

# Rethinking Plurality: On Ethics and Storytelling in the Search for Justice

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**ABSTRACT:** The essay takes as its starting point the observation that contemporary legal mechanisms and cultural institutions confront mass atrocity by turning to multiple acts of storytelling by the survivors. As I show, judicial tribunals, truth commissions, museums, historical archives, and film and literature have replaced the once-singular, authoritative voice of the Storyteller with a choir comprising a multitude of narrators and narratives of survival. Focusing on two historic legal processes in which survivors' storytelling played a key role, the Eichmann trial (1961) and the South African Truth and Reconciliation Commission (1995), I explore the underlying condition of plurality and its ethical implications from a joint perspective of law and the humanities.

## THE CONTEMPORARY STORYTELLER

**I**N HIS ESSAY "What Is the Contemporary?" Giorgio Agamben finds the contemporary in "the poet . . . who must firmly lock his gaze onto the eyes of his century-beast," and he adds: "The contemporary is he who firmly holds his gaze on his own time so as to perceive not its light, but rather its darkness."<sup>1</sup> For Agamben, the Contemporary is not a label of periodization but an ahistorical concept; yet, his interpretation is pertinent to our present time. Often thought of as the Digital Age, the turn of the century—its events of mass atrocity and its technologies of mass documentation—has led to an unprecedented ability to hold the gaze on the darkness of our own time.<sup>2</sup>

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<sup>1</sup> Giorgio Agamben, *What Is an Apparatus? and Other Essays*, trans. David Kishik and Stefan Pedatella (Stanford: Stanford University Press, 2009), 42, 44.

<sup>2</sup> Agamben's "darkness" echoes Arendt's notion of "dark times" as it appears in the preface to her collection of essays *Men in Dark Times* (New York: Harcourt, 1968). In the broader sense that Arendt proposes, dark times are as such not identical to the atrocities of the twentieth century and as such are not necessarily new or rare in

At the heart of contemporary engagement with crimes of mass atrocity stands the figure of the survivor-witness. The world today is awash with acts of speech—personal stories and narratives produced by victims of atrocity.<sup>3</sup> Legal institutions, archives, museums, and cultural forms of expression, searching for an adequate idiom with which to account for events of mass atrocity, function as “archives of social suffering” as they turn to survivor-witnesses and their stories of terror.<sup>4</sup> Extending Agamben’s definition, the survivor-witness, holding her eyes on the atrocities of our time, is the contemporary storyteller.

### **THE CONDITION OF PLURALITY AND THE “BIG DATA” APPROACH TO MASS ATROCITY**

One aspect of contemporary fetishization of the survivor-witness model, however, has gained little attention thus far: the condition of plurality. Recent attempts to grapple with mass atrocity indicate a shift of the weight from the once-singular, authoritative voice of the Storyteller, with a capital S, to a choir comprising a multitude of narrators and narratives. A few contemporary examples of the phenomenon will explain what the condition of plurality means in the context of mechanisms confronting mass atrocity: The International Criminal Tribunal to Former Yugoslavia (ICTY) has listened to more than 4,500 testimonies during its tenure. Its twin tribunal dealing with the massacre in Rwanda (ICTR) introduced more than 3,500 witnesses in an attempt to probe some of the most horrific instances of regime-sponsored massacres.<sup>5</sup> The South African Truth and Reconciliation Commission, the hallmark of the victim-driven model, collected more than 20,000 statements from victims of gross human-rights violations that occurred during the apartheid era.<sup>6</sup> The contemporary turn to a plurality of narratives is not limited to the legal arena. Recent years have seen a burst in archival initiatives that take advantage of evolving technological tools to collect and digitize thousands of atrocity survivors’ testimonies. The largest of these institutions is the University of Southern California Shoah Foundation, which has collected more than 52,000 testimonies of Holocaust and, recently, other genocide survivors in its Visual History Archive.<sup>7</sup>

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human history. In a letter to Arendt from 1970, Agamben expressed gratitude to Arendt for her books, which provided him with a “decisive experience.” See editor’s introduction to Giorgio Agamben, “On the Limits of Violence,” *Diacritics* 39, no. 4 (2009): 103–11.

<sup>3</sup> On the centrality of witnesses’ testimonies in war crimes tribunals of recent years and the difficulties that the victim-witness-centered model presents, see Marie-Bénédicte Dembour and Emily Haslam, “Silencing Hearings? Victim-Witnesses at War Crimes Trials,” *European Journal of International Law* 15, no. 1 (2004): 151–77; Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia: University of Pennsylvania Press, 2005); and Nancy A. Combs, *Fact-Finding without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions* (Cambridge: Cambridge University Press, 2010).

<sup>4</sup> Bhaskar Sarkar and Janet Walker, “Introduction: Moving Testimonies,” in *Documentary Testimonies: Global Archives of Suffering*, ed. Bhaskar Sarkar and Janet Walker (New York: Routledge, 2010), 3.

<sup>5</sup> Leila Nadya Sadat, “The Legacy of the International Criminal Tribunal for Rwanda,” Washington University in St. Louis Legal Studies Research Paper no. 12-09-05, <http://law.wustl.edu/harris/documents/ICTRLecture-LegacyAd%20HocTribunals9.12.12.pdf>.

<sup>6</sup> Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2010), 27.

<sup>7</sup> The USC Shoah Foundation Visual History Archive can be accessed at <https://sfi.usc.edu/explore>. The archive, mainly consisting of Holocaust testimonies, has broadened to include testimony of survivors of other genocides and human atrocities, including the Armenian genocide, the Rwandan genocide, and the Nanjing (Nanking) Massacre. On the ethical imperatives underlying the architecture of data in the archive and broader ethical concerns in mass documentation of mass atrocity, see Todd Presner, “The Ethics of the Algorithm: Close and

Hannah Arendt saw in plurality the condition of human multiplicity, interconnectedness, and perspectival differentiation that is the sine qua non of public life: “because we are all the same, that is, human, in such a way the nobody is ever the same as anyone else who ever lived, lives or will live.”<sup>8</sup> Plurality, for Arendt, is both quantitative and qualitative: it is the condition for a meaningful action that cannot take place in isolation from others, the everyday-being-in-the-world with others. Arendt, who saw storytelling as a political action par excellence, maintained that acting in the world through words and deeds could exist only in a context defined by plurality.<sup>9</sup> Drawing on Arendt, I contend that the present engagement with atrocity through a plurality of acts of storytelling is not only a question of quantity, of numbers. The turn from one storyteller to a plurality of storytellers, I argue, is one more step in humanity’s search for an adequate form with which to respond to unprecedented mass atrocity.

Reflecting on World War I’s shattering reality of mass death, Walter Benjamin mourned the loss of the ability to tell stories. “Was it not noticeable at the end of the war,” he writes in *The Storyteller*, “that men returned from the battlefield grown silent—not richer, but poorer in communicable experience?”<sup>10</sup> For Benjamin, the new, atrocious experience of technology-infused killing fields could no longer be observed, described, and communicated using existing structures and meaning-making strategies reserved for historical realism, which was part and parcel of the tradition of storytelling. Benjamin’s warning of a process of “un-story-ness” foreshadowed the crisis of representation brought about by World War II and the Holocaust, voiced by thinkers and writers from Elie Wiesel and Theodor Adorno to Saul Friedlander and Jean-François Lyotard.<sup>11</sup> Yet, if for Benjamin the horrors of the Great War heralded the demise of storytelling and the rise of the novel, contemporary engagement with mass atrocity spawns an opposite movement: a turn back to storytelling. This time, however, instead of the single authoritative storyteller whose diminishing efficacy Benjamin lamented, we find multiple narrators and narratives.

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Distant Listening to the Shoah Foundation Visual History Archive,” in *History Unlimited: Probing the Ethics of Holocaust Culture* (Cambridge, MA: Harvard University Press, forthcoming). Through an investigation of the entirety of the Shoah Foundation’s database, Presner examines how forms of computation—databases, data structures, algorithms, and information visualizations—function as specific modes of historical emplotment that raise significant ethical questions.

<sup>8</sup> Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: University of Chicago Press, 1998), 7–8. See also Lisa J. Disch, “More Truth than Fact: Storytelling as Critical Understanding in the Writings of Hannah Arendt,” *Political Theory* 21, no. 4 (1993): 667–68.

<sup>9</sup> Arendt, *Human Condition*, 184–85. For various perspectives on Arendt’s storytelling, see Elisabeth Young-Bruehl, “Hannah Arendt’s Storytelling,” *Social Research* 44 (1977): 183–90; David Luban, “Explaining Dark Times: Hannah Arendt’s Theory of Theory,” *Social Research* 50 (1983): 215–47; Seyla Benhabib, “Hannah Arendt and the Redemptive Power of Narrative,” *Social Research* 57 (1990): 167–69; and Disch, “More Truth than Fact.”

<sup>10</sup> Walter Benjamin, “The Storyteller: Reflections on the Works of Nikolai Leskov,” in *Illuminations*, ed. Hannah Arendt, trans. Harry Zohn (New York: Schocken Books, 1968), 83.

<sup>11</sup> The crisis of literary representation brought about by the Holocaust has generated a vast amount of literature. Some canonical examples include Lawrence Langer, *The Holocaust and the Literary Imagination* (New Haven, CT: Yale University Press, 1975); Sidra DeKoven Ezrahi, *By Words Alone: The Holocaust in Literature* (Chicago: University of Chicago Press, 1980); Saul Friedländer, ed., *Probing the Limits of Representation: Nazism and the “Final Solution”* (Cambridge, MA: Harvard University Press, 1982); and Berel Lang, ed., *Writing and the Holocaust* (New York: Holmes and Meier, 1988). For a recent collection of essays dealing with the history and future of Holocaust narratives, see Jakob Lothe, Susan Suleiman, and James Phelan, eds., *After Testimony: The Ethics and Aesthetics of Holocaust Narratives for the Future* (Columbus: Ohio State University Press, 2012).

The turn to plurality in the ongoing human search for new ways to respond to mass atrocity—I would argue—is an emblem of society’s fascination with Big Data. Big Data is a term referring to a contemporary phenomenon taking place in fields as varied as business, science, sports, advertising, and public health—a drift toward data-driven understanding, decision-making, and judgment. While I do not necessarily argue that post-atrocity mechanisms are based on, or driven by, computational analysis of numbers and statistics, I offer Big Data as a new metaphor with which to probe the condition of plurality that characterizes humanity’s current response to mass atrocity—in its legal instruments and in its cultural forms of expression—and to probe its underlying ethical assumptions.

Advocating what he called “distant reading,” literary scholar Franco Moretti denounced the “close reading” engagement with a small number of canonical works in favor of systematic exploration of a huge corpus of texts. In what became a first step toward an innovative and highly contested approach of computer-based analysis of Big Data, Moretti explained that “world literature cannot be literature, bigger; what we are already doing, just more of it.” Quoting Max Weber’s saying that a new “science” emerges where a new problem is pursued by a new method, Moretti proposed thinking of world literature not simply as a larger object but as a problem that calls for a new critical method.<sup>12</sup> Building on Moretti’s insights, I consider crimes of atrocity not simply as ordinary crimes, just bigger. Instead, they should be thought of as a new problem to be pursued by a new method. Mass atrocity is an extraordinary crime, greater than the sum of its parts—namely, its constituent ordinary crimes—and extraordinarily transgressive of universal norms.<sup>13</sup> In order to probe its inherent incommensurability with existing modes of legal and literary representations, we must adopt new forms of engagement. The Big Data approach to mass atrocity is an attempt to offer such a new method, a new vocabulary for a liminal situation that renders existing definitions and categories insufficient.

One way to understand the appeal of the Big Data approach to mass atrocity is the plural nature of the phenomenon itself. Atrocity crimes like genocide, systematic rape, or ethnic cleansing are collective crimes in the sense that they are not directed toward a specific victim but toward a whole group. Victims of mass atrocity are not selected because of individual fault. They are targeted en masse because of their membership in a prosecuted group. Moreover, crimes of atrocity require, as part of their legal definition, a significant number of victims.<sup>14</sup> Against this experience characterized by plurality, the turn to a multitude of victims’ narratives is perceived as a necessity in any attempt to probe the plural nature of mass atrocity. Put differently, the condition of surplus and of excess underpinning crimes of atrocity calls for a commensurate excess or surplus of voices and experiences in their aftermath.<sup>15</sup> Moreover, a fundamental ethos in Big Data is that bigger is better. On the basis of this underlying premise, the desire to incorporate a

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<sup>12</sup> Franco Moretti, “Conjectures on World Literature,” *New Left Review* 1 (2000): 54.

<sup>13</sup> Mark A Drumbl, *Atrocity, Punishment, and International Law* (Cambridge: Cambridge University Press, 2007), 4. Drumbl asks what is the fitting punishment for extraordinary crimes. I, in turn, and not unrelated to his inquiry, ask what is the fitting mode of representation in the legal field (namely, the legal instrument) and in the cultural sphere (namely, the literary form that would fit the enormity of the crimes).

<sup>14</sup> David Scheffer, *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2012), 430.

<sup>15</sup> Arendt’s view of the crime of genocide in light of her concept of human plurality provides an additional layer to the relationship between mass atrocity and plurality. Genocide, in Arendt’s view, destroys plurality and is a crime against the human condition as such. See Hannah Arendt, *Eichmann in Jerusalem: Report on the Banality of Evil* (New York: Penguin Books, 2006), 277. Also see Seyla Benhabib, “International Law and Human

plurality of victims' narratives and perspectives within the confines of a legal process or a historical archive is driven by a conviction that the more stories we collect and record and the more perspectives and narratives we gather, the better we can confront the "heart of darkness" of human experience. Big Data also makes a claim to objectivity. Unlike critical theories of postmodernism or New Historicism, which recognize incongruity between subjective acts of storytelling and an unattainable truth with a capital *T*, the Big Data approach evinces a belief in the possibility of achieving, from the human plurality, a sense of truth about the past.

Reflecting on the challenges of Holocaust representation, Paul Ricoeur wrote: "either one counts the cadavers or one tells the story of the victims."<sup>16</sup> For Ricoeur, these are two distinct modes of representation of atrocity: body counting and storytelling. Like Benjamin, Ricoeur envisioned a single storyteller, the historian, who reflects on the events from the outside. By shifting from the "One" telling the story of the victims in Ricoeur's version to a condition of plurality in which every victim-storyteller shares her own fragment of the mass crime, judicial tribunals, truth reports, archives, and documentary films blur the lines of Ricoeur's binary between counting cadavers and telling stories, between the quantitative and the qualitative. Under the sign of Big Data, each victim acts both as a tormented body in the mass crime and as a storyteller in the mass documentation endeavor.

### THE ETHICS OF STORYTELLING IN THE EICHMANN TRIAL

Widely considered to have ushered in "the era of the witness,"<sup>17</sup> the Eichmann trial (1961) was the first atrocity trial to concentrate on personal narratives in its investigation of the Holocaust. Many studies across disciplines have already debated the innovative decision to build the prosecution case on oral testimony (as opposed to the conscious decision of the Nuremberg tribunal in 1945 to rely only on material evidence) and the crucial role survivors' testimonies had in shaping the collective memory of the Holocaust in Israel and globally. Little attention, however, has been given to the question of the relationship between the large number of witnesses that participated in the process and their function in constructing the trial's metanarrative.

The Israeli prosecution invited more than a hundred survivors to testify—witnesses who related their horrific experiences in front of a sometimes-reluctant court (that called the

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Plurality in the Shadow of Totalitarianism: Hannah Arendt and Raphael Lemkin," *Constellations* 16, no. 2 (2009): 331–50.

<sup>16</sup> Paul Ricoeur, *Time and Narrative*, vol. 3, trans. Kathleen McLaughlin and David Pellauer (Chicago: University of Chicago Press, 1988), 188–89.

<sup>17</sup> Annette Wiewiorka, *The Era of the Witness*, trans. Jared Stark (Ithaca, NY: Cornell University Press, 2006). Also see Stephan Landsman, "The Eichmann Case and the Invention of the Witness-Driven Atrocity Trial," *Columbia Journal of Transnational Law* 51 (2012): 69. Mark Osiel maintains that survivors' stories play an important role in fulfilling the didactic purpose of what he calls "liberal show trials," such as the Eichmann trial. See Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick, NJ: Transaction, 1997). Departing from previous literature that sharply distinguished the legal from the historical or didactic role of victim testimony in the Eichmann trial, Leora Bilsky argues that victim-witnesses have an essential role under the framework of atrocity jurisprudence in proving the elements of collective crimes. See Leora Bilsky, "The Eichmann Trial: Towards a Jurisprudence of Eyewitness Testimony of Atrocities," *Journal of International Criminal Justice* 12, no. 1 (2014): 27–57. In her analysis, Bilsky draws on Lawrence Douglas's analysis of the contribution of the Eichmann trial to the development of jurisprudence of atrocity. See Lawrence Douglas, "Crimes of Atrocity, the Problem of Punishment and the Situ of Law," in *Propaganda, War Crimes Trials and International Law*, ed. Predrag Dojcinovic (New York: Routledge, 2012), 269.

testimonies a by-product of the trial<sup>18</sup>) and a wide, receptive audience inside and outside the courtroom. The large number of witnesses, whose testimonies have been video-recorded and are now easily accessible on a designated YouTube channel, was then without precedent. The plural nature of the testimonies was intended to bring the entirety of the Holocaust into the courtroom, as the survivors represented in their bodies and in their stories the prewar communities, the ghettos, the concentration camps, and the death camps. The excess of testimonies was deemed necessary in order to convey the excess of the crimes committed against the Jewish people. Each survivor gave voice to a murdered collective, and the group of survivor-witnesses, in their quantity, illuminated the plural nature of genocide: an entire collective murdered.

The prosecution's extraordinary act of bringing the multitude of stories and storytellers into the courtroom, while expanding the procedural confines of the criminal trial, confronted not only the banality of evil but also the banality of the legal process. It shaped a new form for trials of atrocity premised on plurality. Israeli poet and writer Haim Gouri, who covered the trial in his daily columns for *Lamerhav* newspaper, expressed the impact of the trial's condition of plurality in his commentary on the trial. Gouri described the survivors' stories as "a long series of encounters with the actual details of that experience." The stories were "the whole fuller picture," and the witnesses were "the facts."<sup>19</sup> What begins for Gouri as an exercise in close reading, as he reports diligently on individual testimonies, is soon replaced with a realization that there are too many stories and that their strength lies not, or at least not only, in their individual details but in the aggregated effect of hearing them day in, day out, for weeks on end, until: "Something strange and unparalleled has happened. The court had managed . . . to restrain the shattering effect of this seemingly new outcry, channeling part of it into the language of facts, numbers and dates, while allowing the rest to hover, ghostlike, over the trial."<sup>20</sup> This beautiful description by Gouri captures the complete collapse of Ricoeur's distinction between storytelling and body counting, a collapse that is a result of the large number of narrators. The storytellers and their stories were at once both data—facts, numbers, and dates—and something else, something that remained unquantified and continued to hover like a specter over the trial.

Although an avid believer in the political power of storytelling and of plurality as the condition of the political, Arendt surprisingly rejected the idea of plurality in the Eichmann trial. After hearing one of the testimonies, Arendt wrote: "Very impressive. I told myself—even if the only result was that a simple person, who would otherwise never have such opportunity, is given the chance to say what happened, publicly, in ten sentences and without pathos, then this whole thing will have been worth it."<sup>21</sup> But following the long succession of witnesses, taking their place on the stand, session after session, week after week, Arendt bitterly concluded: "One foolishly thought: Everyone, Everyone should have his day in court. Only to find out, in the endless sessions that followed, how difficult it is to tell the story."<sup>22</sup>

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<sup>18</sup> The Eichmann trial judgment is available online at <http://www.nizkor.org/ftp.cgi/people/e/eichmann.adolf/transcripts/ftp.cgi?people/e/eichmann.adolf/transcripts/Judgment/Judgment-001>.

<sup>19</sup> Haim Gouri, *Facing the Glass Booth: The Jerusalem Trial of Adolf Eichmann*, trans. Michael Swirsky (Detroit: Wayne State University Press, 2004), 269.

<sup>20</sup> *Ibid.*, 271.

<sup>21</sup> Hannah Arendt and Heinrich Blücher, *Within Four Walls: The Correspondence between Hannah Arendt and Heinrich Blücher, 1936–1968* (New York: Harcourt, 2000), 359.

<sup>22</sup> Arendt, *Eichmann in Jerusalem*, 229.

Arendt's objection highlights a tension in the Israeli courtroom between the Big Data approach—namely, the attempt to confront the unprecedented genocide through multiple acts of storytelling—and the omniscient narration imposed on the legal process by the trial's main architect, Israeli Chief Prosecutor Gideon Hausner.

Hausner, the visionary behind the decision to bring this choir of shattered voices into the courtroom, carefully curated the testimonies of survivors. He handpicked the witnesses and introduced their stories in an organized manner, unfolding geographically across Europe and chronologically from the early persecutions and ghettoization to the death camps, side by side with the grandly emphasized stories of struggle and resistance. Acting as an omniscient narrator, Hausner harnessed the individual stories of the victims into a larger nationalist story about the destruction of the Jewish people and their revival in the new Jewish state.<sup>23</sup> Imposing an all-knowing, heterodiegetic narration, and with the benefit of hindsight, Hausner monitored the progression of the plot, revealing information to his "readers" (the judges and the audience) in a dramatic manner aimed at eliciting the desired effects of shock and empathy. Most significantly, Hausner's omniscient narration created a Zionist bildungsroman-type narrative that placed the Holocaust as the culmination of a long history of anti-Semitic acts and practices leading to the establishment of the Jewish state.

The attempt to impose omniscience on the array of fragmentary stories that were voiced in the courtroom stands in stark contradiction to the Big Data ethos. If the Big Data approach to atrocity is premised on a conviction that the multitude of bodies/stories will help probe the new and unprecedented phenomenon of administrated massacre, in the Eichmann trial the prosecution acted in a manner assuming a predetermined knowledge of the story it wished to tell, with the testimonies serving to illustrate this story. In the trial, the stories of the witnesses were told not in order to create a new understanding through multiple perspectives and experiences, which Arendt saw as the strength of storytelling, but to illustrate a prearticulated, predetermined narrative imposed on the unprecedented event of the Holocaust from a "godlike" perspective. Despite the quantitative presence of more than a hundred witnesses in the courtroom, the fundamental condition of plurality was suppressed in favor of a unified metanarrative told by a single storyteller, Hausner. Hausner's omniscient narration created a highly influential and stable metanarrative about the past, but it did so at the price of stifling plurality. Both from a Big Data perspective and from Arendt's plurality perspective, the omniscient narration imposed by the prosecution restrained the potential power of the plurality of human storytelling.

To conclude, I would like to briefly turn to a more recent example of confronting past atrocity through multiple acts of storytelling, one that sheds light on the evolving nature of the Big Data approach to atrocity and the ethical challenges it poses. In 1995, three decades after the Eichmann trial and following the collapse of the decades-long apartheid regime, South Africa

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<sup>23</sup> A theoretical debate on omniscience emerged in the first decade of the new millennium, with prominent narratologists on both sides of the fence opposing and defending the idea of literary omniscience. For the opposition side, see Jonathan Culler, "Omniscience," *Narrative* 12, no. 1 (2004): 22–35. Olson and Sternberg, whose earlier works Culler opposes, responded to his wholesale rejection of omniscience: Barbara K. Olson, "Who Thinks This Book? Or Why the Author/God Analogy Merits Our Continued Attention," *Narrative* 14, no. 3 (2006): 339–46; and Meir Sternberg, "Omniscience in Narrative Construction," *Poetics Today* 28 (2007): 683–794. Paul Dawson analyzes the reasons for the prominent reappearance of the omniscient narrator in contemporary British and American literary fiction: Paul Dawson, "The Return of Omniscience in Contemporary Fiction," *Narrative* 17, no. 2 (2009): 143–61.

established its Truth and Reconciliation Commission (TRC). The Promotion of National Unity and Reconciliation Act charged the TRC with investigating and documenting gross human-rights violations that were committed during apartheid rule and to compile as complete a picture as possible of these events and violations.<sup>24</sup> The TRC promoted the idea of restorative justice with its emphasis on the role of victims and their stories in the process of national healing and reconciliation.<sup>25</sup> It marked the apex of the era of testimony that began with the Eichmann trial.<sup>26</sup>

The condition of plurality underpinning the work of the TRC comprised two intertwined aspects: a large number of participating narrators and a broad definition of what it recognized as a participating narrative, or, in other words, what it defined as “truth.”<sup>27</sup> On the basis of its dual commitment to plurality, the TRC collected more than 20,000 statements of victims and witnesses and ultimately invited about 2,000 witnesses to appear in public hearings.<sup>28</sup> During a period of fourteen months, public hearings were held across the length and breadth of South Africa in more than sixty-five locations. The witnesses were invited to tell their stories in their native language, and translators of more than eleven languages provided simultaneous translation.<sup>29</sup>

Unlike the Eichmann trial, in South Africa oral testimonies were presented without an overarching narrative or a decisive organizing principle. The stories that were presented in the public hearings were not necessarily grouped chronologically, thematically, or even geographically. They were not meant to illustrate certain episodes in a preformed narrative or to weave into an existing metanarrative about the past. On the contrary, the TRC deliberately promoted a Big Data approach to understanding and overcoming the violent past of the apartheid era. It acknowledged that the power of storytelling lay in the condition of plurality and saw its role as capturing the “widest possible record of people’s perceptions, stories, myths and experience” and as listening to everyone and giving everyone a chance to “say his or her truth as he or she sees it.”<sup>30</sup> Refraining from offering any form of authoritative curation of the polyphony of voices and stories, the TRC hearings served as a pioneering experiment in Big Data, one that was deeply committed to the method’s ethos of “bigger is better.”

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<sup>24</sup> The Promotion of National Unity and Reconciliation Act 34 of 1995, <http://www.justice.gov.za/legislation/acts/1995-034.pdf>. The most innovative characteristic of the TRC was its decision to grant amnesty on an individual basis in exchange for truth about the past (see South Africa Interim Constitution, <http://www.justice.gov.za/trc/legal/interim.htm>). My brief foray into the workings of the TRC is by no means an exhaustive or even introductory presentation of this groundbreaking enterprise. The TRC has gained huge multidisciplinary scholarly attention in the two decades following its establishment. My intent here is only to frame it in a comparison with the Eichmann trial through the lens of “Big Data.” For background on the TRC, see Naomi Roht-Arriaza, “The New Landscape of Transitional Justice,” in *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, ed. Naomi Roht-Arriaza and Javier Mariezcurrena (Cambridge: Cambridge University Press, 2006), 1–16; and Hayner, *Unspeakable Truths*.

<sup>25</sup> TRC Final Report, vol. 1, 9. The final report is available at <http://www.justice.gov.za/trc/report/index.htm>.

<sup>26</sup> Sonali Chkravarti, *Sing the Rage: Listening to Anger after Mass Violence* (Chicago: University of Chicago Press, 2014).

<sup>27</sup> Against the traditional notion of legal or forensic truth, the TRC introduced its most innovative approach to justice: namely, personal and narrative truth that included “people’s perceptions, stories, myths and experience” (TRC Final Report, vol. 1, 110–12).

<sup>28</sup> Hayner, *Unspeakable Truths*, 28. On the process of selection of the oral testimonies, see Deborah Posel, “The TRC Report: What Kind of History? What Kind of Truth?,” in *Commissioning the Past: Understanding South Africa’s Truth and Reconciliation*, ed. Deborah Posel and Graeme Simpson (Johannesburg: Witwatersrand University Press, 2002), 147–70.

<sup>29</sup> Kay Schaffer and Sidonie Smith, *Human Rights and Narrated Lives: The Ethics of Recognition* (New York: Palgrave-Macmillan, 2004), 65–71.


<sup>30</sup> TRC Final Report, vol. 1, 112.



In the absence of authoritative metanarration, what remained missing in the celebration of plurality, however, was a final judgment about the atrocities of the past. The multitude of stories told to the commission created a web of human interconnectedness, a web of infinite sorrow, but since they lacked a larger, central (hi)story into which they could be woven, they ultimately remained exactly that: fragments of horrors.<sup>31</sup> The stories wrenched the hearts of listeners but could not—in their condition of plurality alone—provide an authoritative verdict about the past.<sup>32</sup>

### THE POTENTIAL PITFALLS OF PLURALITY

The roots of the TRC's plurality-based, witness-driven model can be traced back to the Eichmann trial and the groundbreaking decision to confer on the survivor the role of the storyteller who holds his gaze on the darkness of his own time. However, while the prosecution in the Eichmann trial opened the door to a flood of testimonies, the survivor-storytellers met with a certain amount of violence in the form of the imposed omniscient narration of the prosecution. The condition of plurality in the Eichmann trial was placed under the restraints of an authoritative narrative, as the multitude of voices and experiences were glossed over in order to fit into the larger story.<sup>33</sup>

The contradiction between the ostensibly archaic nineteenth-century mode of omniscient narration, with its assumed authority, and what is arguably the utmost modernist event shattering traditional modes of representation frames the Eichmann trial as a watershed moment of transition heralding the era of plurality. The contemporary Big Data approach to mass atrocity, premised on the amassing of survivor testimonies, like the one South Africa experimented with, is at once a bold rejection of traditional modes of authoritative narration as incommensurable with the phenomenon of mass atrocity and a fragile attempt to ethically map out what justice could mean in the absence of a resolute judgment about the past. 

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<sup>31</sup> Arendt (*Human Condition*, 183) maintained that through words and deeds a web of human connections is created, a web whose subjective, intangible nature is no less significant than its objective, social, and political meanings created by speech and act. Reflecting on the stories of torture, abuse, terror, and sufferings told to the TRC, South African poet and journalist Antjie Krog invoked Arendt's metaphor of the web: "[W]eek after week, voice after voice, account after account. It is not so much about the deaths, and the names of the dead, but the web of infinite sorrow woven around them." See Antjie Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa* (New York: Three Rivers Press, 2000), 45.

<sup>32</sup> Richard Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-apartheid State* (Cambridge: Cambridge University Press, 2001), 50–51.

<sup>33</sup> A poetic form of protest to the imposed grand narration may be found in the collapse on the witness stand of Holocaust survivor Yehiel Dinur, better known as the author Ka-Tsetnik (the transcripts of the trial are available at <http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-068-01.html>). In its poetic pathos and silence, Dinur's testimony resists the imposition of the omniscient plot crafted by Hausner. This iconic moment of nonarticulation of horror reads as a powerful counternarrative to the national-collective narrative of the prosecution.

