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### Silencing, a Tool of Suppression and Survival

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2020

# Silencing, a Tool of Suppression and Survival

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## Silencing, a Tool of Suppression and Survival

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Marlén Miranda

How and why do hegemonic powers silence others? What is the relationship between silencing and memory? Are there various forms of silencing and is quieting oneself inherently harmful? Can survivors suppress themselves, and is that action a form of agency? This paper examines how perpetrators, institutions, and survivors (often labeled as victims) use silencing within the events of Gukurahundi and sexual violence cases. The paper argues that silence is usually interpreted as a suppressive tool, but in reality, it can also be used as a survival method. An enhanced understanding of the duality in the nature of silencing is critical to have because it can help survivors obtain justice and society reach an intricate understanding of the unspeakable.

### **Gukurahundi**

Between early 1983 and late 1986, approximately 20,000 people lost their lives in Matabeleland, a western region in the country of Zimbabwe (Phimister, 2009). These killings denote a series of events called "Gukurahundi," a Shona word which means the "first rain of summer that washes away the chaff left from the previous season" (Phimister, 2009). One of the most brutal forms of violence within Gukurahundi was the fifth brigade's and the Shona-dominated government's use of silence as a means of suppression and manipulation of public memory. Silencing can be visible within the current state denial of past atrocities, state control of the media, and the destruction of legal documents and memorials. Quietening is also evident in survivors when they censor themselves to avoid passing down their trauma to their children.

The existence of quieting within Gukurahundi is evident because most people nationally and internationally are still unaware of its devastating impacts. The government of Zimbabwe has made little to no effort to commemorate the past. Instead, the government aims to distort historic memories by undermining the severity of the violence. For example, the only time President Robert Mugabe acknowledged Gukurahundi was in 1997 when he referred to it as a "fleeting moment of madness" (Ndlovu, 2019, p. 147). By failing to acknowledge past violations, President Mugabe undermined the long-lasting and detrimental effects Gukurahundi had on society. The president and his cabinet intended to erase the memory of Gukurahundi gradually. Another form of suppression occurred when the state bought the media, closing the doors for journalists to critique the government (Ndlovu, 2019, p. 145). Through state-censored media the regime was able to spread violent rhetoric and manipulate what people believed to be true. Media censorship destroys an avenue for resistance and suppresses the opposition, which in this context would include President Mugabe's political opponents, human rights activists, journalists, the international community, and ZAPU supporters. (Catholic Commission for Justice and Peace, 1999).

The physical destruction of identity documents and memorials, which serve as mementos of a person's existence, is another visible form of silencing. According to journalist and author Geoff Hill (2011), when survivors tried to bury the victims or place crosses on mass graves, the government would destroy the crosses and both arrest and torture the survivors. Additionally, the state refused to give out death certificates in order to erase all evidence of their past atrocities (Hill, 2011). Quietening is also discernable through the destruction and removal of memorials, such as the memory plaques that were placed on top of mass graves (Nqobani Ndlovu, 2019). These legal documents and memorial sites were destroyed to avoid the international community and the political successors from later using it as admissible evidence of "crimes against humanity"

(Ndlovu, 2019, p. 142). These silencing strategies resemble those of World War II when the Nazis destroyed the gas chambers and the railways that led to the concentration camps. Even the mass graves themselves are symbolic of silencing because many Ndebele people were abducted and murdered to prevent "dissidents" from spreading their political beliefs. Having no tangible evidence of someone's history is a way of erasing an individual's existence gradually; that person's memory only exists within those who knew them, which fades with time.

Unlike using silence for domination, survivors often use silence as a method of coping and healing. Zimbabwe is made up of a culture and community of people who do not interact and express what they endured (Ndlovu, 2019, p.199). Researchers do not know whether or not this mentality of non-disclosure arose because of Gukurahundi. However, the act of self-silencing is not necessarily detrimental—in a way, it is natural. Silence is a natural coping mechanism that forces individuals to pause and self-reflect. For many, it is even an avenue for healing and serenity. People quiet themselves to protect their families and themselves from the state and to avoid passing down their memories of suffering to their children (Ndlovu, 2019). In this sense, silencing acts as a method of survival, agency, and sacrifice. Also, as Ndlovu (2019) notes, in Zimbabwe, the words "trauma and depression" do not exist in the local lexicon, making it unnatural for individuals to express something they cannot verbalize (p. 199). Silence and the act of quieting oneself speaks volumes of the gravity of the issue, the resilience of the community and the survivor, and the incomprehensible within the unsaid.

#### **Addressing Sexual Violence within Legal Court Cases**

Jean-Francois Lyotard (1983/1988) once stated, "the 'perfect crime' does not consist in killing the victim or the witnesses...but rather, in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency of the testimony" (p. 8). Legal court cases, specifically matters of sexual violence, are areas where silencing occurs. Recently, legal cases of gender-based violence are addressed in "international courts," "hybrid courts," "national courts," and "restorative justice initiatives" (Henry, 2010, p. 1103). During these criminal cases, the survivors appear as witnesses to obtain "justice" and relive their traumas in order to "no longer (have their experiences) be relegated to the abyss of silence" (Henry, 2010, p. 1103). However, in actuality, their testimonies are often used against them. Police silence survivors by making it challenging to report sexual violence, and in the courtroom, silencing is visible through the legal system itself and by how the defense uses the survivors' lack of speech as evidence of the victim's lack of credibility. Survivors of sexual violence often silence themselves because silence is the only way to transmit what they have endured. Sometimes, the pain is too severe that there are no words to describe it; in this sense, remaining silent speaks volumes of the unbearable nature of the violence they endured.

The police station is frequently not a haven for survivors, especially if the survivor is a woman. It is almost a universal fear amongst women that the police will not hear and believe their rape claims. According to Dr. Jan Jordan (2019), a professor in Criminology at the Victoria University of Wellington, police have been proven to reflect wider societal suspicion towards "women alleging rape" (p. 2). This might explain why there are notoriously low reporting rates in terms of rape and sexual violation offenses, and even fewer in those that proceed to the point of prosecution. For example, according to a study gathered in the late 1990s, in New Zealand, the majority of women reported they felt the police did not believe them. One of the survivors, Emma, stated:

"What worried me was that after two hours of sitting there going through all this the gentleman said to me, (Emma), have you really been raped? I just about exploded...I

said, Ha ha, of course not! I wake up at 4 o'clock every morning and I think, what am I going to talk about this morning at morning tea? And this morning I thought I'd say, Oh, yes, I've been raped! (Jordan, 2019, p. 3)"

The disbelief of police is a form of silencing because the lack of support and discreditation prevents survivors from obtaining justice. This type of behavior by the police is prevalent in New Zealand and across the world. In South Africa, women are often told that their cases are being investigated, but no investigation will be taking place. The police will later say the investigation was not conducted due to "insufficient evidence;" however, frequently, it is the police themselves who are destroying the files and evidence (One in Nine Campaign, 2012). According to the One in Nine Campaign (2012), the police also use tactics such as "victim-blaming,"<sup>1</sup> or verbal and physical intimidation to prevent women from reporting. According to Dr. Nyasha Karimakwenda (2019), a feminist legal scholar, the police are often the ones instigating the violence.

Karimakwenda explains that one of her clients went to the police to report how her husband raped her, and the police officer asked, "how can your husband rape you?" He ended up raping her as well (Karimakwenda, 2019). Sexually assaulting women in a space created to serve as "safe zone for reporting" is appalling, demonstrating how far police have gone to silence women.

The legal system sets itself up against survivors of sexual violence when it forces them to not only testify, but to make their testimonies accurate, chronological, and logically fashioned. Julie Mertus (2004) argues that the court system of "question and answer format" places too much importance on the actions of perpetrators instead of focusing on the survivors themselves, and what they would like to say about what they endured (p. 118). This current legal setup dehumanizes survivors, as it only sees the individual through the lenses of violence, specifically physical abuse. In other words, when asked to speak, the survivor does not talk of their lives and aspirations; instead, they only discuss what the perpetrator did to them, which makes the courtroom only see them in correlation to the perpetrator (Karimakwenda, 2019). Their bodies become a crime scene, and their humanity is, unconsciously, stripped away from them. This dehumanizing way of treating survivors within court cases has led many scholars, such as Shani D' Cruze (1992), to argue that the current legal system is patriarchal in which the victim (most likely woman) holds the burden of proof (p. 389). Additionally, the survivor has to disclose extremely personal and sensitive information in front of a courtroom, which, for most, is filled with strangers (Henry, 2010, p. 1105). Law itself also does not understand cultural and social differences that might prevent survivors from testifying—such as taboo, economic dependence, stigma, and public backlash. Another issue with the law is that it is centered on the survivor's first narrative; thus, it is not giving the survivor enough time to truly reflect on their experience, and grasp what they are and are not comfortable sharing.

The credibility of the survivor is central to the legal court system because sexual assault cases rarely involve outside witnesses. Court cases mostly revolve around rhetoric commonly known as "he said/she said" (Tuerkheimer, 2017). Over time, however, the system has become widely skeptical towards rape accusers (also known as "credibility discounting" and "testimonial injustice"), although false reports of rape are uncommon. As a result of this skepticism, survivors hold the burden of proof—or the legal responsibility of attesting that the defendant is guilty of the crime beyond a reasonable doubt (Tuerkheimer, 2017). The most apparent form of silencing in the courtroom is when the victim is denied the very opportunity to speak (Tuerkheimer, 2017,

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<sup>1</sup> Victim-blaming can be seen as blaming the survivor for provoking or not resting the violence (One in Nine Campaign, 2012).

p. 45). Another common type of silencing is when "trauma is used as a way to undermine and undervalue women's testimonies" (Henry, 2010, p. 1111). For example, if the witness does not appear to be in a state of pain or demonstrate signs of a traumatic disorder, the defense will argue that "the individual could not have been raped" (Henry, 2010, p. 1110). Silencing also occurs in testimonies when women's statements are undervalued. This undermining technique is visible through the defense's use of direct, linear, and empirical questions. Trauma survivors often experience memory loss due to the emotional severity of the violence they endured. Therefore, it is incredibly challenging for them to recall their experiences chronologically. So, when the defense asks the survivor questions such as "how many times were you raped?" The survivor will be unable to recall specific instances and often demonstrate a discrepancy in their response, making them appear as an "unreliable witness" (Henry, 2010, p. 1111). Demonstrating an inability to recall should be alarming to the judge and defense. It should be alarming not because the witness is unreliable, but because the silence indicates that the survivor suffered or is suffering from trauma. Additionally, the quiet nature of the survivor might reveal that the violence was more severe than how the prosecution and defense claimed it to be. This legal setup that treats witnesses as merely evidence and prioritizes empirical evidence over a medical understanding of trauma is dehumanizing, unethical, and an obvious form of silencing.

In a photograph taken during the summer of 1993, a woman sits surrounded by a group of government soldiers. The soldiers are attempting to communicate with her, but she is entirely mute. The photograph was taken after the Bosnian genocide, and it was later discovered that the woman was one of many Muslim women who were raped by the Bosnian-Serb army. The photograph is captivating since it demonstrates the unspeakable nature of wartime rape and other forms of inexplicable violence. Frequently, like the woman in the picture, survivors will not respond to questions and refuse to speak in legal proceedings. One of the reasons for this self-silencing is because there are no words to express what they have endured. Kansteiner (2004) argues that the "best witnesses" communicate with non-verbal speech because only silence can convey the inexplicability of the experience. According to Kansteiner (2004), attempting to use language will only paint a false picture of what they experienced. Silence and the act of quieting oneself is powerful as it reveals how violence can alter individuals' character and denotes that their trauma might be beyond repair. Silencing, in this sense, becomes a vehicle of self-expression and a form of self-advocacy.

### **Conclusion**

Gukurahundi and legal cases of sexual violence prove that silencing can be used by perpetrators and institutions as a method of dominance and by survivors as a mode of survival. This dual nature of silencing is currently not understood by legal court cases and most of society, as most associate silencing with being fundamentally damaging. Society needs to begin questioning silence from a case by case scenario. Community members should ask themselves: why is the individual and community silent? Is it challenging to retell this trauma, and why? Does the individual and community genuinely need to speak to be heard and obtain justice? Aside from society asking itself these questions, the legal system must change into a more humanizing process. Currently, the legal system defines silence as an act that is preventing survivors from obtaining justice; however, the medical evidence demonstrates that silencing is a natural coping mechanism amongst trauma survivors. Silence can be symbolic of the complexity of the violence, and also an avenue for healing and self-advocacy. Society must also make it easier for victims to speak or not to speak their truths. Police officers, lawyers, and community and government leaders must make reporting more accessible and obtain training focused on

reconceptualizing silencing—as a form of trauma, healing, and survival. These changes can positively alter the lives of survivors, memories of past events, and the legal systems—into institutions that prioritize survivors over discourse.

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