen to facilitate the flow from one era to another have favored truth and reconciliation commissions, particularly in the last 30 years, some say due to the inability of fragile, transitional governments to adequately and safely prosecute human rights violators (Mendelhoff 2004; Avruch and Vejarano 2002; Roht-Arriaza 2005).

The first comparative study of truth and reconciliation commissions in 1994 covered 15 truth commissions and indicated a dramatic increase in the use of such investigative bodies from the 1970s, when the Commission of Inquiry into the Disappearances of People in Uganda since the 25th January, 1971 was the only investigation, to the 1980s when nine commissions were convened (Hayner 1994, 2011). The rate of commissions doubled in the next decade and remained constant in the first decade of the new millennium. Hayner’s early study identified truth commissions as temporary bodies created during political transition, focusing on past human rights abuses within a specific time frame, and having extraordinary powers to investigate with an ultimate goal of reconciling the society and/or establishing government legitimacy (1994, 604). Although the formats of truth commissions vary, the international community often influences the development process and core similarities such as a commission comprised of spiritual, secular, legal and human rights representatives, the search for truth, an official report, and the intent to move toward reconciliation (Hayner 1994). Most commissions address gross
human rights violations due to the impact on society and international law and universal norms against human atrocities. However, not all commissions have the same mandate. Hayner notes that common objectives are to “punish perpetrators, establish the truth, repair or address damages, pay respect to victims, and prevent further abuses” with overarching goals that may include “promoting national reconciliations and reducing conflict over the past, or highlighting the new government’s concern for human rights and therefore gaining the favor of the international community” (Hayner 2001, 11).

The consistent use of truth commissions and truth and reconciliation commissions can be attributed to diverse factors (Bohl 2006). First, competing needs to seek the truth about human rights atrocities, manage a potentially volatile transition, keep previous regimes in check while at the same time accountable, and other factors make the transitional process less than ideal for achieving various perceptions of perfect justice (Hayner 2011). Truth commissions are established within the country of the atrocity by the newly established government either through presidential decree or a type of congressional or parliamentary ruling or, after armed conflict such as a civil war, peace accord provisions (Hayner 2011, 75). The parameters of the investigation are established at the onset with a prescribed period of time for testimony and fact finding to occur. Generally a report of findings and recommendations is presented to the transitional government which then determines how the results will be communicated to the citizens (Freeman 2006). The end of the transitional process is signaled by the new government once the investigation and final reports are accepted as the “official truth.” Presumably at this point reconciliation is the goal of the society and the practice of forgetting to move forward is adopted by some citizens while others vow to never forget (Hayner 2011; Freeman 2006).
However, not all commissions are based on the truth plus reconciliation model. In a United Nations report on practice guidelines for truth commissions, the slow road to reconciliation and the establishment of a commission as a beginning is raised: “While some countries have constructed a truth commission around the notion of advancing reconciliation—or have seen such a commission as a tool that would naturally do this—it should not be assumed that such an inquiry will directly result in reconciliation either in the community or in the national or political sphere. Reconciliation is understood differently in different contexts. For some, the full acknowledgement of a long-denied truth will certainly advance reconciliation. But experience shows that many individual victims and communities may require more than the truth in order to forgive…care should be taken not to raise undue and unfair expectations among the victims that they, or the country as a whole, will or should feel quickly “reconciled” as a result of knowing the truth about unspeakable past atrocities—or, in some cases, receiving official acknowledgement of a truth that they already knew” (United Nations 2006). Some critics note that commissions can be manipulated by perpetrators who still hold positions of influence which require compromises by the commission directors: “Reconciliation, then, turns out to involve much more than mere forgiveness; to achieve it seems to require far more than truth telling. In fact, the reconciliation project could better be described as ‘nation building.’ Such a process involves addressing fundamental social inequalities. That is a task for politics, however, and not one that truth commissions – however broad their mandate – can hope to accomplish” (Tepperman 2002).

One of the larger conversations about the transitional justice process concerns alternative mechanisms for achieving justice. Within the last decade transitional justice processes have involved multiple forms of justice seeking. Truth commissions are distinct and not
interchangeable with other types of national and international justice seeking processes.\textsuperscript{35} Fletcher, Weinstein and Rowen contend that the issue is not whether the transitional government chooses a truth commission, state or international trials, or other justice-seeking alternatives, rather the issue is which mechanisms will most benefit the people who have been victimized (2009). These mechanisms are diverse and far-reaching – trials, truth commissions, vetting, reparations, memorialization and institutional change – the timing and use of which causes the authors to question whether there is a definitive transitional justice period or whether there is a process of transition that occurs over an extended period of time and leads to enhanced forms of justice. Their study of seven transitional justice cases concluded that the country’s strength of economic development directly correlates to the its ability to implement transitional justice processes; cultures, traditions and legal and political contexts are extremely important considerations in how transitional justice is structured and implemented; and that countries with strong legal and political resources evolve as self-reliant transitional justice states and tend to handle processes internally while internationally reliant states such as Cambodia, Guatemala, Sierra Leone and Timor-Leste conducted activities with the help of international actors.\textsuperscript{36} They caution that international “best practices” implemented in internationally reliant states may not result in positive outcomes and advocate for alternative, culturally-specific solutions to be considered.

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\textsuperscript{35} In \textit{Procedural Fairness}, Mark Freeman identifies 11 categories of human rights investigations including non-governmental, governmental, international, standing, and ad hoc classifications (2006, 41). \\
\textsuperscript{36} The countries studied were Argentina, Cambodia, Guatemala, Timor-Leste, Northern Ireland, Sierra Leone, and South Africa.
\end{flushright}
Another debate which questions the effectiveness of truth commissions has surfaced within the last few years.\textsuperscript{37} With comparisons to other mechanisms of transitional justice and historical reviews of past commissions, compelling arguments both for and against truth commissions have been made. The relevance to the research in this dissertation is on the tensions and competing priorities that cause people to question the efficacy of the process in the first place and which then affect communicative freedoms.

Although the concept of transitional justice as a process to reconcile divided societies has remained constant, the essence of transitional justice – what it looks like and how it operates ethically – depends on the unique circumstances that led up to the transition and the variables that influence the stage. Efforts to reconcile a society are known as restorative justice. Criminal trials that seek to punish perpetrators are known as retributive justice. Providing restitution for loss of life or other human rights abuses falls under the category of reparations and is felt to aid in reconciliation. Returning or allocating land, homes or other possessions lost during a time of oppressive regimes is considered distributive justice. Studies of transitional justice over the last

three decades note multiple approaches and combinations (Hayner 2011; Freeman 2006; Leebaw 2008; Stensrud 2009).

Typically these transitional periods follow a prolonged period of internal conflict, often controlled by oppressive regimes which perpetrate gross and massive human rights violations (Hayner 1994 and 2011; Daly 2008). The transitional setting begins with a move toward a new order coming into power, many times with the previous regime still in a controlling position. Within these transitional environments, truth and reconciliation efforts help to initiate discussion but consequences may eventually include criminal, restorative, social and economic justice activities (Freeman 2006). While trials and criminal prosecutions are a significant consideration during these times, actual trials and convictions are not the norm (Fletcher, Weinstein and Rowen 2009).

Transitional justice as a specific temporal and ethical period begins when the oppressive regime either relinquishes power or is forced out of power and a new government assumes responsibility for the often morally and economically impoverished country. Many times the country has been divided by warring factions requiring that one of the first official duties of the new government is to re-establish a cohesive society that functions according to laws that are intended to maintain a just society (Ensalaco 2000; Doxtader 2009). During these times of transition, establishment of a truth or truth and reconciliation commission is a strategic move to facilitate gathering of testimony that, at the least, is presumed to serve a therapeutic and liberating function and, at the most, may serve as the basis for retributive, distributive, restorative and other forms of justice in the future. The ethical imperative during this time is to obtain as much truth as possible, to give voice to those who were marginalized and terrorized during the time of atrocities, and to reconcile the hurt, humiliation, fear, and feelings of retribution that
often circulate. (Zalaquett 1992; Fletcher et. al. 2009; Peters 2005). Although transitional
governments are by their very nature a specified transition time, concerns and cases have
emerged sometimes many years after transitional justice commissions have completed their
work, as was the case when Augusto Pinochet, the former dictator of Chile, was charged with
genocide and detained in London in 2000 nearly a decade after the commission presented its
report.\(^{38}\) While transitional governments generally attempt to have a defined transition period in
order to differentiate the new from the old, recommendations and plans made during the
transition process may never occur,\(^{39}\) are sometimes incorporated into civil society and
governmental structures,\(^{40}\) or may occur sporadically over several decades.\(^{41}\)

Importantly, commissions are established in the context of many competing forces
(Leebaw 2008; Stensrud 2009). As Roberta Bacic points out, “Truth commissions are bodies set
up to investigate human rights violations under a particular system. They vary in terms of their
degree of authority, legal capacity, moral acceptance and support from survivors” (2002, 24).

\(^{38}\) See “Supreme Court Removes Pinochet's Immunity” in Human Rights Watch (2004).

\(^{39}\) The commission of Serbia and Montenegro disbanded in 2003 after two years without producing a
report. The commission from the Democratic Republic of Congo gave a report to parliament but did not publish a
public report (Hayner 2011).

\(^{40}\) Northern Ireland instituted changes in government and social programs in response to voiced issues
about why “The Troubles” occurred after the Good Friday Agreement was instituted. Specific grievance procedures
and checks were put in place and continued to be in operation on the 10\(^{th}\) anniversary. An overview is provided in
Bertie Ahern’s speech “10th Anniversary of Good Friday Agreement” (2008).

\(^{41}\) The extensive literature on South Africa’s reconciliation continues to evaluate the current-day effects of
the commission recommendations. See, for example, Rosemary Jolly’s Cultured Violence (2011).
In a sense, these times of transitional justice can be seen as a call for people to come forth in multiple venues to have their stories told. Julie Peters (2005) asserts that these “narratives of atrocity” signal a return to the norms of 18th century humanitarianism and a response to seemingly increasing brutality as a reaction to repressed citizens attempting to exercise essential freedoms: “It has been suggested that the proliferation of truth commissions and tribunals is a response to a moment of crisis of the law, produced by a sense of law’s groundlessness, its radical contingency, especially when translated into the sphere of the super-state, with its never-fully-legitimized authority” (276). Peters notes that victim testimony lends authenticity to the legal processes and creates moral demands which then circulate within the commissions (275 - 276). Often, these moral demands surface as commission report recommendations for the post-transition society which further highlight the emerging and evolving ethical framework for using testimony in a principled manner.

This literature review of testimony within times of transitional justice establishes the structure for this research that seeks to investigate how testimony contributes to social justice. By exploring competing theories of justice and societies seeking justice after human rights atrocities, the greater context in which testimony is sought, given, and tended to has emerged. The resulting picture is one of ambiguity, conflicting forces that affect testimony, ethical issues surrounding the use of testimony, and multiple variables that influence communicative processes and freedoms. It is within this framework that case studies on testimony stemming from the Chilean Truth and Reconciliation Commission will be explored and compared to the South African commission, currently the gold standard for inclusive, state-sanctioned processes. While many people ask whether such processes are just, there appear to be more questions than answers. Charles Call, for example, asks whether transitional justice is an ethical pursuit due to
issues ranging from a “lack of resources to politicization to virtual impunity for rich countries,”
(2004, 102) all of which affect the communicative processes including testimony gathering and
the ultimate use of testimony in final reports. Kay Schaffer and Sidonie Smith (2004), in
examining life narratives within the context of human rights, note that “all stories invite an
ethical response” due to their ability to draw out the emotions of readers and listeners and their
essential function as catalysts for rights movements (4). And Richard Wilson maintains that all
human stories of atrocity require a “moral reckoning” (2001, 56). It is the intent of this
dissertation to explore what types of ethical responses are enacted and lacking in testimony
formation and usage and, consequently, whether these processes enhance social justice in times
of transitional justice.
IV. METHODS

Testimony flows from a story that originates long before the opportunity to be a witness about human atrocities occurs. And, ironically, testimony – the voice that is suppressed during times of state sanctioned terror – continues to exist long after the perpetrators fade from power. It is this ethereal and enduring paradox that lends testimony about human rights atrocities to examination primarily through narrative analysis, a fundamental human practice, to address the questions of what testimonial forms are, how they communicate, and for what purpose.

This project examines the development and uses of official and unofficial victim and survivor testimony surrounding times of transitional justice and will compare the strengths and limitations of unofficial testimony (such as narratives compiled by human rights organizations, and in biographical accounts and visual testimonial artifacts) to the those of official testimony to reconceptualize how official testimony (in truth commission reports, for example) holds up and is used as a final product of truth and reconciliation efforts. The primary research goal is to examine the extent to which the aim of social justice is served by the testimony that ultimately becomes the “official” testimony of truth commissions (Avruch and Vejarano 2002; Rolston 1996; Hamber 2001).

A. Methods of Analysis

This interpretive study of testimony will follow a multi-layered process which first analyzes the narrative elements of the testimony to uncover what is being communicated and
how, looks at the social, political, and cultural contexts, and then applies communication ethics theory to address the issues related to social justice.

Narrative, as a form of life sense making, has evolved through many eras and is seen as a pervasive, fundamental human trait for thematically organizing human experience (White 1987; Gubrium and Holstein 2009; Stone-Mediatore 2003; Abbott 2008; Pradl 1984). As the 15,000-year-old Lascaux cave drawings in Dordogne, France, and other ancient forms of storytelling illustrate, humankind has an enduring need to communicate experience in a relevant way resulting in stories being communicated in diverse forms. Although the use of narrative has long endured a second class relation to positivist, scientifically-oriented texts and research, a “narrative turn” in recent years has emphasized the important contributions of narrative to understanding both individual and universal experience and also has spurred critical discussion and development of more rigorous forms of narrative analysis (White 1987; Sikes and Gale 2006; Stone-Mediatore 2003; Herman and Vervaeck 2005). These methodological developments have been taken into consideration for this research which utilizes a multi-modal approach that considers structural testimony elements such as units of information, voice of the testimony, omitted details, repetition of terms and words, and quantity and quality of facts. The analysis also scrutinizes the testimony through a poststructuralist approach which considers the particular time period and societal and political factors that might affect the meaning and impact of the testimony.

While testimony is commonly regarded as a verbal narrative that is put into words for an official document, a broader view of testimony reveals oral traditions, such as stories being handed down to successive generations or in recordings; visual traditions, through artistic and craft manifestations; performance traditions, as in plays and music interpretations; alternative
communication systems, signing and Braille, for example; and literary and print traditions, as in reporting and publishing the life story, biography, and/or autobiography. Importantly, although human rights testimony is closely associated with sanctioned, published texts, those who give testimony are victims who typically do not have access to mediated communication and, as such, their testimony may flow into and from alternative testimonial forms as identified within this broader view of testimony.

Ross (2003), who has extensively researched the South African post-apartheid period, notes that much scholarly discussion is occurring around the idea of storytelling and the ability of this process to initiate and cement elemental social bonds. Due to the fundamental nature of narrative, its acceptance as a method of scholarly inquiry, and its potential communicative power, narrative analysis is an apt methodology for testimonial research.

This study will begin with specific examples of testimony and proceed through three levels culled from communication theory, research and practice. Testimonial forms from human rights violations in Chile during the 17-year military coup of Augusto Pinochet of 1973 – 1980 will be evaluated in relation to existing studies about South Africa testimony in the post-apartheid period beginning in 1995. The testimonial forms to be analyzed include truth and reconciliation reports, circulated, “unofficial” testimony in publications, performances, and visual testimony, specifically visual communication creations disguised as art forms.

The elements of structuralist narratology will be used to evaluate the testimonial forms themselves. Luc Herman and Bart Vervaeck provide a composite, three-level analysis that encompasses methods developed by Gerard Genette, Shlomith Rimmon-Kenon and Mieke Bal (2005, 42-45). Step one looks at the way the testimony “is told” (narration); step two evaluates testimony as it “plays out” as text and is “offered to the reader” (narrative); step three identifies
the “chronological sequence” of narrative elements related to testimony (the story). This “deep structures” approach is appropriate to testimonial form analysis because it produces good results, uncovering what might not otherwise be seen through analysis of word choice or patterns, for example, that may show a focus on particular types of information while leaving unanswered questions. Such structures also allow the evaluation of a variety of texts which can then be synthesized into categories. Analysis will also address the primarily players, audiences, messages, and key moral demands. However, criticisms of this form have lead to post-classical narratology, a form explored by poststructuralists such as Jacques Derrida and Paul de Man (110). And because this type of narrative procedure yields a “meta-level” view across time periods by uncovering abstractions, disjunctures, multiple perspectives and linkages to social reality (111), it is fitting for the second step of this research which will evaluate the changing context of the testimonial cases over time and their actual usage and circulation in both official and unofficial ways. This bi-level approach will yield a deep understanding of the testimonial form itself, as well as its potentially iconic and ritualistic symbolism within societies as an idealized and definitive form of truth for societies transitioning from oppressive rule to more inclusive democracies. The visual testimony will be analyzed via an in-depth visual taxonomy yielding a composite narrative (Lester 2011). Lester’s process mirrors the bi-level textual process described above in that he identifies seven structural visual elements (inventory, composition, visual cues, semiotic signs and codes, cognitive elements, image purpose, and image aesthetics) and six contextual perspectives (personal, historical, technical, ethical, cultural, and critical). Using this method will yield deep details similar to that which will emerge from the written textual analysis.
The third level of analysis will examine the narrative results from the perspective of justice theories in an effort to explore how testimony contributes to social justice. The cases will be evaluated through the applied ethical lenses of John Rawls’ theory of justice (1958) and Michael Sandel’s politics of a common good (2009) within the context of how testimony addresses and/or contributes to the justice theory criteria. The impact on the people who give the testimony will be further scrutinized by applying Michael Warner’s criteria for publics and counterpublics (2005) to attempt to identify any shifts in power structures and gains in agency for people who previously were silenced in multiple ways through military juntas and oppressive governments. This multi-pronged approach will yield a deep understanding of testimony at its core as well as the forces and ideologies that operate overtly and covertly to influence this process.

B. Procedures

The assumptions and rationale for a qualitative design in this study hinge on the wide range of testimonial forms and a need to extract historical data over an extended period of time in order to investigate the effects of testimonial forms on social justice. This macro-level, interpretive analysis will identify and examine testimonial forms beginning with official, state-sanctioned testimony and extending to unofficial testimony in textual, performative, and visual forms. This evolving study will utilize narrative analysis and historical case studies to address the two primary research questions: How do different forms of testimony contribute to social justice, and is the stated purpose of testimony in official truth and reconciliation commission documents consistent with the actual usage of testimony? The unit of analysis will be individual
narratives and their development as explicit, informal, and disguised testimonial forms in three venues: official testimony such as that from truth and reconciliation commissions; unofficial testimony such as autobiography, biography and recorded accounts; and visual testimonial artifacts such as cloth documents, film, and craft and artistic expressions. Additional research materials may include public documents, scholarly writings, books, media accounts, autobiographies, biographies, films, visual testimony, and interviews with people involved in the process of gathering testimony and searching for the truth.

The setting and actors will be confined to people who survived and/or witnessed human rights violations inflicted by oppressive governments which sanctioned state terror campaigns. Research validity will be achieved through triangulation among various sources and multiple data sources. In addition, coherence, insight (Eisner 1991), and trustworthiness of the research will be discussed and verified by two researchers outside of the researcher’s home department and institution (Creswell 1994). Due to the nature of this study, an institutional review board assessment and approval is not required.
V. ANALYSIS OF CASES

A. Context of the Cases: Chile after Pinochet

In 1990, after nearly 18 years of military rule, Chile gained its first democratically elected president. President Patricio Aylwin was entering one of the most critical periods in more than 150 years of Chilean history, what Ensalaco calls a time in which the virtue of truth was mixed with the virtue of prudence (2000).\textsuperscript{42} Aylwin was attempting to transition the government from one of ongoing military terror to one of democratic principles with a return of the freedoms that Augusto Pinochet and three other military leaders had squelched in a single day with the overthrow of Salvador Allende on Sept. 11, 1973. Within the first three months of the dictatorship, nearly 18,000 Chileans were detained, questioned and tortured by their own countrymen (Bacic and Stanley 2005). Aylwin, as the new president nearly 20 years later, was faced with the dubious task of trying to move a country forward while the military still held considerable power and the courts had proven to be ineffective. Aylwin’s first step was to establish a presidential commission\textsuperscript{43} with the task of discovering the “whole” truth about the

\textsuperscript{42} The question raised is whether the new government should have pushed the military to provide information for the truth finding effort in the face of continued military threats. Ensalaco notes that transitional governments are full of risk and asks if sacrificing justice is prudent in these cases (2000, 236).

\textsuperscript{43} A presidential commission, in contrast to a parliamentary commission, gave Aylwin more flexibility in how the commission operated, the outcome, the form of the report, and oversight (Ensalaco 2000).
missing and detained people – which now numbered in the tens of thousands – and to determine the scope of the atrocities.

The National Commission for Truth and Reconciliation (NCTR) ultimately was presented with 3,400 death cases, concluding that 94 percent were caused by government agents. A 1,128-page report, released in 1991, covered logistics (commission objectives, truth indicators, court evidence, reparation and prevention proposals), the context within which the human rights violations occurred (political, legal and institutional frameworks), war tribunals, court behavior during the military junta, the impact of the violations, and recommendations. Nearly 1,000 pages of the document were dedicated to testimony, analysis, and societal reactions (Report 2002).

At the end of the process, President Aylwin stated that he was satisfied that the truth of the occurrence of the human rights violations had been established and could not be denied but, in actuality, the process and results were fraught with controversy especially surrounding the policy of “no naming” that served to placate the volatile military which continued with ominous threats against the country (Aguilar 2006). With the establishment of a Corporation for Reparations and Reconciliation in 1992, the process continued but the number of cases nearly doubled as more people came forward and efforts were hindered by a strong military presence, the transitional nature of the country, deliberate perpetrator interference, and stonewalling (Ensalaco 2000). Indeed, more than 10 years later, a second truth and reconciliation process

44 During the investigation process, former president and now armed forces General Augusto Pinochet, in an effort to intimidate the commission, put the military on nationwide alert. “Pinochet’s stunt was meant to convey the simple but ominous message that the possibility of military intervention was now part of operational doctrine” (Ensalaco 2000, 203).
would commence to attempt to do what the first commission was unable to complete. What was left behind, however, were the official testimonies that family members, friends, witnesses, testimony takers, human rights attorneys, support staff and commission members had labored over in an attempt to put together a comprehensive and accurate picture of those military years. These are the testimonies that will remain when everyone else has joined the disappeared. These are the testimonies that future generations will read in order to ascertain whether the people were tortured and disappeared. But what do these official testimonies tell us, and what purposes do they serve?

Key to understanding this process is identification of the primary objectives that the Chilean National Commission for Truth and Reconciliation sought to achieve when it began the less than two-year process to document 17 years of military rule and human rights atrocities. Secondly, major themes in selected testimony will be identified and compared to the NCTR objectives. Next, these themes will be compared and contrasted to non-NCTR testimony of the people left behind, to identify nuggets of shared truth and gaps in testimony that may point to the

45 The Valech Report was released in 2004 and specifically focused on victims of torture whereas the original “Rettig” Report of the NCTR addressed people who had been disappeared or killed. Bacic and Stanley, in their summary article on the Valech Commission, note that there were 1,132 detention centers across Chile that were used as torture centers. Beginning with the coup and continuing until 1990 when Aylwin became president, torture was institutionalized and “preceded most of the executions and ‘disappearances’ of victims” (2005, 1). Proven cases of detention numbered 33,221 but the authors note that many people still did not trust the government and refused to come forward to provide testimony.
places where memory has been set aside to move toward reconciliation. The final step is to
apply ethical considerations to the findings to assess the impact on social justice.

The president indicated that “for the sake of the nation’s moral conscience the truth had
to be brought to light.” The country could not move forward without establishing the truth of the
events and to satisfy the “most basic requirements of justice” and, within this context, four goals
were identified (28):

- To establish as complete a picture as possible of those grave events, as well as their
  antecedents and circumstances;
- To gather evidence that might make it possible to identify the victims by name and
determine their fate or whereabouts;
- To recommend such measures of reparation and the restoration of people's good name as
  it regarded as just; and
- To recommend the legal and administrative measures which in its judgment
  should be adopted in order to prevent further grave human rights violations from
  being committed.

Chilean NCTR testimony, as the official record, was compiled based on witness
testimony and records provided by human rights organizations which had been compiling cases
since the military coup first occurred. The final cases undoubtedly proved to be difficult to write
due to the large volumes of information to be condensed, but also because writing is subjective.

The 1991 Chilean NCTR documentation comprised nearly 1,200 pages of background
information, testimony, and recommendations. What the report didn’t include were names of the
perpetrators (a highly controversial and political issue) and, in most cases, the whereabouts of the
disappeared and specific details about what happened after they were abducted. The testimony
appears to be little more than a few facts in narrative form, yet many applaud the effort as one
which established, without a doubt, that the human rights violations occurred. Despite this
optimistic outlook, two questions come to mind: Is this what the commission sought to do? Is
this what the victims and their families considered to be just testimony? Of the four stated goals, only the first two can be directly addressed by the testimony: to establish as complete a picture as possible of those grave events, as well as their antecedents and circumstances; and to gather evidence that might make it possible to identify the victims by name and determine their fate or whereabouts.

Analysis of the testimony will attempt to determine if the official testimony established a complete picture and gathered sufficient evidence. Official and unofficial testimony and stories that could be found in more than one place provided the basis for comparing the depth and breadth of the official NCTR testimony to other types of stories.

B. Introduction to the Commission and Cases

After nine months of investigation, a truth and reconciliation commission headed by Raul Rettig documented 3,428 cases of death and disappearances from the 17-year reign of Augusto Pinochet. The report, widely referred to as the Rettig Report, acknowledged that the volatile and fragile political environment of the time certainly impacted the commission’s ability to more fully involve the citizens and, with little participation by the former government, to obtain full details that would get to the truth of individual cases. More than three-quarters of the report is official testimony about people known or presumed to have been executed. Surviving victims of torture and detainment were not included in this commission’s work.

The 1991 Report of the Chilean National Commission on Truth and Reconciliation recounted in 1,128 pages the investigation into human rights violations which covered the

The official testimony of the detained and disappeared and murdered citizens comprises 904 pages, the front matter includes introductions by the commission. Other sections include the Supreme Decree No. 355 enacted by the democratically elected President Patricio Aylwin; the military war tribunals and the lack of due process for victims; a review of the judicial system and its failure to uphold Chilean law and protect the citizens; and the political context leading up to the military overthrow of the Salvador Allende presidency and government on Sept. 11, 1973.

Of note is a discussion of ethics and norms related to the investigation of human rights, acceptance of the truth, reparations, and the necessity for societal reconciliation. Ethics and justice were specifically discussed in the official report with a focus on Max Weber’s theory on balancing political responsibility and consideration. The commission appeared to be issuing a warning when it noted that “political leaders ought not be moved only by their convictions, unmindful of real-life constraints, lest in the end the very ethical principles they wish to fulfill suffer because of a political or military backlash” (Report 13). This caveat was tempered by an additional note which was partially addressed in the parameters of the commission’s investigation: “Responsible politicians do not shy away from pursuing the fulfillment of basic ethical principles, even in dangerous circumstances. Rather, they assess carefully the circumstances so as to be able to attain the desired results to the fullest extent possible” (13). Citing Weber’s theory, along with the transitional challenges which had been recently faced by Argentina and Uruguay, appears to have been a convenient structure on which to launch the commission investigation. But while the ethical words appear, there was little substance that
could be used to evaluate whether the efforts would be just. Furthermore, the specific elements used appear to justify limitations of the commission as an acceptable outcome.

Testimony, which is organized by time period, type of violation, and geographical region, comprises 80 percent of the report. This section concludes with 24 pages of testimony that illustrates the impact on families and society. The process for obtaining both testimony and corroborating evidence places emphasis on the previous work of human rights organizations, unsuccessful legal efforts and documents, and testimony submitted to other organizations. In cases involving reports to various official government organizations, such as the police and branches of the military, the report documents seemingly infinite cases of files that have been destroyed or information that was denied due to that organization’s concerns about national security. It is important to note that Augusto Pinochet, as a “senator for life,” and his top advisors as well as the perpetrators were all still in positions of power within Chile during this transitional period (Ensalaco 2000). Although the Commission completed its work in nine months with a staff of 60, the report notes that all individuals who wished to testify were personally interviewed. Within the Santiago Metropolitan area, 1845 families registered cases which were cross-referenced with cases from human rights organizations (Report 30). When possible, a lawyer, social worker, and law school graduate were at the sessions and a commissioner was on site at all times for inclusion and/or consultation. From July to September of 1990, staff and commissioners travelled to other areas to conduct an additional 1688 requested interviews. The process outside of the metro area differed slightly in that families first met with staff in small groups, then in individual interviews with a law school graduate and lawyer and “possibly” a commission member (32). The final summaries of testimony were written by the lawyers (36).
When perpetrators were named, the commission requested interviews to obtain full information; however, an exceedingly small number of these people elected to be interviewed out of the 160 requests (35). Although alleged perpetrators were not identified by name in the report, documentation was sent to the courts (13).

While the individual testimony is scant, it appears that the commission intended for the overview of the types of human rights violations to set the stage for the specific instances. Methods of detention, torture, imprisonment, disappearances, and executions are described as a synopsis of the general tactics used. In some cases, specific instances are given as examples. The minimal armed resistance to the military takeover, as well as the nearly non-existent resistance in the following years, is emphasized.

A statistical summary at the end of the report provides further details about the overall scope of the commission work and demographics of the victims. However, markedly absent is a summary of the number of bodies recovered in relation to the number of victims and a breakdown by organization responsible. According to the summary, the commission was presented with 3877 cases. From these, 508 cases were outside the parameters established for the commission work and 449 cases were excluded due to insufficient information. Of the remaining cases, 2920 were fully investigated with 641 cases considered inconclusive resulting in an official count of 2279 victims. Of these cases, 93 percent (2115) were classified as victims of human rights violations and seven percent (164) were classified as victims of political violence. In the statistics, the human rights violations are broadly classified as “victims of government agents or persons at their service” (Report 1122). Fifty-one percent of those killed (1068) are identified by death resulting from war tribunals, protests, alleged escape attempts, executions and deaths by torture. Forty-five percent were “disappeared after arrest” and the
remaining four percent (164) were classified as “victims of politically motivated private citizens” (Report, 1122). Demographic statistics reveal that the victims were overwhelmingly male (95 percent) and Chilean (98 percent). The vast majority of the victims were young: 78 percent were between the ages of 16 to 40; 12 percent were 16 to 20; 47 percent were aged 21 to 30; and 19 percent were 31 to 40 years old. Forty-nine victims (two percent) were younger than 16. About 17 percent of the victims were aged 41 to older than 75 (376) while no age was given for about 3 percent (77) of the victims (see Figure 1 below). The majority of the violations – 73 percent – occurred in 1973 and 1974, the first 16 months of the military regime, with 55 percent (1261) occurring from September to December of 1973.

![Chilean HRV Statistics: Age of Disappeared/Killed](image)

**Fig. 1** NCTR Statistics on Age of the Disappeared

Of the nearly 3,500 people disappeared and/or killed during the military junta from 1973 to 1990, 78% were 16 to 40 years of age when they were disappeared/killed.
Forty-four percent of the victims were classified by occupation as workers/small farmers (686) and self-employed small business (314), 14 percent were students (324), 9 percent were professionals (207) including 91 teachers and professors, 2 percent were high-level administrators (45), 13 percent were private employees (305), 6 percent were with armed forces (132), and 12 percent (266) were classified as others (see Figure 2 below). Fifty-seven percent (1298) of the victims were killed or disappeared within the Metropolitan Region; 42 percent (958) in other regions of Chile; and 1 percent (23) outside of Chile.

![Chilean HRV Statistics: Occupation of Disappeared/Killed](image)

**Fig. 2  NCTR Statistics on Occupation of the Disappeared**

Nearly 60% of the people disappeared and/or killed during the 17-year Chilean military junta were students or working class citizens.

The NCTR official written testimony is contained within the larger report. The form is concise and follows a standard chronological sequence, ending with a conclusion by the commission. An evaluation of the specific individual instances of official testimony in the
report reveals common narrative elements. The testimony begins with the victim’s name and
date of disappearance or death. The victim was abducted or arrested by armed forces which are identified as being from a particular military or government group or, if unclear, government agents. Corroborating evidence such as witness testimony which puts the victim in a particular place and time, generally a government detention or torture facility, is given. The disappeared or executed person’s whereabouts are further corroborated by identifying other people seen with the victim and/or close friends or professional associates who disappeared around the same time under similar circumstances. Affiliations with targeted political groups, such as the Popular Unity Socialist Party, MIR (Revolutionary Left Movement) or Communist Party, is noted as an indication of why that particular person would be targeted by the military regime. The commission then concludes that the person’s death or disappearance was the result of government agents.

One of the consistent structural elements of the official testimony is the linkage between two or more people. This strategy is an effort to corroborate eye witness testimony about the abduction and injuries, potential political affiliations, and the systematic way in which people and particular groups of people were targeted, rounded up, and detained. Other structural elements include the victim’s profession or work, whether the body was recovered, and false or misleading official statements and opposing evidence.

Based on the initial analysis of the official testimony, three cases were selected for further investigation based on their representation of the victims as a whole and the availability of unofficial testimonial forms that could be compared and contrasted with the official testimony. Each case has three elements: the official truth and reconciliation testimony; unofficial biographical written text; and unofficial visual and/or performative testimony.
CASE 1:

Jorge Hernán Müller Silva – In addition to the NCTR testimony, an account by Silva’s mother, Irma Muller,\(^{46}\) appears in a printed book, *Scraps of Life* (1987). The visual testimony appears in an arpillera, commonly referred to as a political quilt, which will be presented as a visual attachment and analyzed using a visual narrative technique. Silva was 26 at the time of his disappearance and is representative of 47 percent of the victims who were aged 21 to 30. As a cinematographer working to document the social and political climate before and after the coup, he represented the nine percent of the victims classified as professionals and was considered to be a threat to the military regime. Silva’s case is tied to that of his fiancée, Carmen Cecilia Bueno Cifuentes, who was also a co-worker and who disappeared with him. The unofficial testimony available for Cifuentes is insufficient to meet the requirements of this particular study; however, the case of women, who comprised 5 percent (126 cases) of the deaths and disappearances, and how they were victimized, is addressed in the conclusion, along with recommendations for further research.

CASE 2:

Héctor Marcial Garay Hermosilla - In addition to the NCTR testimony, an account of Hector’s disappearance appears the book, *We, Chile: Personal Testimonies of the Chilean Arpilleristas*

\(^{46}\) Irma Silva de Muller will be referred to Irma Muller in this research.
Performative testimony in which Hector’s mother, Inelia Hermosilla,\(^{47}\) gives out handkerchiefs imprinted with her son’s image and date of disappearance appears in the film, “Scraps of Life” (1991). A combination of visual and textual narrative analysis will be used to examine this enacted testimony. Hector was 18 at the time of his abduction and disappearance and represents the 12 percent of the victims in the 16 to 20 age group. He is also representative of the 14 percent of the victims who were students.

**CASE 3:**

*Victor Lidio Jara Martínez* - In addition to the TRC testimony, accounts of Jara’s disappearance appear in multiple venues including a biography by his wife, Joan, called *An Unfinished Song* (1984). Jara was a leader of the Chilean Song Movement and revered popular leader in Chile. Before his execution, he wrote an account of his final days which was given to his wife after she recovered his body. Narrative analysis will be used to evaluate Jara’s final testimony, commonly referred to as a poem titled “Estadio Chile.” The poem was recorded by American singer Pete Seeger the year after Jara’s execution. At 40, Jara is representative of the 19 percent of the victims in the 30 to 40 age group. While he was considered a professional singer and theater director and is indicative of the 9 percent of the victims who were professionals, he was also part of the 4 percent who were teachers and professors. However, based on Jara’s early childhood growing up in poverty in the shantytowns, and his allegiance to the working people of

\(^{47}\) Although the mother’s full name is Inelia Hermosilla Silva, she will be referred to in this research as Inelia Hermosilla to avoid confusion with Jorge Silva and his mother, Irma Silva de Muller.
Chile, upon whom many of his songs were based, Jara would have undoubtedly asserted that he represented the working people – farmers, factory workers, and small business owners – who were the largest group targeted by the military regime and which accounted for 44 percent of the total victims as noted in the official NCTR report.

In an initial review of different testimonial forms, about a dozen people whose disappearances appeared in more than one source were selected. In each case, the testimony was reviewed for recurring themes. Although the commission report states that the testimony was provided by survivors and documentation from human rights organizations, the final product is scant and, in some cases, a life story is reduced to a sentence. The scarcity of information could also be due to limits of time, interviewers, and other resources. The lack of information from perpetrators due to either arrogance or fear of incrimination has been well documented. A Chilean human rights worker sums up the issues of the time: “You must realize that at the time that testimony was taken, the military still had full power. The minimum would be in the report. The name, profession. The military didn’t want to be named. It was an abstract” (Bacic 2009). Although the official testimony was not consistent – some testimony was only a sentence while others were two or three paragraphs – the preliminary appraisal revealed systematic structures with eight recurring information categories: memberships/work; description of abduction, description of injuries; witness accounts of the disappeared seen after abduction; whereabouts of remains unknown or found; official statements (noted and refuted); and a concluding reason for the abduction.

Of these eight categories, three elements appeared consistently regardless of the length of each testimony: the description of abduction, witness accounts of the victim being seen later,
and the conclusion of the commission. Each testimony begins with the month, day and year of arrest or abduction.

C. CASE 1: Jorge Silva and Carmen Cifunentes

On November 29, 1974, the MIR activists Jorge Hernan Muller Silva and his colleague at Chile Films, Carmen Cecila Bueno Cifunentes, were arrested on the streets of Santiago as they were on their way to work. Witnesses have testified that both of them were taken to the Villa Grimaldi facility and then transferred to Cuatro Alamos. They then disappeared while under the control of the DINA. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights (Report 709).

In 83 words, the last known public activities of two people have been added to the official public record; of those, 19 words refer to the commission. In this instance, membership in the MIR indicates an allegiance to political party that supported Salvador Allende; employment at Chile Films alludes to their involvement in the media; transport by the secret police to two torture facilities, Villa Grimaldi and Cuatro Alamos, is confirmed by witnesses; the standard commission statement of conclusion – which appears at the end of each testimony – functions like the period at the end of a sentence. Over and over, these words rhetorically function as if the dead themselves were walking across the pages, an invisible parade of human rights atrocities.

Consider now the unofficial testimony of Jorge Silva and Carmen Cifunentes included in “Scraps of Life” (Agosin 1984), given by Irma Muller, Silva’s mother, in April of 1985.
nearly 2,600 words, the volume of information is 31 times that of the official record. Here is what we learn from her testimony. Jorge and Carmen were engaged and worked together to make political documentaries about the United Popular Front. The night before they were abducted, Jorge’s last film premiered at the elegant Las Condes Theatre to a large audience, including members of the military. The next day, when the family realized that they were missing, calls were made but they were not too concerned because, even if Jorge and Carmen had been picked up for questioning, two of Jorge’s uncles were carabinaros, retired from the Chilean police force, and the family was familiar with the local procedures. In addition, another uncle worked in a “high position” at the United Nations. Silva’s mother felt confident that if there was any trouble, her family and position within civil society would grant them civil treatment. But in her testimony she notes, “…how many families there were like me, thinking and believing the same, because never had anything similar happened in Chile” (109). She goes on to document her efforts to find her son at Tres Alamos. “…and when it was my turn to enter they would say no he’s not here he hasn’t been arrested, naturally the camp full of armed carabinaros, one had only to come a little closer than what was allowed and they would put a gun barrel between your eyes as though ready to fire…” (109). She says that she talked to many people including Lieutenant Zabaleta, a social worker named Raquel Lois, a military man named Jorge Espinosa Ulloa who reported that her son had not been detained, a Ministry of Defense official named Manuel Contreras but not the general. Then, in 1976, Jorge’s name was included in a Ministry of Defense list of 150 people who “as Detained had no legal existence that they were invented names” (111). The personal toll nearly defies words. “I don’t believe there is enough paper in the world to tell what those years have been like,” (107) she says. “…there are so many thoughts of pain, of anguish, of rage and impotence that it is as if the senses only
whirled round and round all those events, I live my life thinking, What to do?” She sent a letter to Lucia Pinochet, wife of the dictator, “appealing to her love as mother” who replied that “you should turn over the information to the pertinent agencies” (110). Because “the greatest homage I can render to my son is to take up his battle flag” (111), she became involved with numerous groups working with the families of detained, raising awareness through communicative crafts including the political quilts known as arpilleras, cloth paintings, and working to create a renewed sense of community and tradition through folklore groups. The physical and psychological persecution of people, which continued even though the junta had been in power for nearly 12 years at the time of her testimony, was no longer a deterrent. “…recently a companion of the Association was released after being detained several months, the dictators think that all that will terrify us, they mistake us up down and sideways, they assassinate people who are very closely allied with us in our continual battle, also to terrify us, and they don’t realize that the indignations run over…” (111).

In this unofficial testimony, we learn what this man in his mid-20s had to look forward to in his life: a strong family support system, marriage with a partner who shared his work, strong personal convictions about what was good and right in society, and talent as a videographer. Silva’s film footage was the basis for Patricio Guzman’s award-winning documentary film, “The Battle of Chile”, which has been shown in more than 35 countries and the 1997 “Chile: Obstinate Memory” (www.patricioguzman.com 2009). The key players are the young, engaged couple, powerful and unknown abductors, witnesses, and a socially and politically connected family. The narrative theme is of a long, unfruitful search for a lost child. The moral demands are: Where are they? Why were they taken? Who is responsible? We want them returned.
Considering the fact that it was not possible to name names in the official testimony, we must ask the question of how the testimony contributes to social justice and whether the testimony meets the official stated goals of establishing “as complete a picture as possible of those grave events, as well as their antecedents and circumstances” and “to gather evidence that might make it possible to identify the victims by name and determine their fate or whereabouts” (Report 25).

From this vantage point, we can see that the official NCTR testimony provided some facts, such as they were available, the outcome of whether the victims were found or not, and the conclusion that the actions were a result of government agents who violated their human rights. While it is debatable whether the picture was complete as possible, comparison of the official with the unofficial uncovers significant gaps in the stated purpose of the official testimony. Was this due to the fact that such information was unavailable during the time that the testimony was gathered? This is unlikely because the unofficial text testimony was published in 1984, several years before the NCTR, and the visual testimony, in the form of cloth documents known as arpilleras, were made and smuggled out of the country beginning early in Pinochet’s reign of terror, also many years before the NCTR. Because the arpilleras were made anonymously to protect the creators, it is generally not possible to tie particular arpilleras to narratives in either official or unofficial forms. In the matter of Jorge Silva and Carmen Cifunentes, however, the following arpillera was later documented as having been made by Silva’s mother and closely follows the scenario described in the both the official and unofficial testimony.
Following Lester’s steps for visual analysis (2011), an initial scan of the arpilleras reveals a standard urban landscape with a couple walking uphill in what appears to be filtered daylight. Three dark, menacing figures with weapons approach them. Noticeably absent are other people so this event appears to have occurred either early in morning or in an area that doesn’t have
much foot traffic. A non-descript car, without visible markings, is an indicator of the secret police. The fact that the three figures are silhouetted somehow seems to give them a power that is beyond human. The intimate couple juxtaposed with the machine guns now pointed on them creates a contrast between the normal daily routine and the sudden appearance of an evil, outside force.

Taking an inventory of the visual elements provides further textual and contextual clues. From the left we see four, uniform buildings (red, blue, tan and grey with black, grey and red doors), three similar trees evenly spaced, a steep hill, a man and woman, arms around each other, walking up the hill. The woman has long, dark hair and wears a bright, ankle-length – seemingly traditional – dress. The man has lighter hair and appears to be wearing pants and a jacket.

Looking toward the right, we see three dark silhouettes of people with guns near a white car. The figure closest to the couple appears to be a woman since the dress is similar to the woman walking uphill. While the dark woman wears a similar style dress which suggests a cultural and feminine standard, the discrepancy in power is obvious due to the dark color, her leading position, and the blind side approach to the couple who do not appear to be aware of the figures. The other two dark figures appear to be men. There are no other people or activities. There are a few clouds and filtered sunlight. The composition suggests a clean, well-ordered environment. Among the significant visual cues is the car which has no official markings and is backed into

48 Another possibility is that, despite the degree of detail in the arpillera, the creator simplified the visual representation of the abduction. However, the unofficial written testimony does not identify any witnesses to the abduction so the arpillera may be a thorough representation.
the sidewalk, suggesting a quick exit route. An antenna on top of the cars elicits a cloaked semblance of authority in the absence of actual markings on the car or uniforms on the armed figures. The silhouettes suggest dark forces and, with the guns, an impending encounter and/or abduction. The couple walking, arms around each other, implies intimacy and perhaps a typical morning. However, it could also be interpreted as a protective measure if the couple had become aware of the secret police.

Semiotic interpretation reveals three types of signs and codes. The arpillera’s iconic sign is that an actual abduction event is depicted as it happened and serves as cloth documentation. The indexical elements include the guns which point toward force and the three black, faceless figures and car and its positioning which indicate force and secrecy. The lack of a uniform also indicates some enigmatic activity with the black clothing suggesting not only evil and power but, practically, making it difficult to trace should an eye-witness account surface. Symbolically, the well-ordered environment with evenly rowed buildings and trees suggests a disciplined society in which people are accustomed to respecting authority and might willingly go to be interrogated. The path up the hill is suggestive of the long journey the couple, whose existence is now interrupted by dark forces, must surely face. Eye witness accounts later placed Silva and Cifunentes at two notorious detention and torture facilities, a confirmation of their difficult journey from which they did not return.

Aesthetically, the scene provides the image of a loving couple being suddenly abducted by unknown forces made powerful by secrecy and weapons and a “punctum” moment (Barthes 1980) which emerges to create a poignant and empathetic gaze by observers of the image. Immediately drawn in by the darkness of the abductors, the couple appears small in comparison to large building and trees and are outnumbered by the black figures. The scene is foreboding
and foreshadows in three ways the abduction and disappearance of Muller and Cifunentes. The visual narrative presents specific details (couple walking alone, no witnesses), characters (three armed figures with a car in position for a swift departure) and incident (the dark figures clearly are heading to intercept the unarmed couple in a time and place that will go undetected because there are no witnesses or other people who could potentially help them).

Technically, the arpilleras were made by women unskilled in the finer points of sewing. As resources were limited, the materials often were leftover fabric and/or bits of clothing, often from those who were disappeared. Translated, arpillera mean burlap or hessian. Taken from grain or bean sacks, the hessian backing gave structure to the placemat-sized arpilleras and cost nothing. A decorative, crocheted edging gave a finished appearance to the arpilleras.

The historical context of the arpilleras reveals that the arpilleras were developed as a form of disguised and safe communication to inform those outside Chile of human rights atrocities occurring within Chile on an ongoing basis. Through appropriation of an art form utilizing scraps of cloth and rudimentary sewing techniques, the cloth documents initially appeared to be simple crafts and were overlooked by military junta officials. Once they were recognized for their documentary functions, the arpilleras were outlawed and the makers were pursued for subversive activity. After being smuggled outside of the country, the arpilleras functioned as an ethical catalyst for human rights workers, media and concerned people to rally and provide support for the Chilean people. An international network of people protected the arpilleristas and their work and facilitated transport out of Chile. The arpilleras were circulated and often sold with proceeds returned to the women through the Vicaria of Solidarity, a Catholic Church organization in Chile which provided a safe space for the women to work.
As an artifact that documents Pinochet’s secret police work and the final days of two people, this arpillera communicates without words to illustrate the evil that was inflicted on average Chilean citizens. The ability of the arpilleras to transmit information and to connect with viewers on an empathetic level outside of written language increased their circulation and thus their narrative usage internationally. Because the military junta deliberately thwarted discovery efforts and didn’t keep or destroyed records, family members and friends of the disappeared did not have official documents as resources. Consequently, such arpilleras are important historical documentation of human rights violations.

D. CASE 2: Hector Hermosilla

On July 8, 1974, Héctor Marcial GARAY HERMOSILLA and Miguel Angel ACUÑA CASTILLO, two friends who were active in FER (the high school section of MIR), were arrested by unidentified agents at their homes in the Ñuñoa district. There is no evidence of their whereabouts since then. The Commission has proof that both young men were arrested. On that basis, and bearing in mind their political activism, their political ties, their friendship, and the fact that they were arrested on the same day and that nothing further has been known about them, the Commission regards them as victims of human rights violations committed by government agents (Report 687-688).

The official testimony documents in 106 words the date of disappearance and names of the disappeared, that the arrest occurred at home, and the district. This was the last sighting of either young man. Proof of arrest was confirmed. The report sites alleged political activity. The
two friends being abducted and disappeared the same day is offered as further proof of a coordinated and targeted disappearance. The commission concludes that both men were victims of human rights violations by government agents.

The unofficial testimony is nearly 75 times the length of the official testimony. The testimony by Inelia Hermosilla, mother of Hector “Tito” Garay Hermosilla appears in We, Chile: Personal Testimonies of the Chilean Arpilleristas (Sepulveda 1996). In 20 pages of unofficial testimony (approximately 7,900 words), Inelia tells of her son’s supposed arrest at their home on July 8, 1974 nearly 10 months after the military coup. Hector was arriving home from the university after taking a math exam when armed men, who were waiting at this home, took him away. Inelia felt that the men were lying about who they were and also about bringing her son home by midnight, so she followed them down the stairs, into the street, and to a van where she was pushed away, knocked into the street, and beaten. Her son never returned home. She, along with her family and neighbors, immediately went to several nearby police stations but were unable to find Hector, who was just 19-years-old and was not affiliated with any political parties. A couple came to her home a few days later and told her that their son was taken the same night and the men had Hector with them. In that case, the father had tried to prevent the detention but was beaten so badly he ended up at the hospital. Neither son was ever found. Inelia details how she looked everywhere for weeks, months, then years, always with no fruitful information. Several years later, she met a man who believed that he had been imprisoned with her son. He told her that her son had been ill with internal bleeding, and was taken for medical care (according to the guards) but never returned. Inelia made several attempts to talk to Augusto Pinochet during public appearances and at his office. After the return of democracy to Chile, a soldier was arrested who gave information to families about their disappeared. She was
shocked to find out that this was the same man who organized the young people in her neighborhood to volunteer to do free work for needy people. This activity was considered, after the coup, to be the work of “leftist extremists.” Although she did not find out what happened to her son, she felt that she at last had discovered why her son was disappeared.

In this unofficial written testimony, the key players are a young university student with no subversive activity, a group of evil men who posed as officials, a mother who is searching for her son, family members, an abducted friend and his parents, government agents who lie, daughters and sisters. The narrative theme follows the story of a long, unfruitful search for a lost child. Moral demands inherent in the narrative include: why was her son taken; who were the people who took him; where was he taken; what happened to him; why was she repeatedly lied to; why didn’t Pinochet care about young people disappearing; where was his body; and why can’t she have his remains so that he can be properly buried.

Out of the 19 pages, about 5 pages or 26 percent of the testimony directly relates to Hector. The remaining testimony is about her search, interactions with others, the arpilleristas and travel, and other family members. The structure of this testimony is reminiscent of the “auto/biography” in which the story of the self is intertwined with that of the deceased.

The second type of unofficial testimony relating to Hector Hermosilla is recorded in the film “Scraps of Life” (Jamison 1991). In this visual and performative testimony, a mother (Inelia Hermosilla) distributes momento handkerchiefs imprinted with her son’s likeness and date of disappearance at her neighborhood outdoor market. A distinguishing feature of an “act” is the personal nature of the encounter and communication. Prior to her embodied giving of testimony, Inelia Hermosilla announces her intention to the sewing group in the church; she is
calm, professional, and organized. The act will be followed by a candle-lit march and singing for the disappeared in honor of Hector’s memory and the 15th anniversary of his disappearance.

While many other types of unofficial testimony are geared to a larger audience external to Chile, Inelia’s confrontation with fellow citizens raises awareness within Chile, keeps the fate of the disappeared in public view, and forces people to publicly denounce the human rights practices. Rather than hearing rumors about disappearances, accepting a momento with the name and picture of an actual person who has been disappeared creates a type of personal solidarity. Inelia implores the people she talks to “remember,” a contested practice in a country committed to silence and fear for so long. Inelia repeats key aspects of her testimony: “He was taken from THAT building; he was ONLY 18;49 15 years and STILL no word; are YOU a mother/father?” Each statement has an implication. Stating that her son was taken from a building across the street from the public market creates a feeling of closeness and spectacle; the recipient of the testimony and the momento cannot help but be drawn in to the story that was played out just a few feet away from a scene of everyday life. He was only 18 implies that his life was cut short and that he was young, perhaps too young to have been swept up in the political upheaval following the military coup. Asking people if they are parents is yet another call for understanding and compassion. Although she does not ask how the person would feel if it had happened to his or her child, the possibility is implicit – this could happen to your loved ones, too. Inelia repeatedly tells the market goers that she is out in the streets every day, looking for the truth for 15 long years with no answers. “Don’t forget” is her moral admonition.

49 In some sources he is listed as 18; in others he is listed as 19.
Inelia’s role in the story cannot be confined to the long-grieving and searching mother. She also adopts the role of the classic Greek chorus which unrelentingly reminds people about circumstances that they might prefer to forget. By keeping her comments short and repetitive, she delivers a clear message about a moral tragedy in the loss of her child. She stops short of recounting the details of Hector’s disappearance. Rather, she engages each person and challenges them to feel something whether it be sorrow, solidarity, or anger. She asks pointed questions, designed to get to the root of each person’s ethical and emotional stance: Are you afraid? Are you a mother? Why won’t you accept this? What do you think of the detentions? Twice she refuses money for her momento of Hector. While giving money to a grieving mother might improve one’s moral standing and relieve the recipient’s obligation to create a bond with the mother, Inelia makes it clear that she simply wants people to remember.

Other characterizations in the act reveal people who are scared, indignant, and bothered. During the march at night, Inelia is joined by dozens of people who have lost loved ones due to the military regime and its attack on human rights. Differences in the official and unofficial forms highlight the significant discrepancies in both quantity and quality of the information. The official testimony is confined to the circumstances of the abduction and a conclusion while the unofficial testimonies cover years of questioning and searching. And, while the two official testimonies contain similar historical information, Inelia’s “act” for her son engages the ‘audience’ in a way not possible through words on a page.
E. CASE 3: Victor Jara

Unlike the previous two cases which were about a paragraph each, three instances of Victor Jara’s name and testimony appear in the official report.

Other cases are those of Victor Jara, the singer, and Littré Quiroga, the head of the former government's prison system, both of whom were tortured extensively in the Chile Stadium. Jara's body, with his hands and face extremely disfigured, had forty-four bullet holes. An eyewitness saw Quiroga, who was beaten continually, "literally agonizing," "having trouble breathing" and "almost unable to speak." He seems to have been tortured largely because of the public position he had occupied, and the main purpose was to make him suffer. His body also had many bullet wounds. The bodies of both Jara and Quiroga, who had been killed on September 12 or 13, were left in the Zanjén de la Aguada. All these cases are described below when we explain the rounds for our conviction, but we wanted to single them out here as examples of how vicious such executions were (Report 167).

Victor Lidio JARA MARTINEZ, 40, a popular singer and theater director who was a member of the Central Committee of Communist Youth. A statement by the Foreign Ministry dated March 27, 1974, in response to a note from the OAS (Organization of American States) Interamerican Human Rights Commission, said, "Víctor Jara: Dead. He was killed by snipers who, I repeat, were firing indiscriminately on the armed forces and on the civilian population." This Commission received many credible reports refuting this official story and leading to the conclusion that what actually happened was quite different. Víctor Jara was arrested on
September 12 on the grounds of the State Technical University where he was working as a theater director. He was taken to the Chile Stadium, where he was separated from the other people with whom he had been arrested, and detained high up in the stands together with other people considered to be dangerous. Between September 12-15, he was interrogated by army personnel. The last day Víctor Jara was seen alive was September 15. During the afternoon he was taken out of a line of prisoners who were being transferred to the National Stadium. In the early morning of the next day, September 16, shantytown dwellers found his body, along with five others, including that of Littré Quiroga Carvajal, near the Metropolitan Cemetery. As the autopsy report states, Víctor Jara died as a result of multiple bullet wounds (44 entry wounds and 32 exit wounds). The Commission came to the conviction that he was executed without due process of law by government agents, and hence in violation of his fundamental human rights. The grounds for that conviction are that he is known to have been arrested and to have been in the Chile Stadium, that it is attested that he died as a result of many bullet wounds, thus indicating that he was executed together with the other prisoners whose bodies appeared alongside his. The overview to this period provides an account of the various kinds of torture to which Víctor Jara was subjected while under arrest (Report 203, 204).

Littré Quiroga surrendered to them of his own free will. During the night he was taken to Armored Regiment No. 2. On the morning of September 13, he was sent, along with other prisoners, to the Chile Stadium where, according to eyewitness reports, he suffered many forms of torture and humiliation inflicted by army personnel. He remained there until September 15. In the early morning of September 16, his body was found near the Metropolitan Cemetery, along with five others including that of Víctor Jara (Report 203).
Length of this testimony, at 585 words (450, excluding Quiroga’s testimony) is significantly longer than the typical case and nearly five times the length of official testimony for Jorge Silva and Hector Hermosilla. The structure differs considerably. An official report from the Chilean foreign minister six months after Jara’s death is refuted with autopsy and eye witness reports. In Jara’s case, his body was discovered, claimed and buried, another major departure from most of the NCTR cases. It is also clear that the commission summary is the result of several reports versus single testimony from a loved one or a human rights or legal report. Jara’s case is stated to have been singled out as an example of the “vicious” nature of the human rights violations (Report 167).

The narrative, in this official version, states that Jara had gone to his work at the university where he was detained, then transferred with others to the stadium. However, once there, he apparently was considered “dangerous” because he was detained in a particular place. After three to four days of questioning, he stayed behind at the stadium while others were transferred. His body was found with five others the following day, dumped on a road near the cemetery in a shantytown.

While this testimony is considerably longer and more detailed than other testimony, potentially important information about Jara’s involvement in the Popular Unity and New Song Movement are absent, suggesting that Jara may have been identified as an “innocent victim” in the official testimony, which perhaps made the crime seem all the more heinous. Although the statement about belonging to the Central Committee of Communist Youth is included, the choice of this organization above all the other groups he belonged to seems to minimize his potential threat because, after all, it was “just” a youth organization. It is difficult to read this testimony
alongside thousands of other official testimonies without asking if the testimony is longer simply because there was evidence that could be included (such as the description of his body, autopsy results, and numerous eye witness accounts). Or, was Jara’s international stature a factor? The commission report states that the cases of Jara and Quiroga – who previously headed the prison system – have been used as examples of the viciousness of the crimes, however, the argument could be made that all the crimes were equal in this regard.

The unofficial written testimony appeared in book form and was provided by Jara’s widow. Joan Jara’s testimony regarding the life of her husband, Victor Jara, was published as a book, *An Unfinished Song: The Life of Victor Jara*, in London in 1983, 10 years after his death which occurred within the first week of the military overthrow of Salvador Allende’s government. As a founder of the Chile New Song Movement, Jara became a champion for the working class through his music and theater production. He was detained within the first 24 hours of the coup with about 600 professors and students at the Technical University, then he was transferred to the Chile Stadium where he was severely tortured and shot. His body was dumped on a public road in a poor neighborhood with five other detainees, then moved to the morgue where hundreds of bodies were piled anonymously, waiting to be buried in mass graves. A morgue worker recognized Jara and secretly notified Joan Jara who officially claimed her husband and buried him the same day. Joan, a British citizen, left Chile within the month with her two daughters. She became a vocal, international critic of the Pinochet regime and founded the Victor Jara Foundation.

The structure of the 278-page book begins with a short preface by Joan Jara in which she expresses her relief at being able to tell Victor Jara’s story in a complete and unmediated way. She expresses the ongoing media coverage in Chile as a continual onslaught of attacks and
propaganda as a result of media control by the opposing party before the junta and by the military after the take-over. The book opens and closes with Joan Jara and her daughters on the plane that took them out of Chile in October 1973. In the chapters two and three, the author gives a biographical sketch of her and Victor’s early lives, outlining the circumstances that led to their relationship and the conditions and life experiences that shaped their interest and ability to participate, both in Chile and internationally, in social justice causes. Within the first three pages of chapter three, “Our Meeting,” a love story emerges which provides the reader with intimate details of their courtship. In chapters four and five, the author provides deep details about the evolution of Jara’s musical and directorial experiences, and his close personal and professional ties to indentured populations – “el rato” - that historically served the Chilean oligarchy – “los pitucos.” Joan Jara (JJ) begins to identify events that led to Victor Jara’s (VJ) death in chapter six, “Song as a Weapon.” As early as 1969, VJ wrote and performed songs criticizing injustice with a focus on specific people and situations that resonated with citizens in Chile and throughout the world. VJ travelled extensively with musical and theater groups and performed Chilean folk and justice music in many countries. Although VJ initially tried to separate his music from the politics, human rights violations such as the 1969 Puerto Montt massacre (124) and the death of Miguel Angel Aguilera\(^50\) (145) prompted VJ to write and perform songs as testament. The song for Aguilera eventually became the hymn of the Popular Unity Party which supported Salvador Allende. In chapter seven, JJ returns to the active, first person voice used in chapters one and thirteen. In a journal format, JJ chronicles the events of the politically and

\(^50\) The 18-year-old was peacefully watching a demonstration when he was shot and killed by police.
economically contentious 1970 presidential election in which Allende and Popular Unity won over the Christian Democrats. Chapter eight follows the opposition’s reaction to the election including the “saucepan march,” involvement of middle and upper class women, and Popular Unity’s ongoing nationalization of previously privately and corporately-owned industries. In chapter nine, JJ continues the narrative of the song movement in the 1973 elections which gave Popular Unity a majority in congress, in particular the use of “pamphlet songs,” topical issues turned into music that reached poor and illiterate Chileans through radio and live performances. A sense of foreboding is evident in chapter ten, marking the beginning of JJ’s retrospective realization of when the plan was enacted to overthrow Allende and control the citizens through military oppression. The days leading up to September 11th and the military coup in chapter eleven begin JJ’s testimony of VJ’s last days. This chapter is written from her perspective as she receives calls from VJ when he is detained at the university on the day of the coup and, in the following days, as people come to her with messages from VJ while he is in the stadium. She concludes the chapter with details of learning about his death, retrieving his body from the overwhelmed morgue personnel, and his quiet and hasty burial. In chapter twelve, JJ returns to the present (1983) and retraces VJ’s steps in his last week, piecing together details from personal conversations and historical data. JJ notes that “Victor wanted to leave his testimony, his only means now of resisting fascism, of fighting for the rights of human beings and for peace” (250). In chapter 13, “The Aftermath,” JJ briefly describes her efforts to preserve VJ’s music and work

51 Baldez covers women’s involvement on both sides of the political spectrum in Chile during this time in Why Women Protest (2002).
and abruptly ends with a description of leaving for the airport with her daughters as exiles to England, her home country.

In this structural analysis, the units of information are chapters in book which are situated in different time periods to cover the whole story of Victor Jara’s life. At least four different voices are utilized in the narrative. The present day voice of Joan Jara (as of the writing time) is used in the preface and the beginning and ending chapters, all of which express an emotional and urgent point of view. A retrospective voice of Joan Jara is used in several chapters that serve as historical/contextual background but also as devices to move VJ’s life story along. JJ also utilizes a chronological, documentary-type voice to explain situations and VJ’s responses and actions. The fourth voice is that of Victor Jara, himself, which is delivered through his personal letters to Joan Jara and his song lyrics and poems which testify to the ongoing marginalization, abuses, social actions against the citizens, and – in some cases – political murders intended to intimidate and remove obstacles to the overthrow of the socialist government. Each of the voices adds a different perspective to the events as they unfold. The chapters build on one another in terms of temporal, contextual, and motivational situations that lay the groundwork for the ultimate testimony of VJ’s detainment, torture, and murder. Quantity and quality of facts is apparent in the deep details of both JJ’s and VJ’s early lives and well as in their family life, the cultural and political situation of Chile from 1969 to 1973, and the Chilean Song Movement development and contributions to the social movement. The repetition of terms and words follows the expected chronology and narrative of the times including political, cultural, and justice terms.

Several genres of biography are inherent in this life story. While the story can be classified generally as biography, JJ’s inclusion of her own story within the larger narrative of
Victor Jara’s life classifies this within the realm of autobiography. Clearly, the narrative, which reads as a novel, falls into the category “counter story” of resistance (Eakin 11); even through the socialist Popular Unity Party was in power for three years, Allende’s government and his supporters were constantly attempting to counter the opposition which included other parties, international corporations, far left splinter groups which fractionalized the socialist efforts, and foreign governments, notably the United States’ Central Intelligence Agency. With the inclusion of both Joan and Victor Jara’s personal testimony, particularly as it is set within Chile during a time of oppression and struggle, and the timing of the book, which was released on the 10th anniversary of the coup and Victor Jara’s death in the midst of Pinochet’s 17-year stronghold, the argument could be successfully made that it is “testimonio” (Smith and Watson 206). Joan Jara clearly makes “a bid to take charge of how that life writing is read” (Egan 207) and gives explicit details about the manner of VJ’s death and condition of his body which also categories this narrative as death writing or autothanatography. Multiple references are made about limited media perspectives, interviewer biases, and media propaganda. Joan Jara explicitly states that “It is a relief, at last, to tell this story quietly, in my own way, instead of responding to sudden questions which allow me to tell only the parts of it which interest the person who is interviewing me” (vii). It would be difficult to determine omitted details in a manuscript of this length; however, it is clearly written from the Popular Unity and oppressed populace perspective which is appropriate for auto/biography genres. JJ notes that “Everything I write about the years of Popular Unity is subjective, almost passionately biased, unrecognizable for people who had a different viewpoint. I don’t apologize for it. It is Victor’s truth and my truth. And truth is something that has to be fought for, as we painfully learned during those years” (170).
The temporal, societal, and political contexts are an important component of this biography. The larger narrative of *An Unfinished Song* is the people’s struggle for social justice within traditional oligarchy and capitalist structures. Consistent threads are themes of the power of music and performance to give voice to the oppressed and the lack of access to mainstream media by people in opposition to those in power. Aside from the contextual chapters the Jara’s early life and courtship, the portion of the book that addresses human rights violations is focused on the military coup of Sept. 11, 1973 and the first weeks of detentions, disappearances, tortures, and murders. Joan Jara uses the socialist social movement, the political struggles during the elections, the new policies of the Allende government, and the opposition’s tactics to destabilize the country as the societal and political contexts of her story. This deep background information begins in 1969 with the rise of the unions and the development of the Chilean Song Movement as a strategy to mobilize and empower the poor. These contexts give the impression that VJ’s death was inevitable in light of the opposition’s vehement reaction once it became clear that the Popular Unity Party would control congress with the 1973 election and they would be unable to “defeat Allende democratically” (209). Systematic elimination of “obstacles” included the murders of Allende’s Armed Forces Commander in Chief, General Rene Schneider (152), and the naval aide de camp, Commander Arturo Araya (222). Ongoing threats and harassment of Victor Jara set the stage for his death to be used as an example to the rest of the country. Her narrative illustrates that if the death of VJ – who was internationally known as an advocate of peace and social justice – could not be a catalyst for international intervention, the military must have been very powerful, indeed.

The second type of unofficial testimony to be analyzed is Victor Jara’s last testimony written in the form of a poem because he was certain that he would not live to sing it. Jara wrote
this testimony in poetic song, a form that was corporeal and second nature to him as a communicative form. His thoughts are embedded into language that is concise, precise, and organized into short stanzas that seek to communicate issues important to understanding the larger context of what was occurring inside the stadium and throughout Chile in the first few days after the military overthrow of the government.

The circumstances of this testimony have been well-documented. Jara wrote his testimony within the last few hours of his life and gave the scraps of paper to people who he felt would have a chance of getting it outside of the stadium, to people who he felt had the most chance of survival. Jara had already endured three to four days of abuse and torture after being detained on September 11, 1973, the first day of the military coup, with about 600 teachers and students from the university where he worked. They were then moved to the stadium. Jara’s body was picked up off a shantytown street on September 15 with those of five other men. His hands – depending on the source – were either shattered or cut off. His body was riddled with 44 bullets, bound for a common grave until a morgue worker recognized him and contacted his wife on September 18. He was quietly buried the same day. Jara was not only a singer and songwriter, he was also an accomplished producer of plays. The depth of meaning in what he knew would be his last testimony is apparent.

The symbolism of his death was immense inside and outside of Chile. Jara grew up as part of the poor class and throughout his life worked among the farmers, laborers and working people. His music and plays portrayed this way of life and the struggles they faced. Within Chile, Jara was revered and, outside Chile, was recognized as a leader of the popular folk music movement which communicated the struggles for decent living. He had traveled extensively outside of Chile to perform as a singer and guitarist. Joan Jara notes that although Jara tried to
keep his political feelings separate from his professional work, the living and social conditions within Chile during the late 1960s compelled him to become active politically. As a supporter of the socialist president, Salvador Allende, Jara was seen as a particularly strong threat by Augusto Pinochet who led the coup. And while it would seem that his prominence outside Chile would have offered some protection, his death – and the savage circumstances – illustrate the autonomy and power of the military regime. The crushing of his hands was intended to silence his music; his death was intended to silence his voice. Ironically, these actions did not accomplish either intent. Jara’s last testimony was recorded by American singer Pete Seeger and heard throughout the world; in subsequent years, many songs and films recorded his solidarity efforts. However, within Chile, Jara’s murder was designed to illustrate that no one was safe from the wrath of the new regime.

The symbolism of his testimony was just as incredible as the symbolism of his death. Jara wrote the text in unimaginable circumstances of abuse, torture, and killings. His last words continue his work of the people, striving for understanding, and placing the coup into the larger societal issues of equity and independence. His testimony is a call for others to continue the fight. He questions the higher purpose of the human turmoil and predicts his death and that of others.

The key narrative elements/themes focus on Jara and his fellow captives are victims who are reduced to a subhuman status without hope of rescue. The captors – evil military personnel – are not portrayed as powerful. Rather they are cast as drones in a larger, heartless military machine with a premeditated plan that is carried out according to a strict script. In this sense, the humanity of Chile is a victim that apparently not even God can save. Yet, the hope of redemption and triumph over evil emerges through the lines of desperation.
In the following analysis, Jara’s words are placed in the context of the social movement he had championed through his music and theater work.

STANZA ONE: Serves to document the setting, the stadium which held nearly 5,000 people. He acknowledges that what is happening in the stadium is likely occurring throughout Chile.

“There are five thousand of us here
in this small part of the city.
We are five thousand.
I wonder how many we are in all
in the cities and in the whole country?”

STANZA TWO: Jara identifies those imprisoned by the work they do. These are working class people. The statistical analysis of the official truth and reconciliation report confirms this: nearly a third of those murdered were workers and small scale farmers.

“There alone
are ten thousand hands which plant seeds
and make the factories run.”

STANZA THREE: Jara notes again the probability that the human rights violations are not confined to this stadium. The general conditions and chaos in the stadium are documented,
as well. In mid-September, the nighttime temperatures would have been in the low 40s, perhaps even in the 30s, and the daytime temperatures may have been in the 50s or 60s. (JJ notes that “it was bitterly cold for September,” 237). Photos during this time show people in the stadium bleachers, many without jackets. Halls and locker rooms were reserved for interrogation, torture, and killing. Moral pressure undoubtedly refers to the widely documented practice of the regime to terrorize people into giving names and information on other people in exchange for leniency or “promises” of being released.

“How much humanity

exposed to hunger, cold, panic, pain,

moral pressure, terror and insanity?”

STANZA FOUR: Jara gives six specific instances of torture and the effects on each person, two dead and four wishing for death, with the acknowledgement that each person knew he was near the end of his life.

“Six of us were lost as if into starry space.

One dead, another beaten as I could never have believed

a human being could be beaten.

The other four wanted to end their terror –

one jumping into nothingness,

another beating his head against a wall,

but all with the fixed stare of death.”
STANZA FIVE: Jara seems to be establishing that a plan and premeditation was in evidence. The death of people in the stadium will be rewarded by the military.

“They carry out their plans with knife-like precision.
Nothing matters to them.
To them, blood equals medals,
slaughter is an act of heroism.”

STANZA SIX: He questions a higher being. Why is this happening? Is there a larger plan? Each prisoner is assigned a number, reduced to a non-being with only shadows of a former life that will not again be realized. As time passes, so does the desire to exist.

“Oh God, is this the world that you created,
for this your seven days of wonder and work?
Within these four walls only a number exists
which does not progress,
which slowly will wish more and more for death.”

STANZA SEVEN: In a moment of clarity, Jara recognizes that the people in uniforms have also been reduced to non-beings, part of a larger military machine. Just as midwives deliver into this earth, the military midwives end the suffering and deliver from this life to another state.
“But suddenly my conscience awakes
and I see that this tide has no heartbeat,
only the pulse of machines
and the military showing their midwives’ faces
full of sweetness.”

STANZA EIGHT: A call to action by Jara to his companions in other countries, all working for social justice, particularly Mexico and Cuba, places he felt were in solidarity with the Chilean people.

“Let Mexico, Cuba and the world
cry out against this atrocity!”

STANZA NINE: He identifies the loss of human resources in the stadium, reminding those reading his testimony that it’s likely that there are other places in Chile where the same atrocities are taking place.

“We are ten thousand hands
which can produce nothing.
How many of us in the whole country?”

STANZA TEN: The strength of human spirit, spurred by the loss of life, Jara predicts will overcome the military regime and persevere.
“The blood of our President, our companero,
will strike with more strength than bombs
and machine guns!
So will our fist strike again!”

STANZA ELEVEN: Jara had led his fellow captives in song at the university before they were transferred to the stadium. For him, writing was intertwined with song. The knowledge that he was living his last moments with no chance of escape or survival is clear. He viewed his life as one larger song, made up of many moments worthy of song. It was difficult, in his view, to end his life with a ghastly and sad song.

“How hard it is to sing
when I must sing of horror.
Horror which I am living,
horror which I am dying,
To see myself among so much
and so many moments of infinity
in which silence and screams
are the end of my song.”

STANZA TWELVE: Jara did not finish the song. He handed the paper and pencil to a friend who smuggled them out of the stadium. Just moments after writing the last words, Jara
was led away by men in uniforms. After three days of ongoing torture, with his hands likely broken, witnesses said that he was mocked by the military captors and challenged to sing. His voice was heard for the last time singing “Venceremos,” (We Will Conquer) the Popular Unity Party hymn. Though he had been a witness to human degradation and death, he framed the experience as a type of birth. Whether he meant it as a personal transformation or a societal one is left for the reader to interpret.

“What I see, I have never seen
What I have felt and what I feel
will give birth to the moment...”

Under unlikely circumstances, Jara’s final testimony made it out of the stadium and into the hands of his wife who began to circulate the poem. The following year, American singer Pete Seeger recorded the first of three versions of the testimony in song form. The poem also appears in the auto/biography written by Jara’s wife, Joan. Through these two venues, the poem written on scraps of paper in Jara’s last few hours before his death, live on in printed versions as well as in song. In this sense, his unfinished song served to communicate the Pinochet regime’s human rights atrocities as well as the Chilean peoples’ struggle for equity in work and quality of life.
F. Testimonial Form Analysis

This section thus far has provided an in-depth examination of nine testimonial forms focusing on the three cases of disappearance and death involving Jorge Silva, Hector Hermosilla, and Victor Jara. While the deep look at the testimony is, in itself, illuminating, the study now takes a turn to a comparison and contrast of the three different forms: official NTRC testimony, unofficial written testimony, and other unofficial testimony. This part of the analysis focuses on the forms, versus the testimony, and looks specifically at five elements: the narration or the way the testimony is told; tone of the form; primary actors; moral demands inherent in the stories; and appeals that surface through the different forms. Some moral demands are manifest, expressively and expressly stated, but other demands are latent and concealed within the narrative in the presentation and sequencing. The examination of appeals is approached through Aristotle’s classical Greek rhetorical structure of ethos, pathos, and logos (Trail 2000).

Official Testimonial Forms

The official testimony of the three men appears in the NTRC report and is confined to the time that the person or persons disappeared and to the last eye witness testimony or recovery of the body. The narration is presumed to be coming from the people who offered the testimony to the commission; however, as one reads the 1,200-page report in its entirety, it becomes apparent that many sources were used to produce the testimony which was written by staff attorneys following a prescribed format (Report 36). This is the first complication of the official testimony: the narration comes from the commission itself and while a good deal of the
foundational work was meeting with those who gave the testimony, the official testimony is told and controlled by the commission. While the form is short and focused on establishing that the disappearance and/or death is “the work of government agents,” the length varies from a few sentences to several paragraphs. In the rare instances when there is a statement from the military junta about a specific person, the official report refutes the statement with known details and witness testimony. The tone is formal and concise, a fact which is referred to in the introduction to the report which references the “narrow mandate” and restrained style but “does convey the cardinal ethical importance of the task undertaken” (Report 16). The actors in the official testimony are consistent: the disappeared who are characterized as innocent victims, the perpetrators who are painted as powerful and oppressive/evil torturers and killers, and the eyewitnesses who are credible yet anonymous persons at the site of abduction or torture facility. The beginning of each official testimony is consistent: the month, day, and year of the man’s disappearance. The initial sequencing is consistent: the victim was either taken by force in front of witnesses or disappeared but was either seen in a detention facility or with someone else who was seen in the company of government agents. The narrative continues with a body being found or with a statement about the whereabouts being unknown. The conclusion is consistent: the commission is certain that government agents violated their human rights. Morality demands in the official testimony are consistent: an attempt is made to connect the victims to some sort of

\[52\] The format of the official testimony typically ends with a conclusion by the commission that human rights were violated by government agents. See for example the testimony relating to Silva (87), Hermosilla (95), and Jara (101).
activity that would potentially make the person a threat to the regime. For example, Jorge Silva is a MIR (Revolutionary Left Movement) activist. Hector Hermosilla was active in FER, (Revolutionary Student Front) a high school branch of the MIR. Victor Jara was a member of the Central Committee of Communist Youth. The implication or latent demand is that not only were the men tortured and killed, they were specifically marked because they had exercised their rights to free speech and association. Not only did they not do anything wrong, their human rights were violated because they presumed to participate freely in society. The moral demand expressed quietly but clearly in a punctuated manner through the repeated use of “the Commission is convinced” is that people should not be tortured and killed for being active citizens. The dominant appeal used in the official testimony is one of logos with the evidence logically and systematically laid out to support a claim of gross human rights violations perpetrated by the military regime. The credibility, or ethos, of the official form is high as the Commission officially sanctioned the testimony which is presented, verified that a person is dead or presumed dead, and established the circumstances “to the extent possible” (Report 15).

Unofficial Written Testimonial Forms

The unofficial written testimony relating to the men appeared in three different books and covers time frames in each case of several decades. The first two testimonies, of Jorge Silva and Hector Hermosilla, were given by the men’s mothers, Irma Muller and Inelia Hermosilla, and appeared as sections in books focusing on testimony about Chilean people who were disappeared. The written testimony about Victor Jara was also in a book, an auto/biography written by his wife. The quantity of information in the unofficial written testimony varied
significantly from a few pages to an entire book, a stark contrast to the brief and terse
commission testimony. In all cases it is clear that the testimony is given by a family member.
The tone is uniformly conversational and emotive. The primary actors are the victims who
advocated for the people of Chile, eyewitnesses who are sometimes named, people who are
peripheral to the central story line (i.e., neighbors, friends), people who helped in the search
efforts, government officials who thwarted their search efforts, and those believed to be
responsible for the victims’ demise. Unlike the official testimony, the perpetrators are named in
this unofficial testimony.

While the testimony in all three cases was presented within the context of mysterious
disappearances, endless searches, and long struggles to “find” the truth, each story was slightly
nuanced toward particular manifest moral claims. Muller’s testimony focuses on continual
official denials and mistreatment from authorities which propelled her increased involvement in
the public sphere. Hermosilla’s testimony is presented as a never-ending saga of journeys
undertaken to find her son and emphasizes witness accounts of seeing Hector in torture centers
and, eventually, the discovery that his disappearance may have been tied to volunteer work he
did in the shantytown community. Her primarily demand was “Where is he?” Jara’s testimony
was geared toward a long struggle, as well, this time in the form of rights for marginalized
people who rise up to claim their natural rights of association, expression, property, and their
ability, as individuals, to reach full potential and experience a good life. The seeming
inevitability of the outcome, VJ’s premonitions of his death, and the sense of “fighting a losing
battle” but doing it well was all integrated with a love story and the singer’s fidelity to the poor
people of his country. Each woman specifically noted that she appealed to “higher” authorities –
the Pinochet’s, embassy leaders, church officials, and the international community. These
appeals set the stage for the unofficial written testimony which, through their publication and international circulation, created public spaces for discursive practices and messages.

The latent moral demands embedded in the unofficial written testimony differ markedly from the official testimony. Although the narrative sequence follows a similar pattern of abduction, eye witness accounts, disappearance and/or death, the demands that emerge as an urgent and unanswered question and “pierces… like an arrow” (Barthes 1980). The “Where are they?” question is a burning issue in each of the testimonies and is linked to the recognition that the loved one will not be returning. “Why was this life cut short?” is another common thread among the testimonies and is revealed in the story that unfolds about each victims’ early life, training, accomplishments, family, hopes and desires. Inherent in the stories is the idea that the victims’ deaths were unwarranted and, by naming the people believed to be responsible, that justice should be served. The dominant appeal in the unofficial written testimonies is one of pathos, enacted through emotional and ethical appeals to universal norms such as the duty of a mother to protect and defend her children and an individual’s right to live a life unfettered by attacks on personal liberties as well as the sanctity of life itself. The credibility, or ethos, of the unofficial written form is attained through the compelling stories, book publication, and international circulation.

53 Barthes says the punctum is that which poignant and pierces the soul. It “rises from the scene, shoots out of it like an arrow, and pierces me” (1980, 26).
Other Unofficial Testimonial Forms

The other unofficial testimonies are consistent with the official and unofficial written testimonies but these testimonies, which all have a performative aspect to them, are confined to a particular point in time. The arpillera documents the abduction of Jorge Silva and his fiancée, Carmen Cifunentes. Creating the visual representation is an act of resistance and defiance for the arpilleras, Irma Muller. Inelia Hermosilla’s “act” for her son, Hector, is an anniversary performance in which she represents him by telling of his life and giving mementos with his likeness and date of disappearance. Victor Jara’s poem documented the initial round-up of “subversives” within the first few days of the military coup in the Chile Stadium. Ironically, writing this poem was an act of survival – not for Jara himself – but for the social justice demands of the New Song Movement and, as his personal legacy, a testimony of the military’s human rights offenses. Like the official testimony, other unofficial testimony follows a similar sequence of events: victims are abducted or arrested, they were not alone, they were disappeared or executed. There is also an element of logos in evidence with these forms that supports the claim of human rights violations. The arpillera shows the couple, unarmed, being accosted at gunpoint. In the “act,” the mother remembers her son and sets the stage for the evidence that her son was unlawfully detained and disappeared. She sanctifies the event and his disappearance by giving out imprinted handkerchiefs; she points to the building where he was abducted as a verification of the location; and she testifies to her long, unwavering efforts to find him. Jara’s poem documents the conditions inside the stadium including the number of people, the effects of torture, and his impending death. As with the unofficial written testimony, the actors are more extensive in these performative-style testimonies than in the official testimony, with the added
layer of the audience being a witness to the events at the time that the testimony is seen, read, or heard. The “tone” of the testimony is linked with the audience reception and interpretation but could generally be characterized as personal and perhaps intimate. This type of bearing witness is intertwined with the pathos of performative testimony, which is called forth through appeals to emotion and values. When we see the arpillera, we are immediately struck with the knowledge that the couple is going to be taken away by the armed men who clearly are not there to defend them. When the mother asks, “Are you a parent? Do you have children?” she is appealing to the love and fear that is unique to having and protecting children. And when Jara speaks of the “horror” and the abducted man who jumps to his death rather than endure more torture and probable execution, the audience becomes emotionally engaged. At the same time, these testimonies call into question why these citizens were violated so profoundly by the very people in their society intended to protect them. The moral demands in this testimony are logical, emotional, and value-laden. The credibility, or ethos, of other unofficial testimony is achieved through connecting with the audience at the level of universal norms attached to individual freedoms, family ties and responsibilities, and human rights.

This meta-analysis of the testimonial forms establishes that official testimony, as seen in the Commission report, is tied to overarching objectives to establish a definitive truth, appeals to logic, and confines actors to the disappeared/executed, eye witnesses, and government agents. Moral demands focus on human rights violations and essential freedoms. Unofficial written testimony, on the other hand, flushes out the details not covered in the skeletal official testimony with a strategic aim to appeal to audience’s emotional and ethical empathies. These testimonies focus on the long, unwavering, and unfruitful search for answers about the detained and disappeared and the strategic call for intervention and help. Other unofficial testimony presents
testimony in visual and bodily forms resulting in testimony that resembles art, mimics theatre, and morphs poetry into song. While these testimonies do not have as much information as the unofficial written narratives, a more complete picture is revealed than that which emerges from the official testimony. In addition, these other unofficial stories appeal to audiences through multiple sensory avenues. The ethos or credibility of all three forms is established by publishing and/or producing a testimonial form with international circulation.

A summary of this composite analysis is presented in the Table 1, Narrative Analysis of Testimonial Forms, on page 118.
<table>
<thead>
<tr>
<th>NARRATOR</th>
<th>OFFICIAL TESTIMONY</th>
<th>UNOFFICIAL WRITTEN TESTIMONY</th>
<th>UNOFFICIAL OTHER TESTIMONY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FORM</td>
<td>Short/focused</td>
<td>Expansive/Personal</td>
<td>Short/focused</td>
</tr>
<tr>
<td></td>
<td>Official Report</td>
<td>Published Books</td>
<td>Visual, Performative</td>
</tr>
<tr>
<td>ORIENTATION</td>
<td>Narrow</td>
<td>Deep Details</td>
<td>Performative</td>
</tr>
<tr>
<td>TONE</td>
<td>Formal/Concise</td>
<td>Conversational/emotive</td>
<td>Intimate</td>
</tr>
<tr>
<td>AUDIENCE/GOALS</td>
<td>Citizens/international community to mark break with previous regime and mark new era</td>
<td>External international audience to deeply document human rights atrocities</td>
<td>Geared toward specific audiences as a call to action</td>
</tr>
<tr>
<td>ACTORS</td>
<td>Disappeared (innocent victims); Perpetrators (evil doers, not named); Eyewitnesses (anonymous and credible)</td>
<td>Victims; Eyewitnesses; Perpetrators (named); Peripheral helpers (friends, family, neighbors)</td>
<td>Victims; Perpetrators; Audience (viewers, listeners, readers)</td>
</tr>
<tr>
<td>SEQUENCE</td>
<td>Date, abduction/arrest, eyewitness accounts, body found/not found, conclusion that human rights violated by government agents</td>
<td>Circumstances at time of testimony, relationship to disappeared, circumstances, long search for loved ones and/or answers, loss, commitment to the truth</td>
<td>Abduction/arrest, with others, disappeared and/or executed</td>
</tr>
<tr>
<td>MORAL ISSUES AND DEMANDS</td>
<td>Active citizens seen as threat and removed; marked because of free speech/association</td>
<td>Questions ignored, searching families mistreated, constantly seeking answers and looking for loved ones</td>
<td>Why? Where are they?</td>
</tr>
</tbody>
</table>
G. Comparison of Testimonial Forms from a Communication Ethics Perspective

Analysis of these testimonial forms relating to Jorge Silva, Hector Hermosilla, and Victor Jara thus far has focused on the narrative and historical elements that contribute to the forms’ ability to communicate particular events, causes and outcomes. Now we turn to a discussion of the ethical considerations regarding the testimonial forms and the process of communication. First, Warner’s criteria for publics and counter-publics will be applied to the official commission testimony, the unofficial written testimony, and the other forms of unofficial testimony. Then, the larger issues of communicative freedoms from the vantage point of social justice theory will be explored for these three categories of testimonial forms by applying Rawls’ theory of justice as fairness and Sandel’s politics of the common good. The intent behind the choice of these theorists is to evaluate the testimony from a comprehensive ethical framework.

_Warner’s Public-Counterpublic Distinctions_

Warner (2005) maintains that a lack of power within a group or society results in very specific criteria for marginalized or sub-altern people.54 Conversely, those people or groups who

54 Warner’s criteria of counterpublics (120-121): address to indefinite strangers; socially marked by their participation; circulate in special, protected venues; in limited publications; addressed in a counterpublic way; specific agenda; status carries with it a type of social membership; rely more on outward physical expressions of what they want to articulate; if successful, the counterpublic may become a social movement; expansive estrangement of public speech.
have full agency – and thus full ability to communicate and participate in public discourse – also meet particular criteria. Such power to communicate is a potent indicator of realizing and/or regaining some degree of social justice during and after transitional justice.

In terms of sub-altern or counterpublic status, all three of the testimonial forms meet multiple criteria cited by Warner. Four counterpublic criteria – audience, protected venue, specific agenda, and estrangement of public speech – are apparent in the official and unofficial testimonial forms under consideration. Whether these counterpublic elements transitioned into public criteria will be discussed. None of the forms, for example, was geared to a particular audience, and all appear to have been released to mass, multiple audiences. Not surprisingly, they all circulated in protected venues. The official truth and reconciliation testimony was released under the auspices of the newly democratized Chilean government, was later published by an American university press, and ultimately was given worldwide circulation through the United States Institute of Peace website which shows movement to free circulation of public communication with the potential for creating a discursive space for discourse. However, the details that were circulated through the official testimonies were minimal and carefully framed to support the new government’s need to document that human rights violations had occurred and only superficially resembled the unofficial narratives. From this, we can conclude that the official document constituted a public space for the Chilean society, but not necessarily for the public.

55 Warner identifies seven criteria for a public (67): self-organized; a relation among strangers; public speech is personal and impersonal; constituted through mere attention; the social space created by the reflexive circulation of discourse; act historically according to the temporality of their circulation; poetic world making; and frame their address universally (117).
disappeared and executed or their families. The official truth commission process only focused on disappearances and deaths and did not address the human rights violations committed against those people who survived, so the official document can only be viewed as the first step in the transition from a marginalized society to one with a public status. The decision to not name the perpetrators further points to the specific agenda of the truth and reconciliation commission (Report 16, 35, 36, 60). Although the commission indicated that the information would be turned over to the courts and the alleged perpetrators were invited to give counter-testimony, the lack of participation and dialogue with groups who ultimately were found by the commission to be responsible for the human rights violations diminished the capability for the official testimony to create a social space for the circulation of reflexive discourse, another indicator of counterpublic status not only for the individuals victimized but also for the Chilean people as a whole.

The unofficial written testimonies relating to Jorge Silva, Hector Hermosilla, and Victor Jara were all published and circulated outside of Chile, signifying a protected space where the narratives could be received and circulated. Additionally, the testimony of Jorge Silva appeared anonymously, specifically to protect the testimony giver, in the first edition of the book Scraps of Life (Agosin 1984), and was not attributed to the family member until the 1996 edition. The arpillera which visually documented Silva and his fiancé’s abduction was made in a protected space, under the guise of sewing groups which met in church basements and were organized by the Vicaria of Solidarity, a Catholic Church organization. Once the military regime realized that the arpilleras were “border jumping” to other countries with messages and visual documentation about human rights abuses, they were deemed subversive by the military regime. At this point, the women often sewed them late at night – frequently by candle light – and secretly transported
them to the collection sites where they continued to be smuggled out of the country (Jamison 1991). The need for these evolving protected spaces is an indicator of counterpublic status.

Yet another criterion for a counterpublic is communication that is addressed to an indefinite audience which implies that merely getting the messages to some external audience, although a form of success, does not by itself promote transition to a fully functioning public. Curiously, in all of the unofficial written testimony, the women tell stories of appealing to authority both in Chile and towards the international community. Irma Muller tells of her efforts to appeal to Mrs. Pinochet in the hope that she would have some influence with her husband. Inelia Hermosilla recounts a series of encounters and near-encounters with Pinochet about the whereabouts of her son. While still in the country, Joan Jara made appeals to the British Embassy and to contacts still operating within the new military junta. Once the unofficial testimonies of these women circulated outside Chile, they operated as a call for action to human rights organizations and other governments. The progression of these unofficial written testimonial forms from an “address to indefinite strangers” to specific and targeted audiences suggests a subtle move toward public status but primarily outside of Chile. The distinction must be made, however, between the internal and external spheres. While an increase of recognition outside Chile might garner supporters who could influence the military regime, the inability of the unofficial testimony to circulate in the country leans toward maintenance of a counterpublic status.

Estrangement of public speech indicates counterpublic status which shifts to public status becoming apparent once a discursive space is opened for dialogue and reflection. In the official testimony, the ability of the people giving testimony to give a full and complete account (one of the commission’s goals) was obviously severely limited. The process, while it did establish that
human rights violations had occurred, was not designed for people to have their full narratives become part of the official record and, therefore, offered only a margin of communicative freedom and participation. The official testimony was gleaned from several sources and put into an exceedingly succinct format by attorneys, which did not allow for equal time for all testimonies. Although the ability to participate by registering a case with the commission and then being interviewed was a substantial shift from the previous 17 years of military-induced silence, the testimony served as a legal document and was shaped to fit very specific and narrow official testimony parameters which indicates that the Chilean citizens were being given communicative freedoms only to the point that the commission allowed or felt would be tolerable given that the perpetrators still strongly influenced the country and the peace was fragile (Ensalaco 1994).

In the unofficial written testimony about Jorge Silva (Agosin 1984), speech was estranged while Pinochet was still in power because of concerns about retribution. Later, however, the loved ones of the disappeared, in this case Jorge’s mother, Irma Muller, were able to identify themselves and subsequent details were released. The unofficial testimony of Inelia Hermosilla could not circulate within Chile for similar security reasons but appeared in a book published in the United States (Sepulveda 1996). Both she and Joan Jara were able to have their testimonies published to receptive audiences outside of Chile. Joan Jara’s biography of Victor Jara was published first in England, then in the United States the following year (Jara 1984). In all these cases, the narratives of the unofficial written testimonies provided deep details about the events prior to the abductions, the events surrounding the efforts to find the men, and the years-long search to find the truth of their disappearances and executions. This is in marked contrast to the official testimony which followed a short, prescribed format and focused on the outcome.
The gap in quantity and quality of information between the official commission testimony and the unofficial written testimony provided by family members illustrates Warner’s concept of “limited publication,” a counterpublic indicator for the official testimony. The detailed, unofficial testimony with international publication opened a space for dialogue which points toward public status.

The second category of unofficial testimony includes three different forms: visual, poem/song, and performative. The visual, in the form of arpilleras, were designed to be anonymous as both a protection but, more importantly, as a form of solidarity with those left behind after people were disappeared. By self-organizing the form, content, and circulation, these subaltern groups moved toward public status by taking control of their communicative environment. After initially coming together through the church, the women did become self-organized and developed relationships to the point where they would join together to stage stealth-type protests against the military government. The speech – which literally was squelched during the Pinochet regime – came though on both a personal and non-personal way in the arpilleras to “speak” the unspeakable. Personal stories illustrated the impersonal degradation of the Chilean people and conveyed individual stories in a way that spoke to the larger societal concerns and challenges, as well as the human rights violations. Framing the address universally, says Warner, allows some publics to stand in for a larger public which identifies their communication as the “universal discussion of the people” (117). Indeed, the silent speech of the arpilleras communicated the universal concerns of the Chilean people in a strong and widely circulated voice outside of spoken language. Victor Jara’s poem, “Estadio Chile,” is an exemplary example of the transition from a counterpublic to public status. The handwritten testimony was hidden in a shoe of a fellow detainee who was able to smuggle it out of the
stadium and turn it over to Jara’s wife who also smuggled it, this time out of the country when she and her children were exiled. Once in England, Jara released the poem to the public and the American singer, Pete Seeger, recorded it as song at which point it was freely circulated to an international audience.

While the testimonies of Silva and Jara were addressed to audiences outside of Chile, the “act” for her son by Inelia Hermosilla Silva was addressed to her fellow citizens within Chile. Watching the reaction of people in the market to her “momentos” makes it clear that she was marked negatively, just as the arpilleristas were for making the documentary quilts. However, the “act” of telling their stories and having them acknowledged leads to empowering speech, another indicator of gains toward public status.

This close look at Chilean testimonial forms uses communicative freedoms as a primary indicator of increased social justice. While the public theories of Warner that lead to ethical communication and agency were specifically applied to the three testimonial forms, the theories of ethics scholars John Rawls and Michael Sandel speak to the larger issues of fairness and justice, also evidenced by communication access and participation.

Rawls’ Theory of Justice

Rawls advocates for justice that is equal and fair and identifies basic liberties in terms of freedoms of conscience, association, expression and property. For the purpose of this study, freedom of expression is most closely aligned with the communicative freedoms that have been identified as essential in order for social justice to be realized. The official testimony of the truth and reconciliation commission did provide an opportunity for expression, but it was limited and
inconsistent in depth and breadth of information. Decisions made about what information to include, the amount of detail, and the practice of not naming perpetrators all limited the opportunity for expression. Rawls’ equality principle – which says those most marginalized should have the greatest opportunity – also is not in evidence here. The official testimony is rife with cases of prominent people and/or cases that have “greater voice” as evidenced by the placement and quantity of testimony that is included. One example is that of Victor Jara, the much-loved Chilean folk singer who was abducted, tortured in the Chile Stadium, executed, and dumped on a public street. While other people and cases receive one or two sentences about the unique circumstances of their disappearances, Jara’s case is included in an overview section (Report 167) and also in two lengthy paragraphs (203).

The unofficial written testimonies certainly meet Rawls’ criteria for freedom of expression but only because they were published clandestinely outside of Chile which suggests that, although the narratives themselves were evidence of expressive freedom, it was limited because they were only allowed to circulate externally and, in the case of Jorge Silva, without identifying the person who gave the testimony. There is no clear evidence that the ability to give and circulate this unofficial written testimony was equally accessible to all people who might have wished to do so. The circumstances that allowed for these publications is unknown although it was likely due to happenstance, circumstances, contacts with people outside Chile, and/or “newsworthy” factors such as prominence, the degree of atrocity, or compelling narratives. Therefore, Rawls’ equality principle does not appear to be in evidence for these unofficial written testimonies.

The other unofficial examples of testimony – arpillera, poem/song, and public “act” – did allow for freedom of expression but only because the creators did so at great risk. The work of
making an arpillera, as visual testimony, created a forum for expression, but it was not “allowed,” rather they were made secretly. Although the arpilleras were anonymous, the visual analysis revealed that the form communicated outside of spoken and written language, and events which were silenced during the Pinochet years could be safely and eloquently articulated in this disobedience form which was disguised as folk art. The technical elements of the arpilleras were so rudimentary that anyone could make one and, in an unorthodox manner, promoted a type of equality that allowed everyone who wished to create visual documentation of events. The creators – arpilleras – were anonymous by choice, another indicator of expressive freedom, and also was a means of solidarity with other families of the detained and disappeared. Victor Jara wrote his testimony while awaiting his death, knowing full well that if he or the person who carried it out of the stadium had been caught, the consequences would have been horrendous. Inelia Hermosilla Silva’s “act” of confronting people in the public market also entailed risk but she continued to perform the act as a memorial for her son and as a call to solidarity and remembrance for her fellow citizens. All of these testimonies were made possible because the individuals seized a small window of opportunity and brief moments of safety to fight for their communicative freedoms. Although these forms are expressive and advance communicative abilities, they do not meet Rawls’ criteria for freedom of expression that is allowed without restraint in a society.

Sandel’s Politics of the Common Good

Sandel’s theories go beyond the fundamental and widely accepted norm that justice is fairness. Sandel’s idea of social justice calls for a politics of the common good that, rather than
attempting to ignore or equalize people in unequal situations, acknowledges differences and includes them in the ensuing discourse. “Justice is judgmental…bound with competing notions of honor and virtue, pride and recognition,” says Sandel (2009, 261). Justice is “more than distribution – it’s also about the right way to value things.” He identifies four essential elements for a politics of the common good: “citizenship, sacrifice and service;” “moral limits of markets;” “inequality, solidarity, and civic virtue;” and “a politics of moral engagement” versus “impoverished public discourse” or a “politics of avoidance” (263-269). Applying these four criteria to the testimonial forms creates a unique paradigm from which to analyze and critique the uses, limits, and possibilities of testimony.

Considering first citizenship, sacrifice and service, it becomes immediately apparent that these elements are significantly outside the parameters of Rawls’ theory of justice as fairness and place analysis of the testimonial forms in yet another larger context. In the official testimony, giving testimony signaled a communicative freedom that hadn’t existed during the Pinochet regime while at the same time establishing the previously marginalized person as performing a duty of citizenship in the new society. Those who testified served their new government by doing their part to establish the truth of the human rights violations and they may very well have sacrificed emotional wellbeing in the process by re-living the events through retelling. When applied to the unofficial written testimonies that were circulated during the time of the military government, it becomes clear that the testimony givers did not consider the duty to be a citizen of the military junta, but they did consider their actions to be loyal to the pre-Pinochet Chile. Muller sacrificed safety to give written testimony about her son and, even though the testimony originally was anonymous, she could have been identified through the story itself. Creating the arpilleras also entailed risk and sacrifice since being caught with an arpillera would certainly
result in detainment and punishment. Likewise, Silva and Joan Jara put forth their narratives for the media and publishers to circulate knowing that there could be negative consequences. A unifying element of all the unofficial testimony is that citizenship and service are transferred from the state to the solidarity movement created by the marginalized people who banded together to protest Pinochet and the unrelenting state-sanctioned terror.

Sandel’s second element is moral limits on the markets which is difficult to apply to official testimony because a primary goal of transitional justice is to stabilize the country and doing this often involves increasing business activity and trade to counter unemployment and poverty (USIP 2011). However, the official commission document itself, while not a physical commodity, was a symbolic commodity that signaled to the outside world that changes consistent with international norms relating to human rights were occurring. This would have facilitated new relationships and arrangements that could have been beneficial to Chile’s markets and, under the circumstances would be seen as moral unless the truth was compromised. Interestingly, one of the primary criticisms of the NCTR report was the stipulation that names of perpetrators would not be included so, to some degree, the truth was compromised, and the argument could be made that moral limits on the report as a commodity were not met. The unofficial, textual testimony did appear in books that were sold, where in at least one case the author donated proceeds to Chilean humanitarian efforts. And, while the arpilleras were sold internationally, the proceeds were sent back to Chile through the Vicaria of Solidarity to benefit the arpilleras who made them, indicating that the visual testimony also meets the moral limits of the market criteria. Victor Jara’s “Estadio Chile” poem was recorded as a song by Pete Seeger and was performed in a Madison Square Garden benefit for the Chilean people in the spring of 1974. In the “act,” Inelia Hermosilla Silva twice turned down offers of cash, indicating that the
exchange of money would dishonor the testimony of her son and the “momento” which she wanted to freely give. This look at financial concerns related to testimony indicates that while some actual capital was generated in the creation and circulation of testimony, limits did exist, particularly for the unofficial testimonial forms. The testimony that appears to have been potentially compromised by market considerations was the official commission testimony.

Sandel’s third element addresses inequality, solidarity, and civic virtue. The official report on testimony in Chile addresses inequality in the respect that as many cases as possible were included in the process. Yet the inconsistencies in the depth and breadth of testimony within the report definitely show inequality. Being able to physically give testimony to the commission could be seen as a continuation of the solidarity and civic virtue that developed in opposition to Pinochet and, by extension, an act that symbolically transferred the efforts and loyalties to the new, more democratic and humane government. The unofficial testimony, on the other hand, was created and existed because of the inequality under the military junta; all forms of the unofficial testimony addressed the illegal acts and human rights abuses perpetrated by the violent government officials and organizations. The marginalized citizens were united in solidarity, not only to survive, but also in memory of the Chile that existed prior to Pinochet (Timerman 1987) that may have, in their hearts and minds, exemplified civic virtue and honorable cultural traditions.

Sandel’s final element is a politics of moral engagement in which citizens are active participants in the public discourse which allows cultivation of virtue and reasoning about the common good. Sandel says that citizens must reason together about the meaning of a good life and create a public culture hospitable to the inevitable disagreements (251). This type of politics is, of course, totally counter to the environment that existed when the unofficial testimonial
forms emerged because Pinochet was fully in power and the average citizen was stripped of virtually all rights, particularly expression and communicative freedoms. Sandel would characterize this as a time of impoverished public discourse since all public communication was controlled by the regime and citizens were not free to speak. Communication in opposition to Pinochet was disguised (the arpilleras, for example, appeared to be a craft versus visual documentation), anonymous, smuggled outside the country where it could be publicized, and/or orchestrated in such a way that the military couldn’t respond negatively in public due to societal norms. In the secret detention centers, for example, women could be brutalized but if the women chained themselves to the gates of a public institution, the military would be unable to assault them because it would prove the protestors’ assertion that the military was guilty of human rights abuses. Often women would protest because they knew they could get away with it whereas the men could not protest without being detained (Agosin 2008). During the time of transitional justice in which the NCTR was created, the process signaled a move toward inclusive public discourse with the primary goal of establishing that human rights abuses occurred and to determine the fate of those disappeared. Yet, the practice of not naming names because the military was still in power and the abbreviated testimony in the official commission report clearly denote what Sandel calls a “politics of avoidance” and, therefore, are not indicative of a politics of moral engagement.

H. Results of the Analysis of Testimonial Forms

Reviewing the Chilean testimonial forms that emerged from the Pinochet dictatorship through the communication ethics perspectives of Warner, Rawls and Sandel revealed differing
levels of both positive and negative impacts on processes and elements indicative of communicative freedoms necessary for social justice to flourish (see Table 2, Communication Ethics Theory Applied to Chilean Testimonial Forms, on page 134). This triangulation of ethical perspectives allows for an in-depth evaluation of potential impacts on social justice which mirrors the complexity of social justice conceptions, evolution, and measures. When applying Warner’s criteria for counterpublics and publics, it was clear that all the testimony came from counterpublics but of the three testimonial forms, the unofficial, “other” testimony, the arpillera, “act,” and poem/son testimony, met multiple criteria for moving from a counterpublic to a public status. The unofficial written testimony that circulated benefitted the marginalized Chileans because the testimony was framed universally which produced narratives representative of the population, created a public forum for discourse, and engaged supporters. The official NCTR testimony continued to exhibit counterpublic characteristics.

Evaluating the testimonial forms via Rawl’s criteria for justice as fairness reveals that all the testimonial forms afforded some degree of opportunity for expression, even though freedom of expression and equality were denied by the military junta. The official testimony offered the least opportunity for expression and equality, while the unofficial written testimony offered significant expressive opportunities but fell short in equality. The analysis also revealed that the opportunities for expression exhibited in the unofficial testimonial forms were not freely granted as a right of citizenship, rather the individuals undertook great risk and sacrifice to give and circulate their testimony. The opportunities for unofficial written testimony were not equally accessible to all.

Sandel’s elements for a politics of the common good shows that the official testimony allowed citizens to participate in the new government and helped establish the truth of human
rights violations but not naming the perpetrators and focusing attention on certain testimony over others exceeded the moral limits element and indicated a continuation of a politics of avoidance. The official testimony did, however, afford an opening for the citizens to continue and transfer their solidarity to an officially sanctioned arena of public discourse. All of the unofficial testimonial forms met most of Sandel’s elements for a politics of a common good. Through opposition to the repressive government, the people who gave their testimony to be circulated outside of Chile demonstrated solidarity, sacrifice, and civic virtue to an ideal of their country which was stripped away by the military junta. They acknowledged the impoverished public discourse by creating testimonial forms that communicated in different ways and different places to create an international forum for discourse that focused on universal norms. Interestingly, the analysis reveals that a politics of the common good was covertly operating while the country was under the control of a ruthless dictator.
<table>
<thead>
<tr>
<th>Ethical Theory</th>
<th>Strengths and Weaknesses of Testimonial Forms</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Increase in Communicative Power &amp; Agency</strong> <em>(Warners: Publics &amp; Counterpublics)</em></td>
<td><strong>OFFICIAL</strong>&lt;br&gt;Step toward agency but narrow focus; control by NCTR prohibited increased agency and public status. <strong>UNOFFICIAL WRITTEN</strong>&lt;br&gt;Most control of content by teller; best opportunity for giving “full” narrative and context. <strong>UNOFFICIAL OTHER</strong>&lt;br&gt;Most potential for move to public status due to control of context, message, form and circulation. Most open to audience interpretation by reader, viewer, and listener.</td>
<td>Most potential for increased agency is seen in Unofficial Other Testimony; least potential in Official Testimony</td>
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<td><strong>Narrow Focus And Circulation</strong></td>
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<td><strong>Broader Focus And Expansive Circulation</strong></td>
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<td><strong>Fairness of Expressive Liberties</strong> <em>(Rawls: Justice as Fairness)</em></td>
<td><strong>OFFICIAL</strong>&lt;br&gt;Limited and unequal expression; confined to NCTR goals. Prominent cases/issues overshadow individual testimony. <strong>UNOFFICIAL WRITTEN</strong>&lt;br&gt;Most expressive freedom but not equally available to all. <strong>UNOFFICIAL OTHER</strong>&lt;br&gt;High expressive freedom but limited depth; forms are equally accessible to most people. Highest risk due to societal constraints. Circulation is serendipitous and depends on circumstances.</td>
<td>Official Testimony is lowest in fairness of liberties and expression; Unofficial Written is highest in expressive freedom; Unofficial Other offers high expression, equal access, and opportunity at highest risk.</td>
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<tr>
<td><strong>Moral Participation &amp; Free Association</strong> <em>(Sandel: Politics of a Common Good)</em></td>
<td><strong>OFFICIAL</strong>&lt;br&gt;Reintegrates people into transitional society and reintroduces civic participation and virtue; symbolic commodity affected by negotiated process; addresses inequality on a societal level; initial move toward inclusive public discourse yet exhibits politics of avoidance. <strong>UNOFFICIAL WRITTEN</strong>&lt;br&gt;Giving full narrative contributes to illumination and truth of the full extent of military repression; created in opposition to time of impoverished public discourse. *Commodification of unofficial forms benefitted victims and families. Unofficial testimony circulated outside of Chile and created international forum for human rights abuses. <strong>UNOFFICIAL OTHER</strong>&lt;br&gt;Exhibits solidarity to pre-junta society and common plight of citizens. “Disguised” testimony (i.e., art, song, grieving mothers) draws in audiences in a personal and emotive manner – such participation moves toward a politics of moral engagement and solidarity in opposition to oppressive regime. *See note to left.</td>
<td>Official Testimony contributes most to establishing a politics of the common good; however, strong elements are seen in both forms of unofficial testimony despite the oppressive communicative and marginalized civic environment of the military junta.</td>
</tr>
<tr>
<td><strong>Impacts on Social Justice</strong></td>
<td><strong>OFFICIAL</strong>&lt;br&gt;Official Testimony contributes to remodeling of nation in transition after atrocities and to reentry of alienated and/or victimized individuals into society. <strong>UNOFFICIAL WRITTEN</strong>&lt;br&gt;Unofficial Written Testimony gives greatest opportunity to regain voice and memorialize through publication and circulation of full, unmediated narratives. <strong>UNOFFICIAL OTHER</strong>&lt;br&gt;Unofficial Other Testimony contributes to survivor agency, solidarity, and anti-regime social movements; communicates on multiple levels to engage supporters.</td>
<td>Official Testimony impacts social justice on a national scale while both unofficial forms contribute to individual/group social justice and are catalysts for international support/action.</td>
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VI. CONCLUSIONS & RECOMMENDATIONS

A. Overview of Outcomes and Lessons from South Africa

The intent of this dissertation research has hinged on investigation of communicative freedoms that are essential in order for social justice to be realized. This type of investigation is critical to socially just societies because unrestricted communication is routinely the first freedom to be curtailed by oppressive regimes and, once more democratic structures are put in place, is theoretically one of the first freedoms to be restored. The purpose of this study has been to develop a better understanding of how testimonial forms operate and whether and/or if they contribute to communicative freedoms, which, in turn, affect and are essential to social justice. Specific questions include how testimonial forms are affected by the testifier, form, usage, and circulation. This research also sought to answer the question of whether official testimony usage is consistent with the stated truth commission purpose of discovering the truth and aiding reconciliation. Does giving testimony transform individuals without regard for their previous oppressed social standing, and, by extension, transform a community into a more just society? Are testimonial forms ritualistic vehicles through which oppressed people emerge in the process of becoming part of the totality? And, finally, how is testimony and its usage affected by the affiliated political, social, and economic circumstances during times of transitional justice?

Using cases from the Chilean National Truth and Reconciliation Commission from the 1990s as the primary historical period has allowed identification of multiple testimonial forms, both official and unofficial, over the course of several decades related to gross human rights violations resulting in death and disappearances. Thus far this investigation has progressed
through secondary research about communication and social justice as it relates to times of transitional justice and testimonial forms. Next, using narrative and historical analysis, these forms have been investigated through several vantage points including themes, messages, players/actors, intended audience, circulation, mode of communication, appeals, and manifest and latent moral demands. Three types of ethical frameworks were then applied to the testimonial forms to investigate potential increase in communicative power and agency (Warner), fairness of expressive liberties (Rawls), and moral participation and free association (Sandel). The summary of ethical theories and their application to the testimonial forms are summarized in Figure 5 (page 147).

The analysis of the Chilean testimony provided some general conclusions which confirmed that different testimonial forms have unique aspects in regards to use, circulation, and communication (see Figure 6, page 153). Official testimony was found to be a formal composite culled from more than one source and strategically written to support commission goals and new state ideals. Official testimony appeared in the National Commission on Truth and Reconciliation report. Unofficial written testimony was in an autobiography/biography format tied to a series of events about a loved one who was disappeared or executed. Deep details about the social, political, economic, and personal context surrounding the human rights violation were apparent in the unofficial written testimony which appeared in books with an international circulation. Other unofficial testimonial forms were found to have a performative aspect, even when the ultimate form could be classified as an artifact as was the case of the arpillera. These types of testimonies offer more information than the official testimony but are limited in scope and confined to a finite time or event. Other unofficial testimony communicated primarily through visual and aural transmission. While different appeals emerged in the various forms, the
study revealed that one particular appeal, that of ethos or credibility, appears to evident in all three of the testimony categories investigated (official testimony, unofficial written testimony, and other unofficial testimony). This credibility is aided by significant publication and/or production and broad circulation. In contrast to testimony in legal proceedings, the credibility of the human rights testimony and the stories are not scrutinized or cross-examined in the same way. Rather, publication and circulation appears to substantiate the value of the stories as a version of truth. This credibility of the testimonial form is significant because it addresses a procedural and moral issue arising out of transitional times which is that records about disappeared and murdered people, if they were kept at all, often no longer exist and the perpetrators generally do not come forward out of fear of reprisal. Rather than placing the burden of proof on relatives and/or other witnesses, use of testimony about human rights violations appears to recognize and compensate for the limitations and availability of human rights violation documentation and legal records. While specific moral demands were expressed in each type of testimony, the latent moral demand in all forms is human rights violations occurred because the victims exercised their communicative freedoms. Moral participation and free association were found in varying degrees in all types of testimony processes.

The application of ethical theory to the testimony and forms yielded several conclusions. First, the people who provided testimony clearly met the criteria for counterpublics. But even with officially sanctioned testimony in the NTRC processes, the constraints prohibited the move from counterpublic to public status. Other unofficial testimony showed the most potential for counterpublic to public movement due to the ability of the testifier to control the content, form, and circulation of the testimony. It also appears that unofficial forms of testimony tend to have broader and longer circulation which continues to keep the discursive space open for ongoing
discussion and debate. In regards to fairness of expressive communication, both official and unofficial written testimony were unequal in accessibility. While unofficial written testimony offers the greatest opportunity for expression, unofficial other testimony exhibits the high expression and equal access but at the highest risk.
Fig. 4  Narratives of Human Rights Violations
This discussion now turns to comparison and application of communication theory based on the pivotal South African Truth and Reconciliation Commission which for the last two decades has served as the “gold standard” for truth commission processes. In light of the extensive critique by the human rights and scholarly communities, this section will focus on links between transitional justice in Chile and South Africa and specific communication studies based on the South African experience that have influenced this dissertation research.

The ties between the Chilean transitional justice process and that of South Africa began years before the actual apartheid investigation began when the South African government established the truth and reconciliation commission in 1995. The commission investigated 34 years of apartheid under a structure with three committees that focused on different aspects of the process: human rights violations, amnesty, and reparations/rehabilitation (South Africa Report 1998, 44). More than 21,000 testimonies were given on gross human rights violations (Jeffrey 2000). The Institute for Democracy in South Africa began a series of exploratory discussions in 1992 with a trip to Eastern Europe to observe transitional governments and

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followed up with two international conferences, the proceedings of which were chronicled in two books: *Dealing with the Past: Truth and Reconciliation in South Africa* (Boraine, Levy and Scheffer 1994) and *The Healing of a Nation?* (Boraine and Levy 1995). Representatives from Latin America and several countries participated including Brazil, Chile, El Salvador, Uruguay, Poland, Hungary, Germany, Bulgaria, Czech Republic, and Argentina. Graybill identifies these conferences and the subsequent public discourse about the structure as a “process that officially encouraged public debate and influence regarding the terms of a truth commission” (1998). Jose Zalaquett, who was part of the Chilean National Truth and Reconciliation Commission, participated in both conferences. Former Chilean president Patricio Aylwin, who established Chile’s truth and reconciliation commission by presidential decree, participated in the second conference. Zalaquett focused his comments on the importance of attitude, the ethics of responsibility, maximizing efforts, and the process of moral reconstruction after a breakdown in society. Zalaquett identified four general lessons. First, the process is always political. Investigative bodies should “choose the best course versus identifying violated norms” and the commission must determine how to “maxamise resources without the power to achieve completely” (Boraine et. al. 8). Secondly, the purpose of a commission is “moral reconstruction after atrocities” (10) which is a complex process of putting together political culture, values, institutions and policies, and reparations. The third lesson is that prevention and reparation are the goals; truth, justice and forgiveness are the tools. The fourth general rule is that the truth must be made visible or else a commission and society run the risk of reparations becoming another silencing tactic. Aylwin emphasized the efforts of his administration to tie the commission results to legal proceedings but he also described the complicity that occurs during times of state sanctioned terror: “…when state agents have caused so much suffering and their
superiors have failed to prevent or punish such deeds, and when society’s reaction has not been strong enough to stop these abuses, then both state and society as a whole are responsible. (Boraine and Levy, 41-42). Both men acknowledged limitations and perceived failures but Aylwin noted that, despite these shortcomings, the essential truth was revealed, and the process restored the “good names of the victims” and paved the way for legal proceedings.\textsuperscript{57} He also stressed that the commission must be made up of reputable and respected people and that, once the report is finished, it must be widely disseminated.

Although both commissions dealt with atrocities over a prolonged period, the basic societal structure was dissimilar. In Chile, the human rights violations resulted from the collapse of a democratic culture which necessitated a reconstruction of society and institutions (Zalaquett 1994). In South Africa, the system of apartheid was firmly entrenched in the basic collective structure and workings; a key objective of the commission was to establish a democracy (South Africa Report 1998). This fundamental variation in the societal understanding and acceptance of essential freedoms that are extended to all people most likely impacted the more extensive educational and inclusive nature of the South Africa commission which incorporated the accommodation of four different types of truth, extensive public hearings, and a coordinated effort to widely make public the proceedings and findings of the commission.

\textsuperscript{57}In order to further officially acknowledge the importance of the testimony and the victims, President Aylwin also send a bound copy of the commission report and a personal note to each family affected. The commission report was also published in newspapers (Ensalaco 2000).
There are several key differences in the South African process which could be interpreted as an “improvement” on the Chilean experience. The most fundamental difference is in the way that truth was conceptualized in each commission. In Chile, the official truth followed a legal or forensic model in which the testimony of the people was corroborated through multiple sources. In South Africa, the truth was found to be complex in the debates leading up to and during the commission work “resulting in four notions of truth: factual or forensic truth, personal or narrative truth; social or ‘dialogue’ truth…and healing and restorative truth” (South Africa Report 110). This categorization of “truth,” in essence, was a way for the commission to accept all stories, from all perspectives, and legitimize them outside of the classic legal dimensions of prosecuting and defending human rights charges. But it also allowed stories that would not ordinarily meet the criteria of legal evidence but were widely known to be credible to become part of the official history. “Thus, disinformation about the past that had been accepted as truth by some members of society lost much of its credibility” (South Africa Report 112). Another key difference is that South Africa offered, in a limited way, the opportunity to have testimony be heard in front of the commission. However, those who gave public testimony were carefully selected and only accounted for 10 percent of the total testimony provided to the commission (Verdoolaege 2008). South Africa also had a much broader scope and mandate and the proceedings were open to the media. And while Chile’s commission only looked at gross human rights violations, the South Africa commission tackled violations, amnesty, reparations, and
rehabilitation. With the exception of amnesty, Chilean society has dealt with these issues over the course of several decades.\textsuperscript{58}

Despite a disparate starting point and other differences, there are many similarities in the Chilean and South African transitional justice experiences. Perhaps the most important similarity was that in both cases the perpetrators were still a very powerful force in society at the 

\textsuperscript{58} On August 18, 2011, the report on a fourth Chilean truth commission process was released nearly 38 years to the day that the Salvador Allende government was toppled and Gen. Augusto Pinochet’s 17-year reign of terror began. The report was startling in that an additional 9,800 victims of the military junta were officially recognized for the first time. An article in Impunity Watch noted that “it is yet another step toward accurately capturing this historical period of Chile” (Elliott 2011). Unlike the first process, the National Commission on Truth and Reconciliation which was highly publicized, the latest report was presented to President Sebastian Pinera but will remain sealed for 50 years. The Commission for Imprisonment and Torture scope included approximately 32,000 individuals which is remarkable considering that with the passage of almost four decades, many victims would have passed on. The official count for persons disappeared, executed, tortured and/or detained now stands at 40,018. The CIT follows the 2004 Commission on Political Imprisonment and Torture which awarded reparations to 27,000 victims and also will be sealed for 50 years (Watch 2004). The Corporation for Reparations and Reconciliation, a second truth finding and reparation commission, followed the initial commission beginning in 1992. Each of these commissions created varying degrees of discursive space for dialogue, establishing truths, and circulation of narratives that were officially sanctioned and used for different purposes within different political and social time periods to afford victims recognition for their previously “misrecognized human rights violations” and silenced voices (Stanley 2004). Yet, the lack of transparency, circulation, and dialogue of the two latest commissions indicates a long-term, consistent pattern of counterpublic status for the testifiers who provide official testimony which is further compounded by government-sanctioned reparations.
time that the commission sought victim and human rights violator testimony. The impact on both commissions has been well documented and resulted in a negotiated approach which has been widely criticized as limiting the success of the processes. This circumstance also established a potentially high-risk environment which most likely deterred some people from testifying. Another similarity is that both oppressive regimes destroyed documents that could have helped establish the truth of the matter which greatly impacted the commissions’ ability to establish a full truth about the human rights violations and determine the location of remains.

B. Contributions of Communication Theory to Transitional Justice and Testimony

Given the prominence of this commission and the societal, global and scholarly debates about the process and its outcomes, attention to the South Africa Truth and Reconciliation Commission (SATRC) is warranted. It is also one of the few truth commissions in which deep communication research has occurred. Three projects, in particular, have investigated the South African experience from a communications perspective and are pertinent to this dissertation research. Eric Doxtader’s research lens is the rhetorical aspects of the reconciliation process, specifically the time of “kairos” when the previously oppositional groups came together to mark an end to one historical era and to begin another with a new philosophical and ethical foundation.

59 Anecdotal evidence points to the proliferation of literature about South Africa (2011). A Georgia State University Library search on “South African Truth and Reconciliation Commission” yields 33,386 records. Google Books shows 101,000 entries. Other Google results ranged from 1.5 million “hits” for a general search to 50,000 references and 2,160 dissertations on Google Scholar searches.
Annelies Verdoolaege focuses on the Human Rights Violations Committee, one of three investigative groups of the SATRC. She analyzes the public hearings using critical discourse analysis to identify the implications of power, individual and group identity formations, and the creation of a new, national ideology (2008). Katherine Mack uses rhetorical hermeneutics to look at the public hearings, three forms of narrative, and an associated non-governmental organization and places them in the context of the SATRC to investigate their impact on the process of public memory and its generation within the public sphere (2008).

Each of these communication research projects has influenced this dissertation in specific and important ways. Doxtader’s work— which he sometimes refers to as “talk about talk”— illuminates the official state processes and, conversely, it becomes clear that unofficial processes create a public space for the creation and circulation of testimony long before the official processes begin (85). The implication is that the life cycle of testimony begins well before official reconciliation attempts. Verdoolaege takes a deep look at the South African Truth and Reconciliation Commission (SATRC) public hearings which were the first time this was attempted on such a scale, noting that all truth commissions since have included such a process (192). She concludes that these “victim hearings” which only accounted for 10 percent of all testimony operated at the state level to help develop the national image and discourse on rebuilding society. This suggests that public hearings may not contribute to individual

60 Although South Africa is credited as being the first commission that used public hearings that demonstrated the effectiveness and merits of an open and transparent process, the first public hearings associated with a truth commission occurred in Uganda’s second truth commission in 1986 (Hayner 2010, 51 and 56; South Africa Report 1998, 54).
communicative freedoms and/or social justice stemming from free speech but do contribute to national discourse leading to “new” nation building. Mack’s research follows what she calls “ongoing interpretive uptake,” communication that takes off where the truth commission work left off and which contributes to the development of public memory (15). Her conclusion is that commission processes are a catalyst for ongoing contestation and reformation of national ideology within the public sphere.

These projects which look at very specific pieces of the SATRC, when taken together, begin to map out a lineage of the communication processes over a period of time commonly referred to as the transitional justice period which intersects with the pre- and post-transition societies. There are important implications inherent in this. One is that the researcher who studies the processes has to be aware of the fact that the communication is affected by three different contexts with blurred boundaries: that of human rights violations and oppressive regimes; transitional societies attempting to build a more just order and to establish a historical record within a temporary structure with competing aims; and, at the presentation of the official commission report, the beginning of the “post” period of a reorganized society with ethical imperatives and a human rights agenda radically different from the pre-transition period.

Secondly, it is difficult to isolate testimonial processes within a specific time period or even for a specific purpose. Stories which may be used to file a writ of habeas corpus during an oppressive regime, for example, may be used as testimony during an official commission investigation, and then may be a “re-membering” for individuals and society in the post-transition society when the stories are used in the media, as auto/biographies, in art and performance, music, and in other forms. Although outside the scope of this dissertation, it is important to note that these same stories are often used by artists, writers, film producers and others as artifacts that inspire cultural
production of memory projects which aid in reconfiguring and making sense of changes in collective identity.

While the methods and foci of these three communication projects are unique, the common thread is that each has as a central element the stories that contribute to the individual, group, and national narratives. These stories, as testimonies, are fundamental to all transitional societies in that they create a truth about the past, a conception of the present, and a hope for a future that is markedly different and more socially just. Taken together and in combination with the results of this dissertation research, it points to the necessity for recognition of testimony as an organic, evolving personal yet public communicative form which maintains a central story but also has several aspects that shift to accommodate particular needs, moral demands, and circumstances. Ernesto Laclau’s chain of equivalency which explains group evolution and identity can also be applied to testimony (2005). Demands made through the testimony become the empty or floating signifier which emerge and capture the attention of society at a particular time and in a particular form to communicate in a specific way. For example, Inelia Hermosilla’s fruitless search “act” testimony arose as a memorial to her son, on the anniversary of his death, in order to raise the consciousness of her fellow citizens and to keep the memory of her son alive (Jamison 1991). Joan Jara’s auto/biography was released in the middle of the totalitarian regime reign to an international audience with the purpose of reminding people about what the Popular Unity struggle was all about and to send out a call for action to the international humanitarian community (1984). Though these testimonies were produced despite the time of repressed communicative freedoms, they each exercised a high-risk yet powerful level of agency. This is in contrast to times of officially sanctioned testimony in which, theoretically, the risk
level is less and the communication freedoms are higher yet the testimony itself is minimized and distilled to support national grand narratives and objectives.

The person who testifies experiences different levels of agency through the societal “granting” or “repression” of universal norms regarding freedoms of thought, association, and speech which are all essential for active citizenship and are also markers of social justice. The shifting phenomena of testimony can be explained, in part, through theory related to power, communication, and subjectively. In times of great human atrocity, the pre-transition phase, unofficial testimony circulates with urgent moral demands. This was seen in the use of arpilleras as visual documentation and when Victor Jara’s poem was recorded and released internationally as a song. But in the transition phase, the testimony became part of the official record. We saw a shift from “victim centered” testimony to “nation centered” testimony with national narratives drowning out the individual voices; this is a common criticism of truth commissions. Pierre Bourdieu explains that outside times of crisis most people do not have the cultural or political status to garner attention to their claims. This is the “monopoly of the professionals” (2001, 172). This dynamic leads to delegation to representatives, but the more individuals refrain from involvement and allow others to make decisions for them, “the more they lack any social competence for politics and any of their own instruments of production of political discourse or acts. The market of politics is doubtless one of the least free markets that exist” (172-173).

Jurgan Habermas approaches the individual/collective dialectic through his theory of discourse ethics which places emphasis on the interdependent needs of people and society and the success of discourse on mutual respect and recognition. “The basic facts are the following: Creatures that are individuated only through socialization are vulnerable and morally in need of considerateness. Linguistically and behaviorally competent subjects are constituted as
individuals by growing into an intersubjectively shared lifeworld, and the lifeworld of a language community is reproduced through the communicative actions of its members. This explains why the identity of the individual and that of the collective are interdependent; they form and maintain themselves together. Built into the consensus-oriented language use of social interaction is an inconspicuous necessity for participants to become more and more individuated. Conversely, everyday language is also the medium by which the intersubjectivity of a shared world is maintained” (199). When looking at a truth commission from this perspective, it becomes clear that the official testimony contained within the report is the language of the collective; other unofficial narratives, on the other hand, are the language of the individuals.

Habermas goes on to describe the risk associated with societal integration. “The more the subject becomes individuated, the more he becomes entangled in a densely woven fabric of mutual recognition, that is, of reciprocal exposedness and vulnerability. Unless the subject externalizes himself by participating in interpersonal relations through language, he is unable to form that inner center that is his personal identity. This explains the almost constitutional insecurity and chronic fragility of personal identity – an insecurity that is antecedent to cruder threats to the integrity of life and limb” (199). In times of transitional justice, these risks are compounded by years of trauma and societal exclusion. A truth commission report exposes the human rights violations; the testifiers (who even when anonymous can be discovered); and the previous regime. At the same time, through the public acknowledgement of exposing the “truth” of the past – in whatever form – it also makes the new society more vulnerable. Transitional justice is an unsettled time; exposing the truth and allowing stories to emerge, while painful and
dangerous, is a necessary step toward acceptance and a new type of interdependence between individuals and society that shapes the future communication and relationships.\textsuperscript{61} “…this profound vulnerability calls for some guarantee of mutual consideration. This considerateness has the twofold objective of defending the integrity of the individual and of preserving the vital fabric of ties of mutual recognition through which individuals \textit{reciprocally} stabilize their fragile identities. No one can maintain his identity by himself” (200). This recognition goes back to Warner and his criteria for publics and counterpublics. Much of his criterion is based on the acceptance of communication and its ability to circulate freely and in a manner that encourages and allows discourse and debate.

Habermas ties the duality of the individual and the collectives to notions of justice. “Since moralities are tailored to suit the fragility of human beings individuated through socialization, they must always solve \textit{two} tasks at \textit{once}. They must emphasize the inviolability of the individual by postulating equal respect for the dignity of each individual. But they must also protect the web of intersubjective relations of mutual recognition by which these individuals survive as members of a community. To these two complementary aspects correspond the principles of justice and solidarity respectively. The first postulates equal respect and equal rights for the individual, whereas the second postulates empathy and concern for the well-being of one’s neighbor. Justice in the modern sense of the term refers to the subjective freedom of

\textsuperscript{61} This seems to be in opposition to the theories that assert that giving testimony is cathartic but may give another line of defense to the theory that giving testimony can actually be traumatizing. For an overview of the various viewpoints see, for example, Hayner (2010) and Tepperman (2002).
inalienable individuality. Solidarity refers to the well-being of associated members of a community who intersubjectively share the same lifeworld” (200). Attending to both the individual and the collective simultaneously may very well be why critiques of truth and/or truth and reconciliation processes always find the process falls short of the intent. Utilitarian approaches always leave some people out; Rawlsian approaches are not designed to recognize lived experiences and traumatized remembrances; Sandel can’t be used as a benchmark because his politics of a common good can exist even under totalitarian circumstances; various approaches to justice, which have all been used in the 40-plus transitional justice commissions since the 1980s, tend to subordinate the moral demands of certain groups regardless of whether the approach is restorative or retributive. This conundrum also allows for understanding why official testimony and processes appear to perpetuate some of the same types of social injustices that existed under the totalitarian rule.

C. Revisiting the Research Assumptions and Questions

This research has attempted to investigate and draw conclusions about what testimony is, how it works, and its potential to further social justice. Several questions were posed and have yielded varying degrees of conclusive answers. The first set of questions surrounded testimonial forms. The research and theoretical analysis led to the conclusion that testimony is not a one-time occurrence; rather, it is a central story that recreates itself to meet particular moral needs at different times. The analysis showed that different types of testimony evolve, circulate, and communicate in diverse ways and in dissimilar venues with unofficial testimony affording the greatest gains toward individual communicative freedoms. Official testimony, although it seems
to establish a shared historical record and possible foundations for future legal processes, appears to contribute to a collective social justice which strives to reclaim universal moral values during times of human rights violations and extending into the times that society is being restored. This research also sought to answer the question of whether official testimony usage is consistent with the stated truth commission purpose of discovering the truth and aiding reconciliation. Obtaining testimony and folding it into an official document is the primary tool and tactic of truth commissions. It appears that the greatest contribution of official testimony, which has been determined to be collective in that it comes from many sources, is to establish a minimal truth that most people will support which serves as a starting point for the long road leading to societal reconciliation or, in cases where reconciliation is not possible, to forward movement in establishing a working, non-conflict society. This type of truth falls short of commission claims to establish truth for society. Although the rhetoric of transitional justice times implies that there is a “before and after,” this research has identified testimony as an evolving narrative and points to the fact that a truth commission, while an important and necessary process, is only the first step in establishing truth. It does not appear that giving official testimony transforms individuals without regard for their previous oppressed social standing, or to transform a community into a more just society. While giving testimony may help individuals regain their voice, it appears that the greatest benefit of official testimony is to be gained by the collective society. In addition, giving testimony is a first step for recognition and affords previously alienated citizens to begin to rebuild trust and solidarity in a new social and political environment. Regarding the question of whether testimonial forms are ritualistic vehicles through which oppressed people emerge in the process of becoming part of the totality? The question of testimony being ritualistic is not supported in this study since the research revealed that testimonial forms
communicate in a strategic and even sophisticated manner in all forms. However, it may well be that the use of testimony in official commissions, aside from the contributions to the national narrative, is part of a larger ritual which is both symbolic and tactical. One of the final questions about testimony is how its usage is affected by the affiliated political, social, and economic circumstances during times of transitional justice? Unofficial testimony, because it initially circulates primarily outside of the repressed area, contributes to international support for anti-regime social movements. Although the secondary research and the application of Sandel’s moral limits of the market criterion to the testimony addressed the economic environment in transitional justice, it only did so peripherally. This economic variable is recommended as an area of future research. The findings illustrated that individual testimony is subordinated to national narratives which appropriate individual testimony. The use of testimony in official reports was tempered by the need to balance conflicting political pressures. Official testimony was found to be skeletal and designed to reach commission goals. Even the use of oral testimony through the hearing process in South Africa was found to be based on several criteria which contributed to the commission’s goals and those who publicly testified did so by invitation only which excluded 90 percent of the testifiers. The social costs of testimony were looked at through the lens of discourse ethics which revealed that the process of reintegrating through language into society increases the vulnerability for all concerned which seems to suggest that giving testimony, if possible for an individual, may be a process that unfolds gradually over time versus a one-time expunging of information.

What this all seems to suggest is that, just as transitional justice is not a normal time, communication within these times is not normal either. Therefore, the theories and practices used during normal times must be reconceptualized to accurately function within the special
constraints and structures of rebuilding a just moral order. While the importance of testimony – whether official or unofficial – has been widely acknowledged, consideration of testimony as a manifestation of moral and social capital has been scant. Attention to ethical treatment of victim stories should be an important consideration during truth commission processes because it is often the first fragile step toward rebuilding trust and community.

D. Conceptualizing a Theory of Testimonial Ethics and Policies

Communication is fundamental to transitional justice and ethical processes are critical in determining a truth of human rights atrocities, establishing shared conceptions for the historical record, and for rebuilding human relations on all levels. The context of testimony, as the foundational communication tool of truth commissions, is affected by multiple and complex factors. Three primary conditions have been identified which call for a theory of testimonial ethics. First, in transitional justice situations the societal ethical basis and the institutions which typically would safeguard communicative freedoms are in a state of flux and are being reformulated. This then results in a fragile system in which new governments and commissions are more prone to negotiate shared conceptions of truth and to neutrality of official communication. Societal participants are fragile, as well, and in varying stages of grief, trauma, acceptance, recovery, and ability to function as free members of society. As Habermas pointed out, all parties are attempting to acknowledge and communicate with one another which increases the vulnerability of individuals and society (1990). Testimony, then, as the basis for uncovering truth of past trauma and hope for future realization of a new social ideology, is fragile as well.
This theory of testimonial ethics recognizes the “neutral” position of transitional governments, competing moral demands, and realities of emerging from a closed society to one in which all members are expected to freely participate.

This theory of testimonial ethics advocates for careful consideration and treatment of testimony within the context of transparency, inclusion, and respect. This can be accomplished first by honoring the stories. Stories of atrocity deserve a protected space and they also deserve usage that is consistent with the individuals and how they might envision the use of their stories. Transparency includes being clear about how testimony is to be used and the limitations. Individuals who give official testimony, for example, should be made aware that their full testimony may be used only partially and as part of a larger, national narrative. Official acknowledgement of full testimony can be accomplished by establishing a protected space that is unrestricted by government oversight, free of constraints, and in which families and loved ones can more fully share their stories with society. Because testimony evolves over time, people should be allowed to review and expand on initial testimony. Respect for the testimony also extends to respect for the individual and the ways they give testimony. This can be accomplished by offering a variety of ways for people to provide their testimony. Choices might include private one-on-one interviews, public hearings, audio recording, video recording, and/or written testimony.

In this dissertation, the case analysis and the application of theory to the discursive environments in which testimony emerges and circulates clearly indicates that official testimony constrains the development of fully functioning publics and, thus, hinders full realization of communicative freedoms necessary for social justice. The implication for future use of official testimony is to clearly define the objectives and limitations of narratives culled from interviews.
and human rights organization files for the official investigative commission. The meta-analysis by testimonial form points to the different ways that they are capable of communicating and delivering appeals. This information could prove helpful in transitional justice situations in determining which type of testimony could be used to strategize messages and optimize effectiveness of transitional goals and subsequent communication plans.

Unofficial testimony creates spaces for social discourse and allows marginalized people to communicate in a self-organized manner, two of the conditions for moving from a counterpublic to public status. A policy consideration that would benefit the official aims of a truth and/or reconciliation commission and the attainment of a public status for citizens previously silenced could be one that – as part of the official commission work – recognizes unofficial testimony as part of the official body of knowledge that leads to establishment of the truth of human rights violations. Whether the unofficial testimony would be part of the official report and testimony or whether it would be part of a digital archive would depend on the circumstances of the commission and citizen access to digital archival collections. As communicative technology evolves, opportunities to open up the original, official investigative testimony – in addition to the abbreviated summaries that are written and published to reach specific commission objectives – should be explored. Maintaining the integrity of the voices and the individual stories should be prioritized. Estrangement of public speech and discourse as a result of state-owned or controlled media is a significant factor which contributes to alternative types of testimony. Communicative technology that is available to the masses and not subject to government control or media framing should be identified and considered as a venue for unofficial testimonies.
Communicative freedoms are just one indicator of social justice in action. However, this research shows that people who exercise their communicative freedoms often do so to voice concerns about fundamental issues of equity and social rights. In the case of Chile there was widespread concern about the social and economic disparities. Those who sought social change were organized and they were vocal. The communicative freedoms they exercised in order to protest social inequity became the catalyst for their persecution and the renunciation of their communicative rights and fundamental human rights. After the military coup, the regime systematically silenced those they knew would oppose them through a long-term campaign of torture, executions, and disappearances. Human atrocities and violations were the vehicle and the technique for gaining control of and silencing the people. Reversing this silence through re-instatement of communicative freedoms should be a stated goal of truth commissions. Furthermore, a renewed societal commitment to these freedoms should be included in laws that are protected by the necessary branches of the government and not subject to interpretation by political parties that may be elected in subsequent times.

E. Limitations and Future Research

This research has involved complex processes and multiple variables. Because this research focuses on communicative freedoms as essential components of social justice, other factors that affect social justice have not be considered. Likewise, it was necessary to contain the testimony that was analyzed into manageable components. Therefore, this research does not address testimony given to human rights organizations, at police stations, etc., which was also used as a source for the Chilean truth and reconciliation commission official testimony report. In
addition, a significant portion of the testimony used in this study was translated into English and
the overall effect may have been influenced by the translators. This research was limited to
official testimony about deaths and disappearances from the first truth commission in Chile.
There have been three subsequent truth processes since that addressed different types of
violations. A study of testimonies about different types of violations might have yielded
different conclusions.

This investigation offers a comprehensive view of testimony that spans multiple
testimonial forms over long periods of time. This research approach is unique and affords an
opportunity to delve deeply into transitional justice as a time of fundamental human
communication. The analysis resulted in a unique typology of testimonial forms, a proposed
theory of testimony ethics, and strategic policy recommendations for truth commissions that
would be mutually beneficial to individuals and transitioning societies.

Conducting this study was not an end unto itself, however. Addressing the research
questions of this study has now led to a series of related questions which can only be answered
through future research. For example, it would be interesting to look at testimonial forms
through the perspective of people who have given testimony in multiple forms to gauge their
perceptions of how the different forms contributed to their individual sense of agency and
membership in a restored society. Replicating the research design in other societies that have
weathered human rights violations and truth commissions would be useful to see if the similar or
different results might occur. Since both Chile and South Africa followed the reconciliation
model of transitional justice, studies on testimony in other models, such as truth without
reconciliation, might prove fruitful. A survey of post-commission official and unofficial
archives could prove useful in extending the idea that testimony is an evolving form. Closely
related is the question of how memorial projects extend the life cycle of testimony and broaden usage and circulation of testimonial forms. In addition, the ritual aspects of communication should be analyzed in conjunction with the strategic aspects of communication. Do ritual aspects of communication processes cement and sanctify or do they marginalize and diminish the process and outcomes?

Among the many haunting aspects of this research is the fact that so many young people were affected by human rights violations in Chile. The victims were overwhelmingly young: 47 percent were in their 20s and nearly 80 percent were younger than 40. Future research should investigate if this is a consistent pattern and, if so, why? Are young people more likely to exercise communicative freedoms and confront inequities than other age groups?

How women shape and are affected by testimony may be another area of future research. While only five percent of those killed or disappeared were women, all of the unofficial testimony in this study comes from women survivors.

F. Conclusions and Contributions of the Study

This study on Chilean testimonial forms offers several interesting insights about the methodological approach, the objects of analysis, the lifespan of testimony, and ethical treatment of testimony.

The combination of narrative and historical analysis with the application of three ethical communication frameworks produces a meta-view of official and unofficial testimony that does not currently exist in scholarly literature. Reframing the concept of testimony from an individual narrative that is given and remains constant to one that recognizes testimony as having
different forms over time is the first contribution of this research. Official testimony emerges as a collaborative product of truth commission processes during times of transitional justice which is strategically developed to contribute to the national narratives related to human rights violations. Identification of several unofficial testimonial forms further illuminates the development and evolution of a core narrative which is exemplified in written, visual, aural, and performative forms of communication. Importantly, the analysis shows that testimony is not exclusive to the transitional justice period; rather, it first appears in times of oppression despite the suppression of essential freedoms and typically circulates outside of the subjugated region. Testimony continues to circulate in the post-transition phase. The analysis shows that official and unofficial forms of testimony exist and operate in different ways based on a core narrative and the various venues and ways in which they are used. In contrast, existing testimony research is geared towards the healing ability/inability of testimony and whether testimonies from truth commissions actually produce a definite truth. In this study, the realities of different perspectives combined with communication objectives to engage audiences for different purposes became apparent in the analysis of messages and moral demands and their circulation. From this perspective, the issue of definite truth becomes subordinated to the process of developing and giving testimony which is linked to regaining agency and reinstatement of communicative freedoms after an oppressive regime.

The application of communication research from the South African Truth And Reconciliation Commission, along with critical analysis from Bourdieu, Laclau, and Habermas, results in the second important contribution of this study, a theory of a life cycle of testimony. Existing literature about testimony does not address this evolving nature of testimony. Although the initial hypothesis in this research theorized that the usage of testimony would lead to social
justice or injustice, the analysis of the testimonial forms from several vantage points characterizes testimony as an organic, evolving form based on a core narrative that reformulates based on the temporal period, official and unofficial usage, key moral demands, and strategic communication objectives (see Figures 7 and 8, Life Cycle, pages 177 and 178). While existing literature debates whether giving testimony traumatizes or promotes traumatic recovery, this analysis demonstrates that communication processes surrounding official and unofficial testimony contribute to communicative freedoms which impact social justice in varying degrees as well as at different levels ranging from the individual to group to society at large.

The third significant outcome of this study is the classification of specific ways testimony promotes social justice through increased freedom of thought, expression, and association and the identification of strengths and weaknesses of official and unofficial testimony (see Figure 5, Communication Ethics, page 147). Unofficial other testimony provides the greatest potential for increasing agency while official testimony provides the least individual agency potential but the most national potential for reestablishing societal moral narratives.

Based on this close analysis of Chilean testimonial forms from multiple viewpoints, a theory of testimonial ethics emerges that recognizes the importance of testimony as the foundation for truth finding within official commission processes but also takes into account the individual stories and their usage in both official and unofficial venues. The goal of this theory, the final noteworthy contribution of this study, is to further legitimize the process of developing official testimony and to simultaneously increase the potential of the core testimonial narrative to increase individual and group agency. Enhancing the process of reinstating communicative freedoms in transitional societies through ethical treatment of testimony has the potential to
positively affect both the success of truth commissions and individual and national progression toward enhanced social justice.
Table 3  Live Cycle of Testimony (Hypothesized)

<table>
<thead>
<tr>
<th>ACTION:</th>
<th>HUMAN RIGHTS VIOLATIONS</th>
<th>EARLY NARRATIVES</th>
<th>NARRATIVES</th>
<th>USE OF TESTIMONY*</th>
<th>SOCIAL JUSTICE</th>
<th>SOCIAL INJUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEMPORAL ERA</td>
<td>STATE SANCTIONED TERROR, OPPRESSIVE GOVERNMENT, INTERNAL WAR</td>
<td>BORDER JUMPING</td>
<td>TRANSITIONAL JUSTICE, TRUTH AND RECONCILIAITON COMMISSIONS</td>
<td>PRE- TRANSITION, TRANSITION, AND POST-TRANSITION</td>
<td>RESPONSIVE</td>
<td>RITUALISTIC OR SYMBOLIC MOVES, APPROPRIATION FOR PURPOSES OTHER THAN INTENDED BY TESTIFIER</td>
</tr>
<tr>
<td>CHARACTERISTIC</td>
<td>VICTIM EXPERIENCE OF TRAUMA; PERPETRATOR DENIAL</td>
<td>SEEKING OUTSIDE INTERVENTION</td>
<td>“GIVING” AND “RECEIVING” TESTIMONY</td>
<td>COMMUNICATION AND SOCIETAL USES</td>
<td>CHANGE IN AGENCY, CIVIC ACCESS</td>
<td>PERPETRATE CONTINUED MARGINALIZATION</td>
</tr>
<tr>
<td>COMMUNICATION</td>
<td>DENIED</td>
<td>SUPPORTED OUTSIDE OF OPPRESSED AREA</td>
<td>ENCOURAGED</td>
<td>UNCONTROLLED CIRCULATION ONCE GIVEN</td>
<td>OPEN, INCLUSIVE</td>
<td>RESTRICTED</td>
</tr>
<tr>
<td>PUBLIC STATUS</td>
<td>BARE/INVISIBLE</td>
<td>SUBALTERN, COUNTERPUBLIC</td>
<td>SOCIAL MOVEMENT</td>
<td>TOWARD PUBLIC STATUS?</td>
<td>PUBLIC</td>
<td>BARE/INVISIBLE, SUBALTERN</td>
</tr>
</tbody>
</table>

*Dissertation analysis focuses on this process. This chart stops short of the next phase, “transcendent narratives,” those stories that help survivor victims transition from “re-living” a trauma to creating a “memory” and understanding of a trauma (Stone-Mediatore 2003). Also not included are empathetic narratives, “…a figure one generation removed from the Holocaust who nevertheless engages in acts of personal connection to its victims” (Ward 2008, 174).
### Table 4  
**Life Cycle of Testimony Exhibited in Chilean Testimonial Cases**

<table>
<thead>
<tr>
<th>TEMPORAL ERA</th>
<th>CATALYST: HUMAN RIGHTS VIOLATIONS</th>
<th>EARLY NARRATIVES</th>
<th>TESTIMONIAL NARRATIVE USE</th>
<th>OFFICIAL TESTIMONY</th>
<th>UNOFFICIAL WRITTEN TESTIMONY</th>
<th>UNOFFICIAL OTHER TESTIMONY</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE SANCTIONED TERROR, OPPRESSIVE GOVERNMENT, INTERNAL WAR</td>
<td>TIMES SURROUNDING STATE OPPRESSION AND/OR CIVIL WAR</td>
<td>PRE-TRANSITION TRANSITIONAL JUSTICE, TRUTH / RECONCILIATION COMMISSIONS, POST-TRANSITION</td>
<td>PRE-TRANSITION AS JUSTIFICATION FOR AND DURING TRANSITIONAL JUSTICE PERIOD</td>
<td>DURING TIMES OF HRVs, TRANSITION AND POST-TRANSITION</td>
<td>DURING TIMES OF HRVs, TRANSITION AND POST-TRANSITION</td>
<td></td>
</tr>
<tr>
<td>CHARACTERISTIC</td>
<td>VICTIM EXPERIENCE OF TRAUMA; PERPETRATOR DENIAL</td>
<td>SEEKING OUTSIDE INTERVENTION, DOCUMENTATION IN PROTECTED VENUES (VICARIA)</td>
<td>“GIVING” AND “RECEIVING” AFFECTS: INDIVIDUAL AGENCY, NATIONAL NARRATIVES, CONTINUED MARGINALIZATION</td>
<td>CONCISE COMPOSITE: FIRM PARAMETERS TO ESTABLISH SHARED NEGOTIATED TRUTH, LEGAL FOUNDATION FOR FUTURE</td>
<td>EXPANSIVE: DEEP DETAILS, LONG TIME SPANS, MULTIPLE MORAL DEMANDS</td>
<td>OFTEN CONFINED TO SPECIFIC EVENT, TIED TO EMBODIMENT BY SURVIVORS WHO CARRY FORTH THE TESTIMONY</td>
</tr>
<tr>
<td>COMMUNICATION</td>
<td>DENIED</td>
<td>SUPPORTED OUTSIDE OF OPPRESSED AREA</td>
<td>ENCOURAGED: FOR MORAL RECONSTRUCTION (OFFICIAL); TO MAKE MORAL DEMANDS, REGAIN VOICE, MEMORIALIZE (UNOFFICIAL)</td>
<td>CONTROLLED AND CIRCULATED BY COMMISSION; STRATEGICALLY USED TO MEET RECONSTRUCTION GOALS</td>
<td>OPEN, INCLUSIVE, CONTROLLED CIRCULATION THROUGH PUBLICATION</td>
<td>HIGH RISK COMMUNICATION DURING HRVs, DEVELOPED AND RELEASED IN PROTECTED SPACES, UNCONTROLLED CIRCULATION</td>
</tr>
<tr>
<td>PUBLIC STATUS</td>
<td>BARE/INVISIBLE</td>
<td>SUBALTERN, COUNTERPUBLIC</td>
<td>TOWARD PUBLIC STATUS</td>
<td>PATERNALISTIC</td>
<td>TOWARD PUBLIC STATUS</td>
<td>TOWARD PUBLIC STATUS</td>
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</table>

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APPENDICES

Appendix A: Supplemental Case Information

Case #1: Jorge Silva and Carmen Cifuentes

The disappearance of Jorge Silva and Carmen Cifuentes was documented in the arpillera made by Irma Muller, Silva’s mother (see page 91). Other memorial forms – in the absence of an official burial and service – included items such as this remembrance card which would be handed out on holidays or on a particular day of remembrance. Presented to Gayla Jamison, Nov. 29, 1988. “Love which germinates sprouts every spring.”

![Remembrance Card](image)

Fig. 5 Remembrance Card
CASE #2: Hector Hermosilla

Fig. 6  Inelia Hermosilla

Inelia Hermosilla, whose testimony about her son Hector “Tito” Hermosilla appears in the analysis of unofficial other testimony, died in August 2006 without ever finding her son. The framed image on the top left of this photo is similar to the one that appears on the “momento” handkerchief which Inelia gave to strangers as a memorial act to her son on the 15th anniversary of his disappearance in 1988 and which appears in the film “Scraps of Life.” Photo: Ramon Bannister, www.kenacubed.com
The “momento” which Inelia Hermosilla made and distributed followed the format of this handkerchief (shown below) but included the image of Hector Hermosilla seen in the photo above. This testimonial form was used by the Association of the Families of the Detained and Disappeared as a way to witness about the missing person and engage others. While it was empowering for those who performed these types of “acts,” it may have also been seen as a hopeful sign by recipients who, in turn, witnessed others in a high risk communicative venture without repercussions from the military. Translation and artifact courtesy of Gayla Jamison, Lightfoot Films.

Fig. 7 Memorial Handkerchief


Translation: Your ideal remains planted in your homeland, and the seed will continue sprouting forever. Sonia Bustos Reyes, Detained-Disappeared, May 9, 1974.

Thirteen years after the publication of the lists of 119 detained-disappeared in Chile, 22 and 24 of July, 1975-1988. Agrupación Familiares Detained-Disappeared
Case #3: Victor Jara

In her book, “An Unfinished Song,” Joan Jara describes the final days before the coup. One of the pivotal events is the last rally and march by the Popular Unity Party in downtown Santiago supporting President Salvador Allende. Victor Jara, who would be detained on Sept. 11, 1973 and killed within a few days, is shown on the far right holding the fifth banner pole. He was detained with 600 students and professors from the technical university at the same time that the military began to bomb the presidential palace.

Fig. 8  Popular Unity Party Rally

Victor Jara is shown holding the sign on the far right. Photo Credit: Marcelo Montecino, Santiago, Chile, Sept. 4, 1973
Appendix B: Hector Hermosilla, Scraps of Life Film Transcription


Anniversary Testimony Summary: Each year on the anniversary of her son’s disappearance Inelia Hermosilla, mother of Hector “Tito” Garay Hermosilla, goes to the market. She takes handkerchiefs imprinted with her son’s image and the date he vanished. This year, 1989, is the 15th anniversary of his detention and disappearance.

8:04 – Inelia is seen in street protest holding a poster with her son’s picture and “Donde estan?” which asks where are they?

9:26 – She is shown in arpillera workshop within the Catholic Church under the protection of the Vicaria of Solidarity.

14:10: Inelia cuts scraps of cloth on an arpillera. She announces to the workshop participants: “On July 8, I’m going to have an act for my son at 2720 Los Aromos.”

Announcer: “On the anniversary of her son’s disappearance, Inelia Hermosilla distributes handkerchiefs to her neighbors.

14:34: She hands one to a young man in a white shirt and grey bomber-style jacket. “How much,” he asks? “Nothing. It’s a momento,” she says. “Her son is disappeared,” says someone in the crowd. He accepts the momento and hugs her, kisses her right cheek and rubs
the back of her neck. She barely reaches his shoulder. She has short white hair and a rounded back. She wears a burgundy shirt, lavender corded sweater. The handkerchiefs appear to be about 8 inches square, the edges cut with pinking shears that give a diamond pattern to the edge.

Announcer: The handkerchiefs with her son’s picture and the date of his disappearance are a reminder of her son’s disappearance.

She hands one to another young man, this one wears a light pink shirt. “This is my 18-year-old son who was detained and disappeared from this building,” she says while nodding toward the building.

Announcer: They are also an invitation to a ceremony in his honor that Inelia plans for that night.

“What is it?” asked a young woman in a black and yellow striped sweater (MC: it is July, the middle of winter in Chile). Inelia repeats her frequent response: “A momento of my son’s disappearance. They took him from this building. He was 18. If you could, accept this and keep it,” she says as she gently separates the top handkerchief from the stack on a silver and red metal lid which serves as a tray.

15:38: An older man, who looks to be similar in age to Inelia, wears a blue shirt, dark sweater, and brown tweed coat. Hi white hair is long and combed back from his forehead. “Is
“Is this your son?” “Yes, my only son. Detained and disappeared,” she says. “When?” “Fifteen years, and they’ve never given us an answer. We’ve tried everything.”


At this point, a middle-aged man walks into the marketplace. He has on a white shirt and black sweater with epaulets. He brushes her aside as she approaches him. “We’ve walked the streets, looking for the truth. What do think? Why won’t you accept this?” He shrugs and beings to pass by her but there are people on his left and Inelia is on his right. “I don’t think anything, lady! I don’t have to explain why.” Inelia turns away but the rejection of her son’s life is reflected in her face. As she walks on, a younger man is working in the market, preparing fruit and vegetables; he looks at her with a pained expression. “Can’t you accept this? Are you afraid?” she asks. He responds. “Then take it. Are you a father?” she asks. “Si,” he says as he takes the momento. “This is my son, detained July 8, 1974, 15 years ago.” He beings to fold the handkerchief. “Don’t hide it. Keep it and remember him and me.”

17:00: An older woman with short grey, curly hair and a French blue wool shawl approaches her. “Give me one, too, Senora.” Inelia begins to hand her one and asks, “Are you a mother?” The woman responds, “Of course! A Grandmother, great-grandmother.” Inelia initiates a conversation. “What do you think of the detentions?” The woman stands tall. “I don’t agree. I believe in freedom,” she says as she meets Inelia’s eyes and speaks with

“Think of us who go out every day in the streets, looking for the truth,” says Inelia. She responds, “I’m with you as a mother.”

Announcer: The handkerchiefs are a confrontation with the truth that some accept and others prefer not to know.

The scene changes to the night, and women marching with candles. Inelia holds a sign with her son’s picture. The women are singing: “They’re the blind ones, the same ones who know only what they want to. I don’t ask. I don’t implore. I demand the truth. I will search heaven and earth without tiring of the search. And I will give my whole life to know, ‘Where are you?’”

18:20: Irma Silva: “You can’t give up. You shouldn’t give up. Because if there isn’t a struggle, if there isn’t a protest about the painful problem of the disappearance of a person, then you’d be setting the precedent for any country in the world to do exactly the same.”

18:35: Inelia, now in a blue coat and knitted cape, appears with another woman in the church. They are folding a poster. Announcer: The women prepare for a street demonstration. A woman in a red shawl announces “At 12:30 we’re going to walk over slowly. When I put up the first poster, we begin. So look at your watches. At 1:00 sharp!”
ENDING:

19:00: Announcer: Women are always cautious, apprehensive… (scene where they glue the posters on public walls).

20:00: Public assembly to the cemetery. “We want justice” – Pine boxes with bodies are returned home to be buried finally.

21:47: Patricio Aylwin on television after the Rettig Report is released. “The total number of victims for the period is 2279. Detained and disappeared by agents of the State – 957. This truth should be accepted by all. No one of good faith can ignore it.”

22:50: Where are they? All the women ask.

23:30: La Cueca Sola. The national dance of Chile, a dance of love between a man and a woman. They announce their names, the names of their disappeared (23:50 is Inelia), the dates of the disappearances. Song: Once my life was happy. My days were peaceful. But misfortune came, I lost what I loved most. Once my life was happy. I ask myself constantly, where do they have you? (Dancer holds the handkerchief over the hand to represent the missing.) And no one replies, and you don’t come. I ask myself constantly, where do they have you? And you don’t come, my soul. Long is your absence. And through all the land I ask conscience. Without you here, dear one, my life is sad.”
26:20: Irma Muller: “And if someone tells me, ‘we have killed him,’ I will have to know who gave the order. Why the order was given, who decided they had the right to do this without a trial and the guilty will have to be tried. It isn’t vengeance. It’s simply that no murder can be left unpunished. No to impunity.”

Ends: 27:00 Beatriz Gonzalez, Narrator
Appendix C: Victor Jara’s Testimony - *Estadio Chile*

September 1973  (Jara 1984, 250-251)

There are five thousand of us here
in this small part of the city.
we are five thousand.
I wonder how many we are in all
in the cities and in the whole country?

Here alone
are ten thousand hands which plant seeds
and make the factories run.

How much humanity
exposed to hunger, cold, panic, pain,
moral pressure, terror and insanity?

Six of us were lost as if into starry space.
One dead, another beaten as I could never have believed
a human being could be beaten.

The other four wanted to end their terror –
one jumping into nothingness,
another beating his head against a wall,
buts all with the fixed stare of death.

What horror the face of fascism creates!
They carry out their plans with knife-like precision.
nothing matters to them.
To them, blood equals medals,
slaughter is an act of heroism.

Oh God, is this the world that you created,
for this your seven days of wonder and work?

Within these four walls only a number exists
which does not progress,
which slowly will wish more and more for death.

But suddenly my conscience awakes
and I see that this tide has no heartbeat,
only the pulse of machines
and the military showing their midwives’ faces
full of sweetness.

Let Mexico, Cuba and the world
cry out against this atrocity!

We are ten thousand hands
which can produce nothing.

How many of us in the whole country?

The blood of our President, our companero,
will strike with more strength than bombs
and machine guns!

So will our fist strike again!

How hard it is to sing
when I must sing of horror.

Horror which I am living,
horror which I am dying.

To see myself among so much
and so many moments of infinity
in which silence and screams
are the end of my song.
What I see, I have never seen

What I have felt and what I feel

will give birth to the moment…
Appendix D: 2010 Chilean Consulate Invitation

As a further testament to the continuing circulation of testimony, this 2010 invitation from the Chilean Consulate in New York is included. The occasion was the 200th Anniversary of the Chilean Independence. The event featured an extensive arpillera display which is significant because this testimonial form, once denounced and outlawed by the ruling government in Chile, is now commended and considered an important part of Chilean history.
Appendix E: Statistical Summary from the Chilean National Commission on Truth and Reconciliation Report (2000, 1122-1126)

Table 1: DECISIONS MADE BY THE COMMISSION
Victims of human rights violations 2,115
Victims of political violence 164
TOTAL NUMBER OF VICTIMS 2,279
Cases in which the Commission could not come to conviction 641
TOTAL NUMBER OF CASES 2,920
In addition, the Commission received 508 cases which did not fit within its mandate and 449 in which only a name was provided and hence there was no basis for carrying out an investigation.
1. These statistics had to be prepared two days before completing the report. During those two days the Commission made some further decisions on cases, and hence these statistics might vary slightly (one percent) from the data themselves.

Table 2: VICTIMS OF HUMAN RIGHTS VIOLATIONS
Victims of government agents or persons at their service

A. Killed
In war tribunals 59 2.8%
During protests 93 4.4%
During alleged escape attempts 101 4.8%
Other executions and deaths by torture 815 38.5%
TOTAL KILLED 1,068 50.5%

B. Disappeared after arrest 957 45.2%
Victims of politically motivated private citizens
Killed 90 4.3%
SUB-TOTAL OF VICTIMS 2,115 100.0%
Victims of political violence
Killed in 1973 87 53.0%
Killed in protests 38 23.2%
Killed during gun battles, etc. 39 23.8%
SUB-TOTAL OF VICTIMS 164 100.0%
TOTAL OF VICTIMS 2,279

Table 3: VICTIMS BY MARITAL STATUS
1123
Single 960 42.1%
Married 1,172 51.5%
Widowed 12 0.5%
Unspecified 135 5.9%
TOTAL 2,279 100.0%

Table 4: VICTIMS BY GENDER
Female 126 5.5%
Male 2,153 94.5%
TOTAL 2,279 100.0%

Table 5: VICTIMS BY NATIONALITY
Chilean 2,228 97.76%
Spanish 5 0.22%
Argentinean 4 0.18%
Ecuadorian 4 0.18%
French 3 0.13%
Uruguayan 3 0.13%
Bolivian 3 0.13%
North American 3 0.13%
Chilean-French 2 0.09%
Brazilian 2 0.09%
Peruvian 1 0.04%
Venezuelan 1 0.04%
Mexican 1 0.04%
Italian 1 0.04%
Austrian 1 0.04%
Czech 1 0.04%
Vietnamese 1 0.04%
Chilean-Argentinean 1 0.04%
Chilean-Bolivian 1 0.04%
Chilean-British 1 0.04%
Unspecified 12 0.53%
TOTAL 2,279 100.00%

Table 6: VICTIMS BY AGE
Under 16 49 2.1%
16–20 269 11.8%
21–25 557 24.4%
26–30 512 22.4%
3124 1124
31–35 287 12.6%
36–40 152 6.7%
41–45 164 7.2%
46–50 97 4.3%
51–55 53 2.3%
56–60 34 1.5%
61–65 15 0.7%
66–70 8 0.4%
71–75 3 0.1%
Over 75 2 0.1%
Age unspecified 77 3.4%
TOTAL 2,279 100.0%

Table 7: VICTIMS BY POLITICAL ACTIVITY
Socialist party 405 17.8%
MIR 384 16.9%
Communist party 353 15.5%
MAPU 24 1.0%
FPMR 19 0.8%
Radical party 15 0.7%
Christian Democrat party 7 0.3%
Christian Left 5 0.2%
National party 4 0.2%
Other parties 15 0.7%
Not known to be politically active
1,048 46.0%
TOTAL 2,279 100.0%

Table 9: VICTIMS BY OCCUPATION
Professional people 207
Administrators, managers, and high-level officials 45
Employees 305
Workers and peasants 686
Self-employed workers 314
Students 324
Armed Forces and Security Forces 132
Other occupations 226
Occupation unknown 40
TOTAL 2,279
Occupational Breakdown
Professional people 207 Nurses 2
Lawyers 13 Engineers 37
 Architects 5 Doctors 24
Social Workers 5 Journalists 10
Building contractors 9 Professors 20
Teachers 71 Religious 3
Economists 3 Sociologists 5
Administrators, managers, and high-level officials 45
Private employees 305
Administrators 33 Secretaries 11
Business people 12 Other employees 294
Workers and small farmers 686 Self-employed 314
Domestic servants (maids) 3 Farmers 59
Carpenters 14 Artisans 61
Small farmers 65 Merchants 102
  1126
Drivers 33 Self-employed 85
Workers 571 Artists 7
Students 324 Armed Forces and
Security Forces 132
Elementary school 17 Navy 3
High school 48 Police 69
University 165 Air Force 3
Others 94 Investigative Police 7
DINA 1
Other occupations 226 Army 37
Homemakers 17 Unspecified 12
Other kinds of work 130
Unemployed 48 No information 40
Retired 17
Did not work 14
TOTAL 2,279