

The Possibility of Truth and Justice in Ariel Dorfman's *Death and the Maiden*

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Abstract

The paper examines the possibility of attaining justice and truth for victims of human rights abuses as represented in Ariel Dorfman's *Death and the Maiden* (1991). The paper investigates the validity of the concept of transitional justice, as a national reconciliation policy, in addressing individual sufferings and stories. While analyzing the play, the paper handles certain questions: is transitional justice the appropriate tool to expose the truth and achieve the justice desired by the victims? Is the perpetrators accountability possible? Is retribution more effective if taken by the hands of the victims themselves? Can reconciliation even be possible for the victims? The paper uses theories and definitions of the concept of transitional justice as well as those of Trauma as its main framework of inquiry. The conclusion of the play is open to speculations as it is the case with most of human rights abuses and the process of justice and accountability related to them.

Keywords: Personal anguish, reconciliation, retribution, transitional justice, Trauma

Introduction

Ariel Dorfman's play *Death and the Maiden* handles difficult questions about justice and human rights violations: how can a woman regain her sense of agency and dignity after being tortured and raped inside her own country? Is it possible for human rights victims to get the justice they deserve after surviving the traumatizing experience of captivity and torture? Is it possible for such victims to get the truth of their captivity known to the public and to hold the captors accountable through the governmental procedures? Dorfman (1941-) states that his "play is set in the present time in a country that is probably Chile but could be any country that has given itself a democratic government just after a long period of a dictatorship" (1991, p. iv). Although the play is a fictional piece, it draws on real events that happen more frequently than one thinks around the world. In 2011,

Dorfman says, “The play I wrote 20 years ago about Chile’s torture and trauma has a painful, global relevance today... its main drama is echoed in Egypt, Tunisia, Syria, Iran, Nigeria, Sudan, Ivory Coast, Iraq, Thailand, Zimbabwe and now Libya” (para. 1& 3). Today in 2021 and probably even beyond, Dorfman’s play is still relevant because when there are human rights abuses there would be victims seeking justice and truth.

Dorfman witnesses firsthand the shift of Chile from democracy to dictatorship during the regime of General Augusto Pinochet (1973-1990). During Pinochet’s regime, Dorfman, the playwright, novelist, and human rights activist, was forced to leave the country to live a life of exile. Chile witnessed serious human rights violations against the people. Following Pinochet’s removal from power, the newly-elected government adopted a transitional justice model to give the victims a voice and hold perpetrators accountable for their crimes. A truth commission was established, Chilean National Commission on Truth and Reconciliation, to investigate the crimes committed during Pinochet’s rule. In *Death and the Maiden*, Dorfman reflects on the aftermath of Pinochet’s rule; he presents the case of Paulina Escobar, once a medical school student and an activist who has been arrested and subjected to torture and rape. The present paper attempts at investigating the possibility of achieving justice and reconciliation in *Death and the Maiden*. The play portrays a fictional account of Paulina meeting her supposed torturer, Dr. Roberto Miranda. The paper will try to interrogate whether transitional justice can actually achieve personal reconciliation and consequently rebuild relationships for victims like Paulina. The paper will make use of the theories and definitions of transitional justice which have been more relied upon to help countries with grave human rights violations to find a path for its people to reconcile with past wrong doings and start a process of healing. Also, the paper will use Cathy Caruth’s concept of Trauma to explain Paulina’s complex predicament.

Transitional Justice& Personal Trauma

The question of transitional justice becomes very crucial following an authoritarian regime or internal armed conflicts. Victims of grave human rights violations demand justice for past abuses. For many victims, forgiving the perpetrators and getting to the point of reconciliation with the past is not possible unless some kind of reparation is achieved on their behalf. Traumatized victims want to settle a reckoning with their individual past wrongs in order to reach such reconciliation. Therefore, transitional justice is important to such victims. Radwan Zaideh (2014) explains the concept of transitional justice and why it is important to victims,

Transitional justice links two fundamental concepts: justice and transition. The semantically accurate meaning of the concept is achieving justice during a transitional period experienced by a state. During the political transition following an extended period of violence or oppression, a society and its communities often find themselves burdened with the difficult task

of addressing pervasive human rights violations. The state seeks to deal with the crimes of the past in order to promote justice, peace, and reconciliation. The establishment of a culture of accountability, replacing the culture of impunity, gives a sense of security to the victims and sends a warning to those who might commit such violations in the future. It also provides a measure of fairness to the suffering victims, and helps to curb the tendency to practice vigilante justice or retribution. And it provides an important opportunity to strengthen the credibility of judicial systems suffering from corruption and destruction, or that did not function properly in the past. (p. 97)

Paulina, the main female character of the play, finds herself trapped in the context of transitional justice and personal sufferings/trauma described above. Her husband has recently been appointed to head a truth commission set by a newly-elected government to investigate the human rights atrocities that have happened during the dictatorship. She learns from him that his commission is only investigating those cases whose victims have disappeared or considered dead,

PAULINA. This commission you're named to. Doesn't it only investigate cases that ended in death?

GERARDO: It's appointed to investigate human rights violations that ended in death or the presumption of death, yes.

PAULINA: Only the most serious cases?

GERARDO: The idea is that if we can throw light on the worst crimes, other abuses will also come to light.

PAULINA: Only the most serious?

GERARDO: Let's say the cases that are beyond—let's say repair.

PAULINA: Beyond repair. Irreparable, huh? (Dorfman, 1991, p. 9)

She is bitter about the fact that her husband is part of a governmental framework that is going to exclude her story from the public narrative only because her captivity and torture did not end in death. She realizes that since her personal story will not be considered, justice and truth for her is impossible. In her conversation with Gerardo, she repeats the sentence, "Only the most serious cases" which does not only show her deep bitterness but her anger as well.

Unlike her husband, she does not have faith in the governmental procedures. She thinks there are limitations to what his commission can do. Although Gerardo agrees with her in this respect, he thinks the country has to start a process of healing somewhere,

Limited, let's say we're limited. But there is so much we can do... We'll publish our conclusions. There will be an official report. What happened will be established objectively, so no one will ever be able to deny it, so that our country will never again live through the excesses that... . (Dorfman, 1991, p. 10)

Regardless of the commission's limitations, Gerardo is very optimistic about the prospects of justice in the presence of a new regime. He is convinced that "once people start talking, once the confessions begin, the names will pour out like water"

(Dorfman, 1991, p. 17). He knows that the country needs to close a painful chapter of its history, “What the country needs is justice, but if we can determine at least part of the truth...” (Dorfman, 1991, p. 15). Paulina, however, is skeptic about the kind of justice and truth that her husband’s work might bring. Therefore, she hysterically criticizes his optimistic approach when he comes to mentioning that the results of his work will be handed eventually to the judges,

GERARDO: That depends on the judges. The courts receive a copy of the evidence and the judges proceed from there to—

PAULINA: The judges? The same judges who never intervened to save one life in seventeen years of dictatorship? Who never accepted a single habeas corpus ever? Judge Peralta who told that poor woman who had come to ask for her missing husband that the man had probably grown tired of her and run off with some other woman? That judge? What did you call him? A judge? A judge? (Dorfman, 1991, p. 10)

It is clear that she cannot believe that the governmental apparatus which has produced nothing in the past but a dictatorship can do any justice to the people.

Mistrusting her husband’s approach toward achieving justice and realizing that her story is excluded from the public narrative of the truth, Paulina’s mood fluctuates between normalcy and hysteria. She tries to sound normal as much as possible to save her marriage and herself from her horrible past memories that haunt her presence. But this assumed normalcy is disturbed by the presence of a familiar voice from the terrible past. Dr. Roberto Miranda, who is a new acquaintance of her husband, drops at their house late at night. She could listen to his conversation with her husband and is convinced that this is the voice of her torturer/ captor. Without much thinking, his voice triggers Paulina’s painful past, and she decides instantly to take her revenge at gun point. She explains to her astonished husband that, “During all these years not an hour has passed that I haven’t heard it, that same voice, next to me, next to my ear, that voice mixed with saliva, you think I’d forget a voice like his?” (Dorfman, 1991, p. 23). The action of the play from this point on seems to be more like a trail rather than a usual encounter with a stranger. Caruth (2015) states, “The play thus seems to stage an inexorable impasse between a law that does not provide justice, and an act of revenge that threatens the reestablishment of the law” (p. 98). Imprisoned inside her past memories and shame, Paulina must restore her faith in the system in order to live normally (if she could ever achieve this), but the only way for her to do so is getting her voice heard and get the justice she deserves. Transitional justice, as explained above, refers to a time of transition during which justice is ensured and reconciliation is achieved. In this respect, Quinn (2009) argues that,

One unifying theme of the work that has been done in this area [transitional justice] involves an emphasis on important subset of transitional justice: reconciliation, the act of building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday. (p. 4)

But Paulina is unable to achieve any transition to normalcy or listen to the logic of her husband and the government’s because her story is going to be excluded from

the public narrative of justice and truth and therefore she will always be haunted by her painful past.

Her encounter with Roberto triggers her horrifying memories. His voice stands as a constant reminder of the torture and the shame she has to carry like a scar. She recalls her torturer's words ringing in her ears, "Give her a bit more. This bitch can take a bit more. Give it to her. You sure, Doctor? What if the cunt dies on us? She's not even near fainting. Give it to her, up another notch" (Dorfoman, 1991, p. 23). Gerardo implores her to be reasonable which makes her even more enraged than before. She reminds him that he has not been a victim of torture, "You be reasonable. They never did anything to you" (Dorfoman, 1991, p. 25). At this climactic moment in the play, Paulina cannot be reasonable anymore simply because the cover of normalcy which she has been keeping can no longer hide her inner fragility. She finally gets the chance to confront her captor and take justice into her hands since it is impossible for the governmental procedures to give her the justice she thinks she is entitled to. Paulina's long-suppressed memories of her captivity torment her and therefore she cannot accept her husband's logic. Dorfman (2010) describes the situation of Paulina and many other victims fantastically as follows:

Memory matters. One of the primary reasons behind the extraordinary crisis humanity finds itself in is due to the exclusion of billions of human beings and what they remember, men and women who are not even a faraway flicker on the nightly news, on the screen of reality... To offer room and respect to those memories and stories is not a merely charitable, paternalistic initiative but an act of supreme self-preservation. (p. 12)

However, Paulina's pursuit for justice is almost impossible because it has a political public nature,

... those who suffer political trauma endure the added burden of its public nature. Addressing political trauma, embedded as it is within contested acts, denials, manipulated facts and political compromise, depends on a public process that may never be wholly satisfying or liberating. (Weaver & Colleran, 2011, p. 31)

Paulina cannot get herself to be part of the social transition, which the frameworks of transitional justice refers to, because she understands that the political realities in her country will not give her or other victims the chance to get the justice they deserve. Furthermore, according to Amy Gutmann and Dennis Thompson (2000) truth commissions frequently "sacrifice the pursuit of justice as usually understood for the sake of promoting other social purposes such as...reconciliation" (p. 22). Paulina, therefore, decides to stage a trial herself to get her own justice.

Paulina and victims like her are living through what Caruth (1996) describes as the repetitive quality of trauma. Her horrible experience of captivity and torture is not simply related to a past event; rather, it replays itself constantly and thus preventing her from functioning normally. Therefore, Paulina needs some kind of a closure so she can feel at peace with her past. Hayner (2002) suggests that,

There are a range of emotional and psychological survival tactics for those who have experienced such brutal atrocities. While some victims ... plead to forget, other victims ... were clear that only by remembering could they even begin to recover. Only by remembering, telling their story, and learning every last detail about what happened and who was responsible were they able to begin to put the past behind them. (p. 2)

Paulina does not want to forget; she wants her story to be heard and to hold criminals accountable. Thus, she sets up an official court for Roberto whom she suspects of being her torturer. She relives her whole experience again, but this time she has some kind of agency; she is the one who is interrogating to get out the anger she has been suppressing for years. She is actually a traumatized individual who carry the burden of her trauma alone. Trauma, Caruth (1996) believes, is not only defined by the event itself or by a distorted reaction to it but also involves the 'structure of its experience or reception: the event is not assimilated or experienced fully at the time but only belatedly, in its repeated *possession* of the one who experiences it' (p. 4-5). Furthermore, Caruth (1996) thinks that the "story of trauma" is the narrative of a "belated experience" that has an "endless impact on a life" (p.7). For years, Paulina had to live with terrible flashbacks from the days of her captivity and torture. The impact of these memories seems to paralyze her good judgement and drive her to go on a frenzy pursuit of truth and justice. Of course, it is understandable for traumatized people like her to experience "traumatic dreams, and flashbacks, which resist cure to the extent that they remain, precisely, literal" (Caruth, 1996, p. 8). She is, therefore, adamant about holding a trail for Roberto since the governmental public narrative is going to exclude her suffering and brush it off under the carpet.

In Act 1, scene 4, Paulina is holding a gun and talking to Roberto who is tied up to his chair. She asks him whether he knows why she could not finish her medical school, "I didn't get my diploma... I didn't get too far with my studies, Doctor Miranda. ... I'm pretty sure that it won't take a colossal effort of the imagination on your part to guess why" (Dorfman, 1991, p. 20). She thinks of her potentials that she could not realize because of her captivity and its impact,

I'm wondering whether it might not be a good idea to sign up again—you know, ask that I be readmitted. I read the other day, now the military aren't in charge anymore, that the university has begun to allow the students who were kicked out to apply for readmittance. (Dorfman, 1991, p. 20)

However, Paulina is not sure that she should be a doctor, "I felt a—well, phobia wouldn't be the right word, a certain apprehension—about medicine. I wasn't so sure of my chosen profession" (Dorfman, 1991, p. 20). In fact, she is not sure about many things in her life since she got out of her imprisonment. It is impossible for her to return to life "as it was before" after such a destructive episode. She explains to Roberto that she could not listen to Schubert, specifically *Death and the Maiden*, because his quartets remind her of the times when he used to torture her while playing Schubert in the background. The repetitive nature of trauma and its lasting

impact has made her apprehensive of attending social events fearing that they might have Schubert in them,

I always pray that they won't put on Schubert. One night we were dining with—they were extremely important people, and our hostess happened to put Schubert on, a piano sonata, and I thought, do I switch it off or do I leave, but my body decided for me, I felt extremely ill right then and there and Gerardo had to take me home. (Dorfman, 1991, p. 21)

Paulina now has the chance to face her fears as she is staging the trial for Roberto. She is finally able to listen to Schubert as she herself puts it on.

It seems that Paulina is partially regaining her agency and her life back. She tells Roberto that she has always thought that there would come the day when she would be able to listen to Schubert again without feeling sick or frightened,

But I always promised myself a time would come to recover him, bring him back from the grave so to speak, and just sitting here listening to him with you I know that I was right, that I'm—so many things that are going to change from now on, right? (Dorfman, 1991, p. 21)

However, her excitement over finding her torturer does not last for too long as the voice of her husband Gerardo interferes to end her mock trial. He is not convinced that she could recognize Roberto as her torturer only from his voice or certain phrases or words. He excuses her of being sick, "You're sick" (Dorfman, 1991, p. 23). Roberto, on his part, claims that he is not the terrible man who has tortured her. Her husband asks her to be reasonable and leave the judges to decide who is guilty and who is not. Paulina, however, is convinced that the governments' truth commission and its corrupt judges cannot bring justice to victims like her because as mentioned earlier such commissions have to sacrifice justice for "promoting other social purposes such as...reconciliation." Her traumatic story will be excluded since it does not end in death. But she is actually unable to live a normal life so she might be considered dead as well. Transitional justice models, therefore, cannot answer all human rights abuses victims including individuals like Paulina.

Act 2 and 3 present a difficult and painful argument between Paulina and Gerardo. They talk about her taking revenge and how that would not make her any better than her torturer,

GERARDO. Put him on trial, what does that mean, put him on trial? We can't use their methods. We're different. To seek vengeance in this fashion is not—

PAULINA. This is not vengeance. I'm giving him all the guarantees he never gave me. Not one, him and his—colleagues. (Dorfman, 1991, p. 34)

Although Gerardo sympathizes with his wife's need to get the justice she deserves, he cannot be part of her scheme against Roberto. He acts as a lawyer in Paulina's unofficial court. He believes that law, even if it is not in its best shape in the country right now, should be given a chance to operate. But for victims like Paulina law cannot really offer a satisfactory conclusion. In Caruth's words (2015), Paulina seems "in her very return, to remain stuck at the site of a disappearing, not simply in a personal psychological sense, but more importantly in a political sense" (p. 95)

because of her inability to be included in the story that the truth commission is creating. She, in a sense, is a rightless individual who is trapped in between the state of legally alive but publically dead since she cannot achieve visibility in the site of truth that government is creating. In fact, Paulina and Gerardo are trapped in a deadlock situation; as the law, which Gerardo upholds, does not seem to provide justice, and the act of revenge, which Paulina asks for, is actually threatening the reestablishment of the law. The climax of the play reaches its highest when Paulina is enraged holding her gun to Roberto's head shouting,

why does it always have to be the people like me who have to sacrifice, why are we always the ones who have to make concessions when something has to be conceded, why always me who has to bite her tongue, why? Well, not this time. This time I am going to think about myself, about what I need. If only to do justice in one case, just one case. What do we lose? What do we lose by killing one of them? What do we lose? What do we lose? (Dorfman, 1991, p. 66)

These questions are fundamental to the story of the play; they are the questions which Paulina and her husband have been arguing about throughout the play. The scene is cut here and according to Dorfman's stage direction, a huge mirror "descends forcing the members of the audience to look at themselves" (1991, p.66) to find answers for her questions. Schroeder (2007) suggests that,

The mirror may seem a heavy-handed ploy, but in fact it does something that Schubert also does It completely eliminates the distance between the audience and the play, making the audience part of the play, through self-consciousness being forced to address the issues of the play as virtual players on the stage. (p. 8)

The final scene of the play, takes place a few months later at a concert. Gerardo speaks to some audience members about what he believes to be the success of the Truth Commission, and Paulina confronts an image of Roberto whom the audience might interpret as real or imaginary. As Schubert's "Death and the Maiden" starts to play, Paulina and Roberto gaze at each other and the lights fade. The play ends in ambiguity; Roberto does not repent, and Paulina does not kill him. Readers are not sure about the conclusion of the play, but it is clear that Gerardo is happy that the final report of the Truth Commission is released and is hopeful that the country's path to democracy and reconciliation has finally started. It is uncertain if Paulina would ever get the justice and truth she is looking for, but she has finally faced her fears and is able to listen to Schubert again.

Conclusion

The concepts of transitional justice and Trauma are at the heart of *Death and the Maiden*. Transitional justice by definition means a transitional period during which large-scale human rights violations should be addressed to bring perpetrators to justice in order for social reconciliation to take place. One of the tools of this framework is setting a Truth Commission to document and represent the truth over

a short and intensive period of investigation. The task of such commissions is enormous because it has to fairly represent thousands of victims. Therefore, in some cases transitional justice frameworks in general and Truth Commissions specifically cannot actually address all personal stories of victims of human rights abuses. In the case of Paulina Escobar, transitional justice does not seem to help her heal and start a normal life. The truth commission headed by her husband Gerardo, A famous lawyer, is limited in its scope as it only investigates cases that end in death. Paulina feels that she is excluded from the site of truth and justice that the new government is creating. She carries the history of her trauma and thus she has to relive it over and over. She needs to be heard and to get some kind of justice. Her accidental encounter with Dr. Miranda marks the beginning of an unofficial trail for her past torturers. It is uncertain whether Dr. Miranda is actually her captor, but what is certain is that she badly needs to achieve accountability and victims redress. Although the play's end is ambiguous, Dorfman seems to say that giving voice to victims and listening to their personal stories is crucial to reestablishing democracy and social reconciliation. Transitional justice frameworks may have some pitfalls, but they are still a necessary step to reestablish the rule of law and social harmony.

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امكانية الوصول للحقيقة والعدالة في مسرحية اربيل دورفمان الموت والعذراء



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المستخلص

تبحث الورقة في إمكانية تحقيق العدالة والحقيقة لضحايا انتهاكات حقوق الإنسان كما تم تمثيلها في مسرحية أربيل دورفمان "الموت والعذراء" (1991). عالجت هذه الدراسة مدى مصداقية مفهوم العدالة الانتقالية كسياسة مصالحة وطنية في معالجة معاناة الأفراد وقصصهم الشخصية. أثناء تحليل المسرحية ، يتناول البحث أسئلة مهمة: هل العدالة الانتقالية هي الأداة المناسبة لكشف الحقيقة وتحقيق العدالة التي يريدها الضحايا؟ هل محاسبة الجناة ممكنة؟ هل الانتقام أكثر فعالية إذا تم على يد الضحايا أنفسهم؟ هل المصالحة ممكنة بالنسبة للضحايا؟ في هذا البحث تم استخدام نظريات وتعريفات مفهوم العدالة الانتقالية وكذلك تلك الخاصة بالصدمة كإطار رئيسي للمعالجة والتحليل. يبقى ختام المسرحية مفتوح للتكهنات كما هو الحال مع معظم انتهاكات حقوق الإنسان وعمليات تحقيق العدالة والمحاسبة المتعلقة بها.

الكلمات المفتاحية: كرب شخصي ، مصالحة ، جزاء ، عدالة انتقالية ، صدمة